

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Vacant

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat
Dennis Vest, Alternate

THIS MEETING WILL BE HELD EXCLUSIVELY VIA ZOOM (See participation info below)

**THE PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING AT 7:30 PM
ON TUESDAY, JULY 14, 2020 AT CITY HALL, 550 N 800 WEST**

Prayer/Thought by Alan Malan

1. Accept Agenda.
2. Consider Conditional Use Application for West Metro EMS Training Center at 724 W 500 South #100.
3. Consider Conditional Use for Flag Lot and Final Plat Approval for Goldberg Subdivision at 1388 W 1200 North.
4. Staff report.
5. Consider Meeting Minutes from June 23, 2020.
6. Adjourn.

Join Zoom Meeting – Meeting ID 873 7892 9327
<https://us02web.zoom.us/j/87378929327>

One tap mobile
+13462487799,,87378929327# US (Houston)
+14086380968,,87378929327# US (San Jose)

Dial by your location	
+1 346 248 7799 US (Houston)	+1 408 638 0968 US (San Jose)
+1 669 900 6833 US (San Jose)	+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)	+1 646 876 9923 US (New York)
+1 301 715 8592 US (Germantown)	

Find your local number: <https://us02web.zoom.us/j/87378929327>

This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice Website and the City's website on July 11, 2020 by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission

DATE: July 10, 2020

FROM: Cathy Brightwell

RE: West Metro EMS Training Center, LLC

Mr. Jamie Rossborough has applied to open the West Metro EMS Training Center at 724 W 500 South, Suite 100, in West Bountiful. This property is in the Commercial General District which lists commercial schools as a conditional use.

The West Metro EMS Training Center will host and teach Emergency Medical Technician courses both at the basic and advanced levels. American Heart Association and Red Cross courses will also be provided along with many other healthcare training or certification courses. Classes are held mainly in the evening from 6 pm to 10 pm but some day and weekend classes will also be held.

As shown on the attached site plan, there are approximately 50 parking spaces in the front of the building and another 20 spaces in the rear. Per property management, there is no assigned parking – all spots are open to all tenants.

The Conditional Use ordinance, Section 17.60.040, requires the planning commission to *consider* whether:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city's general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.

Staff recommends the following conditions be required with the granting of this conditional use permit:

1. Fire Inspection approval;
2. Signage will comply with city regulations;
3. Upon issuance of this Permit, a West Bountiful City business license will be issued.



COMMERCIAL BUSINESS LICENSE APPLICATION

West Bountiful City
BUSINESS LICENSING DEPARTMENT
550 N 800 West
Phone: (801) 292-4486
www.wbcity.org

Please allow 5 - 7 business days for processing

Business Information:

Business License #: _____

Business Name: West Metro EMS Training Center LLC (dba) _____

Business Address: 724 West 500 South. Ste-100 West Bountiful, UT 84087 Phone: _____

Mailing Address (if different): _____ Email: jamie@westmetrotraining.com

State License No: 11803186-0160 State Sales Tax #: 15018709-003-STC Federal Tax #: EIN: 85-1318738

Applicant Information:

Name(s): Jamie Rossborough Title: Owner

Address: 1294 North 1300 West. Salt Lake City, Utah 84116 Phone(s): 801-512-9976

Email Address(es): westmetroemstc@gmail.com or jamie@westmetrotraining.com

Manager/Local Contact(s): Contact me Phone: 801-512-9976 cell phone _____

Owner/Landlord:

Owner of Business (if different than above): _____

Owner's Home Address: 1294 North 1300 West. Salt Lake City, Utah 84116 Phone: 801-512-9976

Landlord/Owner of Building: West Bountiful Commercial Parks Phone: 801-292-1400

Type of Business/Description of Business to Be Conducted:

We will be hosting and teaching Emergency Medical Technician courses both in Basic and Advanced levels. We will be teaching American Heart Association and Red Cross courses, along with many other Healthcare training or certifications courses.

License Fees:

Annual License Fee: Base fee is \$50.00 (\$25 on/after September 1)		\$	<u>50⁰⁰</u>
Number of Full Time Employees	<u>1</u> x	\$5.00 per employee	\$ <u>5⁰⁰</u>
Number of Part Time Employees	<u>5</u> x	\$2.50 per employee	\$ <u>12.50</u>
TOTAL DUE:			\$ <u>67.50</u>

I hereby make application for the issuance of a business license from West Bountiful City in accordance with the provisions of West Bountiful Municipal Code, Title 5. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request. Licensing runs January 1 - December 31 regardless of when license is issued.

Date: July 2nd, 2020

Sign Here: _____

FOR OFFICIAL USE ONLY

Application Received Date: 7/6/2020 Health Dept Inspect/Approval: _____

Payment Received Date: _____ Fire Inspection Date(s): _____

Conditional Use Req/Approval: Yes Fire Marshall Approval Date: _____

Zone C-G



West Metro EMS Training Center

MEMORANDUM



TO: Planning Commission
DATE: July 10, 2020
FROM: Cathy Brightwell
RE: Goldberg Subdivision – Final Plat

William Goldberg has applied for a 2-lot subdivision for his property at 1388 W 1200 North. One of the two lots is a flag lot which requires a conditional use permit from the planning commission prior to subdivision final approval by the city.

The city council recently approved the annexation of Mr. Goldberg's property and the process will be complete once the Lt. Governor's office issues a Certificate of Annexation.

CONDITIONAL USE – FLAG LOT:

WBMC 16.12.060 lists the minimum criteria for flag lots.

1. The staff of the lot shall not be less than twenty feet and shall not exceed the design length requirements for a cul-de-sac (400' measured from street centerline).
2. The staff of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street.
3. The staff of the lot shall be owned, fee simple, as part of the lot.
4. The staff of the lot shall approach the public street at an angle of not less than eighty degrees (80°). And cannot extend from intersections, street corners, cul-de-sacs, or dead end streets.
5. The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The staff area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat.
6. Flag lot must comply with fire code requirements including access width, driving surface, parking and fire hydrant placement.
7. Flag lots cannot be used where traditional methods of development could occur.
8. Subdivisions which contain more than four (4) lots cannot contain a flag lot.
9. The lot shall be graded so storm water runoff does not negatively impact neighboring properties.
10. All flag lots shall have the street address displayed on private property in a prominent location where the staff abuts the public street.
11. A flag lot may not be created which would negatively impact the future continuation of existing stub streets.
12. Other requirements imposed by the Conditional Use Permit to mitigate the potential negative impacts caused by the proposed use; the Conditional Use Permit and plat review cannot waive requirements 1 through 12 of this Section.

The proposed flag lot meets the above requirements as described. #1 – the flag lot is proposed to be 399 ft. long and 50 ft. wide; #6 – the fire marshal is currently reviewing the plat to determine compliance with Fire

Code; #10 – an address sign can be posted for the staff of the flag lot although there are currently no dwellings on the property.

Possible Mitigating Conditions:

Attached, for discussion, are possible conditions that may mitigate any negative impacts from flag lots. It is also important to determine which conditions must be met at the time the subdivision is approved and which conditions will be met at the time homes are built. While this case does not anticipate a dwelling on the flag lot, consideration should be given to future use.

1. Flag lot driveways cannot be constructed from black asphalt as it looks too much like a road extension.
2. Flag lot driveways must be constructed with a pavement section that will support emergency vehicles and public works vehicles (vacuum trucks, dump trucks, backhoes, etc.) when public utilities must be accessed from the driveway.
3. Privacy fencing along the flag lot staff is required to minimize noise and light pollution and provide additional side yard protection from car and neighboring children interactions.
4. Additional side yard setback on lots in front of flag lots and adjacent to the flag lot staff may be required to provide adequate separation between houses and moving vehicles similar to a corner lot.
5. Lighting and street numbers have been required at the flag lot staff entrance to help guide emergency vehicles and other persons to the correct address; possibly lights along the drive as well.

SUBDIVISION:

Below is summary of points of interest.

1. The property is within the A-1 zone and consists of 5.05 acres. Each of the two lots meet the required A-1 zoning requirements for size and frontage.
2. A deferral of public improvements was granted by the city council on July 7, 2020. This deferral includes curb, gutter, sidewalk, lighting, and secondary water.
3. There is a 4 inch sewer lateral for Lot 1. Will-serve letter from South Davis Sewer for future facilities is required prior to construction of a dwelling on Lot 2. All other utilities are stubbed and will be installed as part of a building permit.

This is a small lot subdivision application and if approval is recommended tonight, it will move on the city council.

Possible Motions:

1. Move to approve a conditional use permit for flag lot as proposed based on the following findings:
 - a. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
 - b. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - c. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;

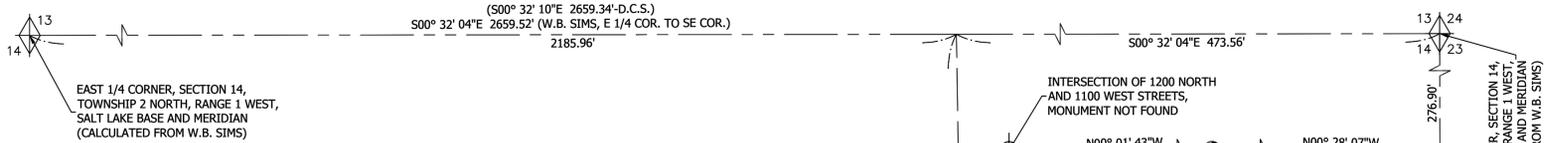
- d. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses; and
- e. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use.

Conditions to be imposed:

- a. Flag lot will comply with fire code.
 - b. Grading of each lot will ensure storm water runoff does not negatively impact neighboring properties.
 - c. Determinations as to which are the front, side, and rear setbacks for the flag lot shall be designated on the plat.
 - d. Address numbers (lighted/solar?) will be required at the flag lot staff entrance when a dwelling is constructed on Lot 1.
2. Move to Recommend to City Council Approval of Final Plat for the Goldberg Subdivision subject to:
- a. Annexation Certificate from Lt. Governor's office.
 - b. Deferral of Public Improvements as approved by city council on July 7, 2020.
 - c. Utilities to be installed as part of building permits for future dwellings.

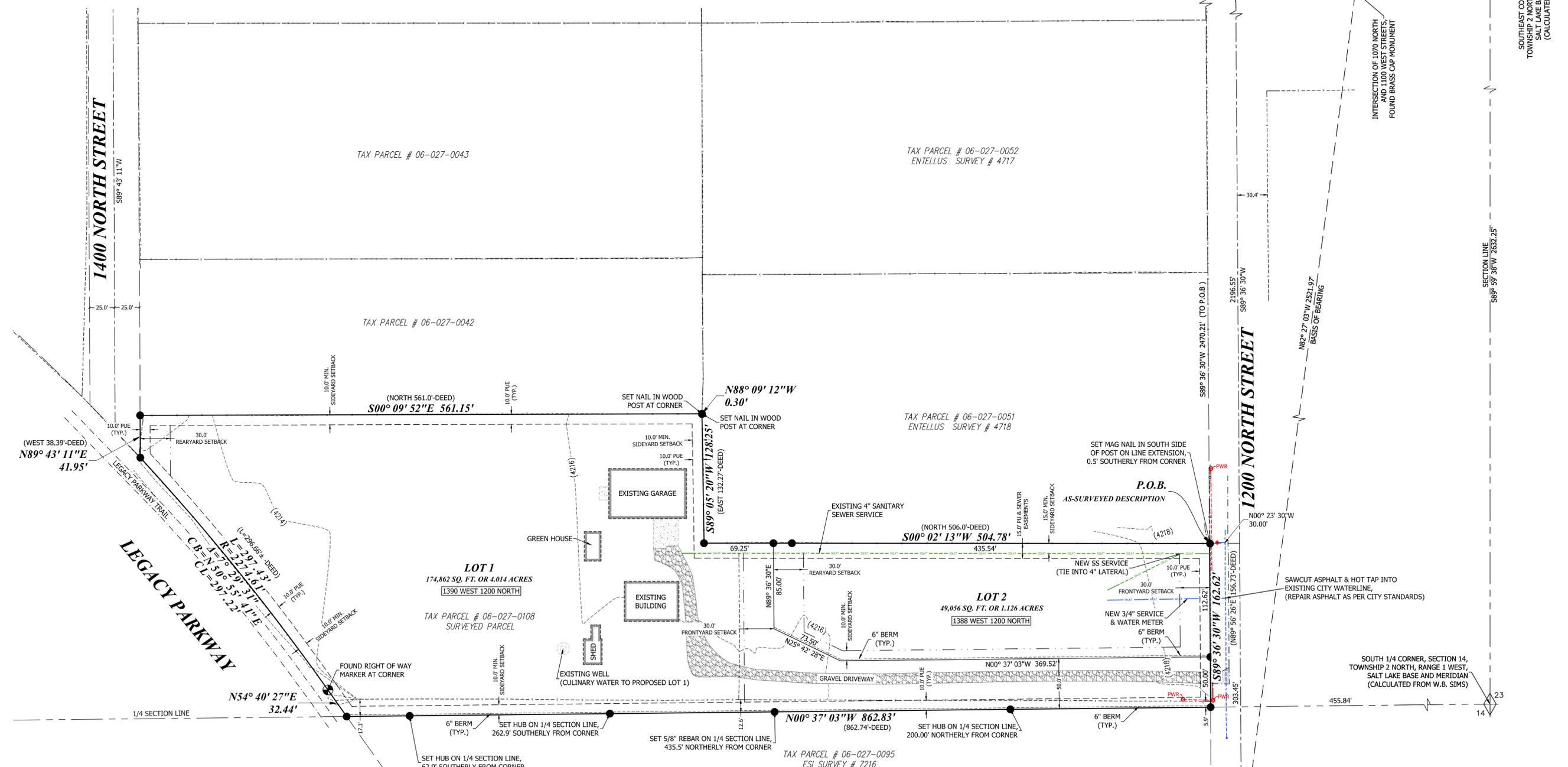
GOLDBERG SUBDIVISION

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, WEST BOUNTIFUL, DAVIS COUNTY, UTAH
PRELIMINARY PLAT, JULY, 2020



EAST 1/4 CORNER, SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN (CALCULATED FROM W.B. SIMS)

SOUTHEAST CORNER, SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN (CALCULATED FROM W.B. SIMS)



LEGEND	
PROPERTY LINE	—
NEW LOT LINE	—
ADJACENT PROPERTY	—
ROAD CENTERLINE	—
SECTION LINE	—
TIE TO MONUMENT	—
EASEMENT LINE	—
SETBACK LINE	—
EDGE OF PAVEMENT	—
WIRE FENCE LINE	—
CHAIN LINK FENCE LINE	—
RECORD CALLS ()	
SET 5/8" REBAR WITH "ENTELLUS" CAP, AT CORNER (UNLESS OTHERWISE NOTED)	●
FOUND PROPERTY MARKER (AS NOTED)	○

- NOTES**
- EXISTING CULINARY WATER TO LOT 1 IS A WELL. NEW CULINARY WATER SERVICE FOR LOT 2 WILL BE PROVIDED BY THE CITY WATER LINE IN 1200 NORTH STREET.
 - A COMPREHENSIVE GRADING & DRAINAGE PLAN WILL BE CREATED AS PART OF INDIVIDUAL LOT DEVELOPMENT & PERMITTING PROCESSES.
 - EXISTING NATURAL DRAINAGE OF STORM RUNOFF IS SOUTHERLY TO THE STREET. NATURAL DRAINAGE SHALL BE MAINTAINED.
 - OWNERS WILL BUILD & MAINTAIN A 6" BERM ON THE DOWNHILL SIDE OF EACH LOT TO ELIMINATE STORM WATER RUNOFF ONTO NEIGHBORING PROPERTIES.
 - VEHICULAR ACCESS TO/FROM 1400 NORTH STREET IS RESTRICTED

DEED DESCRIPTION
FROM A WARRANTY DEED RECORDED AS ENTRY #2833739, DAVIS COUNTY RECORDER

BEGINNING ON THE SOUTH LINE OF A RIGHT OF WAY AT A POINT 1072.50 FEET SOUTH AND 2634.50 FEET WEST AND SOUTH 0°37'03" EAST 204.32 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0°37'03" EAST 862.74 FEET, MORE OR LESS, ALONG SAID WEST LINE TO NORTH LINE OF A ROAD; THENCE NORTH 89°56'26" EAST 156.73 FEET ALONG SAID NORTH LINE TO A POINT SOUTH OF A POINT 2475.52 FEET WEST AND 1643.50 FEET SOUTH FROM SAID NORTHEAST CORNER OF SOUTHEAST QUARTER; THENCE NORTH 506 FEET TO SAID POINT; THENCE WEST 93.98 FEET; THENCE NORTH 395 FEET, MORE OR LESS, TO A POINT ON A 2,274.61 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 36.84 FEET, MORE OR LESS, ALONG SAID CURVE; THENCE SOUTH 54°40'27" WEST 32.44 FEET TO THE POINT OF BEGINNING.

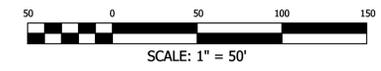
ALSO: BEGINNING AT A POINT 1072.5 FEET SOUTH AND 2337.50 FEET WEST, MORE OR LESS, FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE WEST 38.39 FEET; TO THE SOUTHEASTERLY LINE OF PROPERTY DEEDED IN BOOK 2780 PAGE 163, 165; THENCE ALONG SAID LINE AND ARC OF A 2274.61 FOOT RADIUS CURVE TO THE RIGHT 259.82 FEET, MORE OR LESS, THENCE SOUTH 395 FEET, MORE OR LESS, THENCE EAST 235.5 FEET TO THE SOUTHWEST CORNER OF PROPERTY CONVEYED TO ORLINA JOHNSON; THENCE NORTH 561 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

(NOTE: THIS DESCRIPTION IS A REMAINDER DESCRIPTION PREPARED DUE TO THE UTAH DEPARTMENT OF TRANSPORTATION'S ACQUISITION OF A PORTION OF THE PROPERTY FOR THE LEGACY PARKWAY RIGHT OF WAY, AS SHOWN IN ENTRY #1651120 AND ENTRY #1651121, DAVIS COUNTY RECORDER)

COMPOSITE DESCRIPTION

BEGINNING AT A POINT SOUTH 00°32'04" EAST 2185.96 FEET ALONG THE SECTION LINE TO AN EXTENSION OF THE NORTH LINE OF 1200 NORTH STREET AND SOUTH 89°36'30" WEST 2470.21 FEET ALONG SAID NORTH LINE AND ITS EXTENSION TO AN EXISTING FENCE LINE DESCRIBED IN A BOUNDARY LINE AGREEMENT RECORDED AS ENTRY #3151357, DAVIS COUNTY RECORDER'S OFFICE, FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY UTAH, SAID POINT OF BEGINNING ALSO BEING NORTH 89°36'30" EAST 2497.98 FEET ALONG THE CENTER LINE OF 1200 NORTH STREET TO A MONUMENT AND NORTH 89°36'30" EAST 303.45 FEET ALONG SAID STREET CENTER LINE AND NORTH 00°23'30" WEST 30.00 FEET FROM THE CENTER LINE MONUMENT IN 1200 NORTH STREET THAT IS WEST OF THE LEGACY PARKWAY, AND RUNNING THENCE SOUTH 89°36'30" WEST 162.62 FEET ALONG SAID NORTH LINE TO THE QUARTER SECTION LINE; THENCE NORTH 0°37'03" WEST 862.83 FEET ALONG SAID QUARTER SECTION LINE TO THE SOUTHEASTERLY LINE OF THE LEGACY PARKWAY; THENCE NORTH 54°40'27" EAST 32.44 FEET ALONG SAID HIGHWAY LINE TO A RIGHT-OF-WAY MONUMENT; THENCE NORTHEASTERLY 297.43 FEET ALONG A TANGENT, 2274.61-FOOT-RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°29'31", CHORD BEARS NORTH 50°55'41" EAST 297.22 FEET TO THE SOUTH LINE OF 1400 NORTH STREET; THENCE NORTH 89°43'11" EAST 41.95 FEET ALONG SAID SOUTH LINE TO THE EXTENSION OF A FENCE LINE; THENCE ALONG THE EXISTING FENCE LINES AND THEIR EXTENSIONS THE FOLLOWING FOUR (4) COURSES: 1) SOUTH 00°09'52" EAST 561.15 FEET TO A CORNER, BEING THE SOUTHWEST CORNER OF THE PROPERTY CONVEYED TO ORLINA JOHNSON AND THE NORTH LINE DESCRIBED IN SAID BOUNDARY LINE AGREEMENT, 2) NORTH 88°09'12" WEST 0.30 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO A BEND IN SAID FENCE, 3) SOUTH 89°05'20" WEST 128.25 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO A CORNER, 4) SOUTH 00°02'13" WEST 504.78 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO THE NORTH LINE OF 1200 NORTH STREET AND TO THE POINT OF BEGINNING.

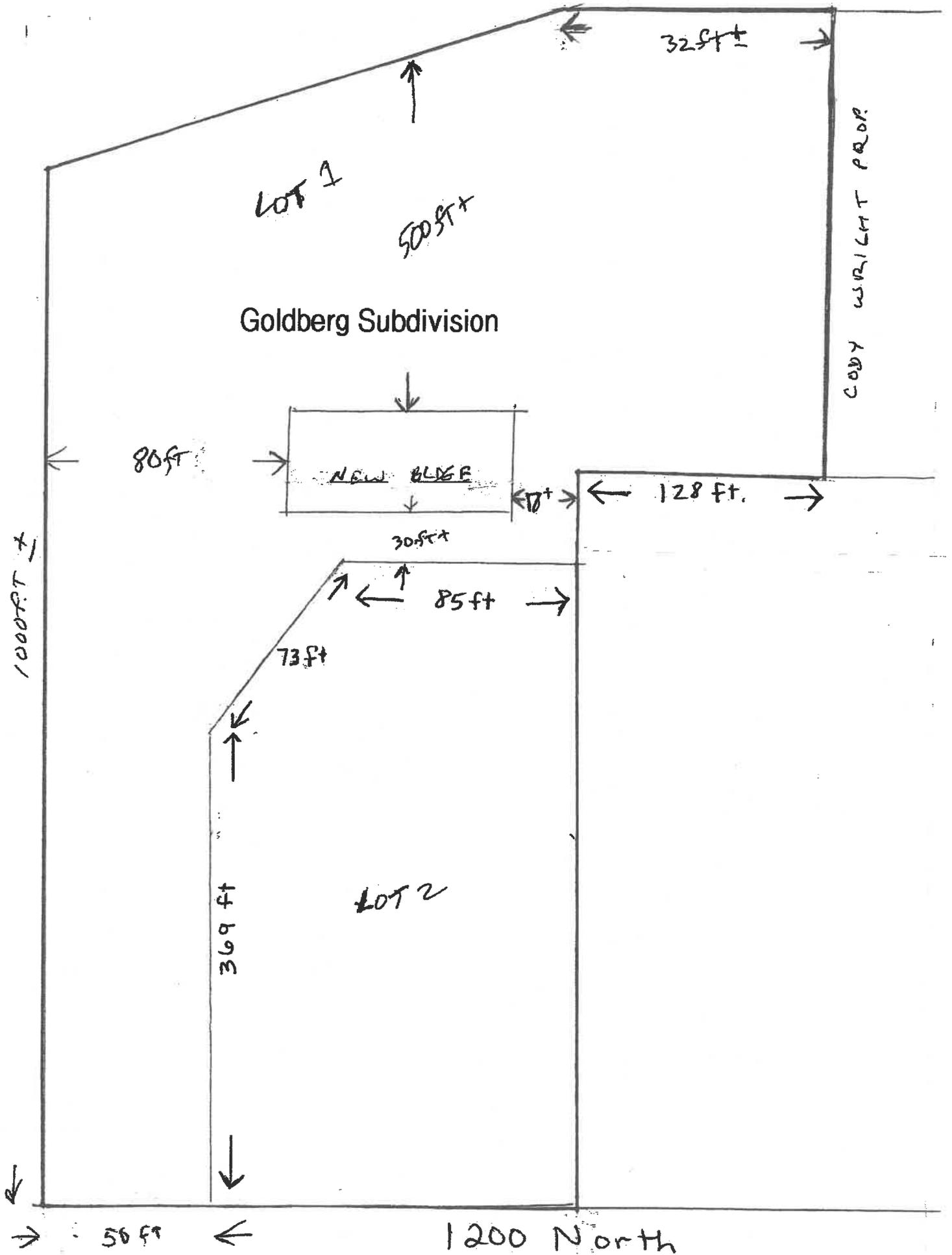
WHOLE PARCEL CONTAINS 5.140 ACRES.



1470 South 600 West
Woods Cross, UT 84010
Phone 801.298.2236
www.Entellus.com

BILL GOLDBERG
1400 WEST 1200 NORTH
TAX PARCEL #06-027-0108
LOCATED IN THE SE 1/4 OF SECTION 14, T. 2 N., R. 1 W., S.L.B.&M.
WEST BOUNTIFUL CITY, DAVIS COUNTY, UT-14

DRAWN: 07/06/2020
DEW:
APPROVED: 07/06/2020
JRC:
PROJECT: 1783001
PLAT 1783001.dwg
PRELIM.
C250



1 **West Bountiful City**
2 **Planning Commission Meeting**

June 23, 2020

3 **PENDING – NOT APPROVED**

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
5 website, on the West Bountiful City website, and at city hall on June 22, 2020 per state statutory
6 requirement.

7 *Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, June 23,*
8 *2020 at West Bountiful City Hall, Davis County, Utah.*

9 **Those in Attendance:**

10 **Due to the Coronavirus outbreak this meeting was held by teleconference measures using**
11 **Zoom.**

12 **MEMBERS ATTENDING:** Vice Chairman Alan Malan, Dee Vest, and council member Kelly Enquist
13 on-site. Corey Sweat, Mike Cottle, Laura Charchenko via Zoom.

14
15 **MEMBERS EXCUSED:** Chairman Denis Hopkinson

16 **STAFF ATTENDING:** Duane Huffman (City Administrator) on-site. Cathy Brightwell (Recorder),
17 Debbie McKean (Secretary) and Steve Doxey (Legal) via Zoom.

18 **VISITORS:** On-site: Gary Jacketta, Larry Stanger, Jed and Cindy Christensen, Dino Pasqua, Bruce
19 Baird, DJ Schanz, James Bruhn, Pam & Michael Vogel, Lloyd Carr.
20 Via Zoom: Becky Ginos, Rob Wall, Terri Wall, Tyson Davis

21 *The Planning Commission meeting was called to order at 7:30 pm by Vice Chairman Alan Malan.*
22 *Dee Vest offered a prayer.*

23 **1. Accept Agenda**

24 Vice Chairman Malan reviewed and discussed the agenda. Mike Cottle moved to approve the
25 agenda as presented. Dee Vest seconded the motion. Voting was unanimous in favor among all
26 members present.

27 **2. Public Hearing to Consider a Land Use Decision on Cannabis Production**
28 **Establishment Petition at 580 West 100 North, and Medical Cannabis Ordinance**
29 **Including Text Amendments to Existing Code, Potentially Affecting the Commercial-**
30 **Highway, Light Industrial, Industrial General, Agricultural (A-1), and Potential New**
31 **Agricultural Zone.**

32 Duane Huffman introduced the public hearing on a petition for cannabis production and a
33 medical cannabis ordinance including text changes to the existing code and a new ordinance. He
34 stated that they have received comments from surrounding businesses that are not supportive of
35 this new type of industry locating next to them. If it impacts current tenants' decisions to
36 relocate, this could be detrimental to the city's revenue stream.

37 **Action Taken:**

38 ***Corey Sweat moved to open the public hearing at 7:38 pm. Mike Cottle seconded the motion***
39 ***and voting was unanimous in favor.***

40 **Public Comment:**

- 41 • Bruce Baird (representing Wholesome Therapy) stated that this business is for medical
42 purposes only and is strictly regulated. It is nothing like Colorado which it has been compared
43 to. He reminded the commission that the pharmacy portion of the business has already been
44 approved by the state and emphasized that the cannabis production business will be virtually
45 invisible to the public. They have made every effort to contact the property manager, John
46 Thackeray as promised. They were able to talk to Mr. Thackeray's son and business partner
47 but could not get a formal response from the company. He expressed his frustration that
48 they were not able to have a conversation and provide information that would help describe
49 the business and its invisibility to the public. He offered to share a You-tube video that
50 described the process of cannabis production and again addressed the issue of odor control.
51 They believe they have met and satisfied all concerns and ask for a favorable vote this
52 evening. He suggested they may want to consider each application separately.
- 53
- 54 • Councilmember James Bruhn stated he has spoken with several citizens and they are all
55 opposed to this petition.
- 56
- 57 • No other members of the public came forward.
- 58

59 Commissioners shared their concerns about holding a public hearing that is so important during
60 the Covid 19 pandemic. They took extra efforts to reach out to some citizens to get their feelings.
61 Most discovered there is not a lot of support for this type of industry in this location. However,
62 Laura Charchenko commented that she talked to individuals who would rather have this type of
63 business in a secured facility such as the Carr building, than in an open field in our agricultural
64 zone as it would be more secure.

65

66 **Action Taken:**

67 ***Corey Sweat moved to close the public hearing at 7:47 pm. Mike Cottle seconded the motion***
68 ***and voting was unanimous in favor.***

- 69
- 70 **3. Land Use Decision on Cannabis Production Establishment Petition at 580 West 100**
71 **North, and Medical Cannabis Ordinance Including Text Amendments to Existing**
72 **Code, Potentially Affecting the Commercial-Highway, Light Industrial, Industrial**
73 **General, Agricultural (A-1), and Potential New Agricultural Zone.**
- 74

75 Commissioner packets included a memorandum from Duane Huffman dated June 19, 2020
76 regarding Petition for Land Use Code Text Change for Cannabis Production Establishment and

77 Medical Cannabis Ordinance – 17.62 with attached letters, supporting documents, proposed
78 changes to text and a new ordinance.

79 Discussions on Wholesome Therapy’s request for a text change for cannabis production
80 establishment and a new cannabis ordinance have been ongoing for a couple months. Mr.
81 Huffman informed the Commission that Mr. Thackeray contacted Mayor Romney stating that
82 his tenants in the adjacent shopping center are opposed to having a production facility in the
83 Carr building. He reminded the Commission that the city has 45 days to make a decision on the
84 Petition so a recommendation should go to city council for their July 7th meeting. He noted
85 that there is an invitation that still stands for attending a tour in a nearby production facility as
86 well as the video Mr. Baird has offered to share.

87 Mr. Huffman reviewed the draft petition in its entirety. He reviewed all zones and their legal
88 uses. He noted the creation of a new Agricultural Specialty zone is proposed for west of Legacy
89 Parkway that would allow for a pharmacy as well as a production facility. He discussed an
90 option to rezone the Carr building to C-H (commercial highway) that could allow as a
91 conditional use, processing but not production. To make this work, the definition of cannabis
92 production would need to be modified to exclude processing.

93 **Corey Sweat** prefers not to entertain a conditional use option. Duane Huffman explained that
94 the proposed changes capture the necessities to be included in conditional uses if the
95 commission decides to go that way.

96 **Vice Chairman Malan** responded to a request by Larry Stanger to take the stand for a
97 comment. Mr. Stanger asked how many City Council members want this type of production in
98 our City and stated they just need to say no.

99 **Mike Cottle** asked the applicant to explain the benefits to the city if this business is allowed.
100 Mr. Baird responded that it a good use for the building which has gone unused for a long time;
101 the pharmacy is approved by the state of Utah and co-locating the pharmacy and the
102 production creates a more secure and efficient facility; adds jobs to the community; and does
103 no harm as it will be invisible to the public. He does not see any harm to the city at all. Mike
104 Cottle stated he is frustrated that the state makes such decisions that may not be best for our
105 city especially when there is no tax benefit. He has not found any citizen support causing him
106 to cast a positive vote.

107 **Laura Charchenko** has talked to people that support the production facility being located in a
108 secured location rather than in the open fields closer to their homes.

109 **Vice Chairman Malan** is concerned that it is an industrial process in a retail zone and believes
110 that it has the potential to grow bigger. He does not want production wholesaled to others
111 outside this location. He added that he still has questions about odors. He gave the example of
112 Holly Refinery who also has scrubbers to eliminate odors, but some still slip through.

113 Mr. Baird noted that conditional uses are nice because conditions and standards on the
114 business can be set in such a way as to mitigate any detrimental effects. He gave examples for
115 a butcher in a grocery store, paint mixing in a home improvement store, etc. where certain
116 activities are not the preferred use but are ok in their setting. He feels that all concerns can be
117 dealt with under conditional uses.

118 **Mike Cottle** asked how we should handle tenant concerns and the potential financial impact to
119 the city. Mr. Baird stated that education of businesses and citizens are important to show that
120 the proposed business may not be what they expect it to be.

121 Councilmember Enquist asked how many licenses have been issued by the state. Mr. Baird
122 responded that there are 14 pharmacies and 8 growing facilities. Mr. Enquist asked how much
123 would be leaving the building to be distributed outside of West Bountiful. Mr. Schanz said they
124 are one of few vertically integrated companies who have both pharmacy and production
125 licenses which they consider to be a more efficient way to operate. They may consider some
126 wholesaling given the number of distributors versus the number of growers, but it will be
127 based on their level of production which they expect to be about 300 pounds per month. He
128 described how they harvest the product for medical use which is only the flower bud and not
129 the whole plant. Industrial hemp used for recreational purposes is a cousin of marijuana that
130 grows outdoors and produces odors.

131 Since the production element of the business is the most troublesome, they discussed whether
132 the processing portion of Cannabis Production Establishment could be separated out, re-
133 defined and allowed in the C-H zone. There was discussion about possible options to move the
134 issues forward based on the discussion this evening

135 Option 1 – recommend adoption of the proposed land use ordinance; add cannabis production
136 establishment as a conditional use in the C-H zone; rezone the Carr Building to C-H.

137 Option 2 - recommend adoption of the proposed land use ordinance; prohibit cannabis
138 production establishment in the C-H zone; rezone the Carr building to C-H.

139 Option 3 - recommend adoption of the proposed land use ordinance; prohibit cannabis
140 production establishment in the C-H zone. Do not rezone the Carr building to C-H.

141 **Action Taken:**

142 ***Corey Sweat moved forward to City Council the following: Deny the Petition for Land Use***
143 ***Text Change for Cannabis Production Establishment at 580 W 100 North (Carr Building).***
144 ***Approve staff's proposed land use ordinance (WBMC Chapter 17.62) which includes adding***
145 ***Medical Cannabis Pharmacy as a Permitted Use in all Commercial and Industrial zones; Prohibit***
146 ***Cannabis Production Establishment in Commercial zones; add Cannabis Production***
147 ***Establishment as a Conditional Use in the L-I Zone; add Cannabis Production Establishment as a***
148 ***Permitted Use in the I-G zone; create an Agricultural Specialty (A-S) Zone that allows Medical***
149 ***Cannabis Pharmacy and Cannabis Production Establishment as a Permitted Use; modify the***

150 *existing A-1 zone to clarify it is a primarily residential zone; and rezone the Carr building to the*
151 *C-H Zone. Dee Vest seconded the motion which passed with a 4-1 vote with Alan Malan, Corey*
152 *Sweat, Dee Vest and Mike Cottle voting Aye, and Laura Charchenko Nay.*
153

154 **4. Conditional Use Application for Michael and Pam Vogel for a Home Occupation**
155 **business.**

156 Commissioner packets included a memorandum dated 19,2020 from Staff regarding Conditional
157 Use Permit Request from Vogel Crane Service-2122 N 1000 W with an attached application and
158 site plan from the applicant, and signatures from residence in the area supporting his request.

159 Cathy Brightwell explained Michael and Pam Vogel applied for a Home Occupation business
160 license to have a home office in their house. They live on a half-acre lot in Kinross Estates that
161 backs up to an empty field. They own a Crane service company that builds homes.
162

163 As discussed at the June 9, 2020 planning commission meeting, the Vogel's own two crane
164 trucks that they park at their home when not in use. When needed, the trucks are driven to
165 and from a work site and oftentimes are left on the site. When not in use, the cranes are
166 parked within the fenced back yard until such time as a planned garage is built to store the
167 cranes. Their son, an employee of the company, lives with them and drives one of the trucks.
168

169 Ms. Brightwell noted that the planning commission tabled this matter so more information
170 could be collected. Since the last meeting, the Vogel's have completed fencing along the rear of
171 the property and have talked with neighbors to see if there are concerns about having the
172 cranes on the property. They focused on neighbors that live on 2100 N as their homes face the
173 Vogel's rear yard and they drive by the yard daily. They were unable to find any neighbors who
174 object to the cranes and provided a copy of signatures they received supporting them. Mr.
175 Vogel also shared with staff that each crane is 33 ft long and 8 ft wide or 264 sq. ft. His planned
176 garage is 48 ft. by 56 ft for a total of 2688 sq. ft. The city's Home Occupation ordinance allows
177 the use of up to 25% of a garage with a home occupation license. Based on the above
178 information, the cranes will take up approximately 20% of space in the garage. There is a
179 picture included in the packet that shows the size of the crane in the location. She noted that
180 Mr. Doxey supplied two possible motions that could be used.

181 **Commissioner Comments:**

182 **Corey Sweat** stated that this looks much better from last meeting and the conditions are
183 reasonable.
184

185 **Mike Cottle and Dee Vest** do not object; they appreciated the picture and all the work that has
186 been done.
187

188 **Laura Charchenko** is ok with the request.
189

190 **Alan Malan** said he talked with Ben White about potential damage the heavy equipment may
191 cause to the road. He stated that it should not be a problem unless on a very hot day. Applicant

192 is responsible for any damage that may occur with ongoing use. Duane Huffman further
193 explained that the road is designed to handle this traffic under normal circumstances. The main
194 impact will be entering and exiting the property as turns are made during the hot months of
195 the year. He recommends the additional condition of #7 be included in the motion as well that
196 would state the responsibility of the resident to fix any road damages done going forward.

197 **Action Taken:**

198 ***Mike Cottle moved to approve the Conditional Use Application for Michael and Pam Vogel for a***
199 ***Home Occupation business at 2122 N 1000 West with the following findings: The proposed use***
200 ***at this particular location is necessary or desirable to provide a service or facility that will***
201 ***contribute to the general well-being of the neighborhood and the community; will not be***
202 ***detrimental to the health, safety, or general welfare of persons residing or working in the***
203 ***vicinity, or injurious to property or improvements in the vicinity; the use and/or accompanying***
204 ***improvements will not inordinately impact schools, utilities, and streets; will provide for***
205 ***appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of***
206 ***building materials and landscaping which are in harmony with the area, and compatibility with***
207 ***adjoining uses; will comply with the regulations and conditions specified in the land use***
208 ***ordinance for such use; will conform to the intent of the city's general plan; and the conditions***
209 ***to be imposed will mitigate the reasonably anticipated detrimental effects of the proposed use***
210 ***and accomplish the purposes of WBMC § 17.60.040.***

211 ***Conditions: The home occupation must meet the requirements of WBMC § 5.28.040***
212 ***regarding home occupations, including any requirements specified in these conditions. The***
213 ***home occupation will be limited to a home office in the dwelling. Use of any portion of a***
214 ***garage or accessory structure on the property for business purposes that exceeds 25% is***
215 ***prohibited (WBMC § 5.28.040.G) and with the following conditions: Sufficient off-street***
216 ***parking will be provided for all vehicles used in the business and for the residence, and the***
217 ***number of business vehicles on the property will not exceed the number of employees residing***
218 ***in the home, outdoor storage related to the home occupation will not be permitted (WBMC***
219 ***§ 5.28.040.I), Any business vehicles or equipment over eight feet in height must be parked***
220 ***indoors; provided, that for a period of one year after issuance of this conditional use permit***
221 ***such vehicles or equipment may be parked outdoors as long as the following conditions are***
222 ***met: a. such vehicles or equipment are parked behind an opaque fence six feet in height and***
223 ***approved by city staff; and b. applicant provides and maintains landscaping to obscure such***
224 ***vehicles and maintain the residential character of the property in conformity with a landscape***
225 ***plan approved by city staff; any damages to concrete, sidewalk, curb, etc. be repaired in a***
226 ***timely manner by the resident; and applicant applies for, receives, and maintains a current***
227 ***Home Occupation and Business License. Laura Charchenko seconded the motion and voting***
228 ***was unanimous in favor.***

229

230 **5. Request from Jed Christensen for Hay Barn at 1347 North 800 West**

231 Commissioner packets included a memorandum dated June 19, 2020 from Staff regarding a
232 Request from Jed Christensen for Hay Barn and a letter from Mr. Christensen regarding the
233 purpose for this dwelling.

234 Duane Huffman explained that Jed Christensen is seeking to erect a barn on his property at 1347
235 N 800 West. Agricultural uses, barns, and accessory structures are permitted in the R-1-10 zone
236 as is the storage of personal property in the structure. His proposal to store and sell hay raises
237 some questions about whether a business is being conducted. Mr. Huffman noted that if he
238 were growing the hay on the property to sell, it would be different, but he is purchasing the hay
239 off-site and selling it which looks more like a business.

240
241 Mr. Christensen stressed that there would be no semi-trucks bringing hay, only his personal truck
242 and trailer. It was discussed that conditional uses could be put in place. Cindy Christensen noted
243 that ninety percent of the hay that will be stored is delivered off-site so there isn't much traffic.
244 This is just a way he can continue to do business as he has done for many years.

245
246 Duane Huffman noted that the current preferred access is through a residential street and could
247 make it difficult working with neighbors around him. He suggested the Commission may want to
248 look at options by considering modifications to the R-1-10 zone to consider language with a
249 specification of size of property and type of business allowed or try to find a zone that would
250 allow this and do a spot zone of this property.

251

252 **Commissioner's Comments:**

253

254 **Mike Cottle** is concerned we may open a can of worms if we grant this by changing the
255 ordinance.

256

257 **Corey Sweat** referred to a similar request received last year and is not sure if we want to change
258 the zoning ordinance but maybe it could be included in the home occupation ordinance.

259

260 **Laura Charchenko** supports what the Christensen's want to do and supports figuring out how to
261 make it work.

262

263 **Dee Vest** favors tabling the item and let staff present something to us and see what some
264 options are.

265

266 **Vice Chairman Malan** asked staff to look at the home occupation ordinance to see what options
267 there could be to work things out for Mr. Christensen.

268

269 **Action Taken:**

270 *Dee Vest move to table the item and direct staff to draft an amendment to our current Home*
271 *Occupation permitted uses and present it for consideration to the Commission. Laura*
272 *Charchenko seconded the motion and voting was unanimous in favor among those present.*

273

274 **6. Conditional Use Application for Tyson Davis for an Accessory Dwelling Unit.**

275 Commissioner packets included a memorandum dated June 19, 2020 from Cathy Brightwell
276 regarding an Accessory Dwelling Unit at 941 West 1950 North with attached application and site
277 plan from applicant.

278
279 Ms. Brightwell explained that Mr. Davis has been issued a building permit to construct a new
280 house in the Mountain View Estates subdivision. The house is designed to include an accessory
281 dwelling unit (ADU) in the basement. A conditional use permit is required prior to using the
282 potential apartment as an ADU. Staff recommended that Mr. Davis obtain the Conditional Use
283 Permit for the ADU now for the simple reason that municipal and building codes change from
284 time to time. It would be unfortunate if future changes to code prohibit the ADU or require
285 structural changes for its approval. She explained that pursuant to our code, it is not visible from
286 the street and there is adequate parking.

287
288 Before any conditional use permit may be issued for an ADU, the Planning Commission shall
289 make an affirmative finding that the ADU will not create any injurious impacts to surrounding
290 neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise
291 meets the requirements of Chapter 17.60 of this title.

292

293 **Action Taken:**

294 ***Dee Vest move to approve the building permit for an ADU at 941 W 1950 North for Tyson Davis***
295 ***based on the following findings: The proposed use at the particular location is necessary or***
296 ***desirable to provide a service or facility that will contribute to the general well-being of the***
297 ***neighborhood and the community; will not be detrimental to the health, safety, or general***
298 ***welfare of persons residing or working in the vicinity, or injurious to property or improvements***
299 ***in the vicinity; and/or accompanying improvements will not inordinately impact schools,***
300 ***utilities, and streets; and the conditions to be imposed in the conditional use permit will***
301 ***mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish***
302 ***the purposes of this subsection.***

303 ***Conditions: the applicant will construct the addition in such a manner that WBMC***
304 ***17.82.050 and the International Residential Building Code requirements for a second dwelling***
305 ***unit are satisfied; language will be included in any rental or lease agreement for the ADU that***
306 ***the lease will terminate upon sale of the property; this Permit is not transferable – if at any***
307 ***time the home is not occupied by the applicant or his immediate family or the applicant sells***
308 ***the property, the Permit shall be revoked pursuant to WBMC 17.60.080; and the applicant will***
309 ***execute the Conditional Use permit and ADU agreement which will be recorded in the County***
310 ***Recorder’s office. Mike Cottle seconded the motion and voting was unanimous in favor among***
311 ***those present.***

312 **7. Conditional Use Application for Ben Savage for an Accessory Dwelling Unit**

313 Commissioner packets included a memorandum dated June 19, 2020 from Cathy Brightwell
314 regarding Accessory Dwelling Unit at 730 North 800 West with an application and site plan
315 attached.

316 Cathy Brightwell informed the Commission that Mr. Savage has been issued a building permit for
317 a garage remodel attached to his existing home that is intended to be used as separate living
318 quarters for family members. A conditional use permit is required prior to using the potential
319 apartment as an ADU. Ms. Brightwell explained that the unit is approximately 500 square feet
320 with a door on the side to conform with city codes.

321
322 Before any conditional use permit may be issued for an ADU, the Planning Commission shall
323 make an affirmative finding that the ADU will not create any injurious impacts to surrounding
324 neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise
325 meets the requirements of Chapter 17.60 of this title.

326 Cathy Brightwell noted that there is adequate parking on the property and on an RV pad.
327 Councilman Enquist suggested putting a safety barrier in front of the unit for protection from
328 vehicle driving into the building.

329 **Action Taken:**

330 ***Mike Cottle move to approve the building permit for an ADU at 730 N 800 West for Savage's***
331 ***based on the following findings: The proposed use at the particular location is necessary or***
332 ***desirable to provide a service or facility that will contribute to the general well-being of the***
333 ***neighborhood and the community; will not be detrimental to the health, safety, or general***
334 ***welfare of persons residing or working in the vicinity, or injurious to property or improvements***
335 ***in the vicinity; and/or accompanying improvements will not inordinately impact schools,***
336 ***utilities, and streets; and the conditions to be imposed will mitigate the reasonably anticipated***
337 ***detrimental effects of the proposed use and accomplish the purposes of this subsection.***

338 ***Conditions: the applicant will construct the addition in such a manner that WBMC***
339 ***17.82.050 and the International Residential Building Code requirements for a second dwelling***
340 ***unit are satisfied; language will be included in any rental or lease agreement for the ADU that***
341 ***the lease will terminate upon sale of the property; this Permit is not transferable – if at any***
342 ***time the home is not occupied by the applicant or his immediate family or the applicant sells***
343 ***the property, the Permit shall be revoked pursuant to WBMC 17.60.080; and the applicant will***
344 ***execute the Conditional Use permit and ADU agreement which will be recorded in the County***
345 ***Recorder's office. It is recommended that a barrier be placed in front of the unit for safety***
346 ***reasons. Dee Vest seconded the motion and voting was unanimous in favor among those***
347 ***present.***

348 **8. Consider Final Plat Approval for Ashby Acres at the corner of 1100 West and Pages**
349 **Lane**

350 Commissioner packets included a memorandum dated June 19, 2020 from Staff regarding Ashby
351 Acres Subdivision-final plat with attached copy of the final plat.

352 Cathy Brightwell explained that James and Shelly Bruhn have applied for an 8-lot subdivision on
353 the northeast corner of 1100 West and Pages Lane. The property is within the R-1-22 zone and
354 consists of 4.62 acres. The eight lots meet the required R-1-22 zoning requirements for size and
355 frontage. Will-serve letters have been received from the major utility companies.

356
357 The city engineer has reviewed the final plat submittal. He recommends addressing the items
358 listed below as conditions for approval. Otherwise, the only updates to the plat and construction
359 documents are several minor clarifications that have been provided to Mr. Bruhn for
360 incorporation. Staff recommends approval of the final plat by planning commission.

361
362 **Engineer's Comments:**

- 363
364 In addition to several minor changes to the plat and grading plan, the following are highlighted:
- 365 - The proposed on-site storm drains and catch basins are adequate for the subdivision since
366 the final development of the lots is only speculative. Additional catch basins will most likely
367 be necessary when homes are constructed. If that turns out to be the case, then the storm
368 drain in the rear of lot 4 can be extended by the property owners farther east.
 - 369 - Move sewer service to be a common/single pavement cut with the irrigation service.
 - 370 - Add PUE/D for storm drain pipe on lots 7 & 8.
 - 371 - Add note for lot 7 that it complies with the fire code and Geotech study on file.

372
373 James Bruhn noted that his engineer has not done such a great job. He confirmed that there will
374 be only one road cut by lot 7. The drainage between lots 7 and 8 has petroleum lines
375 underground so they will be restricted in placing drain pipes so he wants to match the drainage
376 line with Olsen Farms for the entire back of the property. Duane noted that that would have to
377 be reviewed and accepted for final plat.

378 Corey Sweat noted that #1 would not be applicable as James has made his recommended
379 changes.

380 **Action Taken:**

381 ***Corey Sweat moved to approve the Ashby Acres final plat for James and Shelley Bruhn and***
382 ***forward it to the city council for their approval with the following conditions: add public utility***
383 ***easement and drainage for storm drain pipe of lots 7 and 8; a driveway design for lot 7 that***
384 ***demonstrates compliance to the Fire Code and Geotech study that is on file at West Bountiful***
385 ***City; move sewer service at station 3+80 to be a common/single pavement cut with the***
386 ***irrigation service; obtain final design approval from Weber Basin and South Davis Sewer and***
387 ***obtain payment for storm drain impact fees for 6 lots and reimbursable costs from Pages Lane***
388 ***project. Drainage is subject to final review and approval from city engineer. Laura Charchenko***
389 ***seconded the motion and voting was unanimous in favor.***

390 **9. Staff Report**

391 **Cathy Brightwell:**

- 392 • 800 West will be paved from 10th North and Pages Lane on Wednesday and Thursday
393 and completely closed. Cars need to get out early morning but will not get back in for
394 the evening and will have to park on other streets nearby.
- 395 • Haven Wood meeting tomorrow morning for some proposals for an upcoming
396 meeting.

397 • City has been receiving lots of calls about the Hughes Property that is for sale on 1100
398 West. Homeowners have 90 days to clear property upon sale. There are concerns that
399 some of that property could move to the property to the north. It was noted that
400 homeowner has property in North Salt Lake where items can be relocated.

401 **Duane Huffman:**

- 402 • There have been many applicants for city engineer five of whom have been chosen for
403 interviews. The 1st round of interviews will begin this week. Staff and Mayor will only
404 recommend those that can do the job.
- 405 • Reported how Davis County is doing in relation to Covid -19. Shared data of confirmed
406 cases by week and noted they are beginning to double on a weekly basis. Showed
407 testing that has been steady since April. Hospitalizations have been steadily increasing
408 and could be near capacity if numbers do not decline in the next week or so. Virus is
409 being spread by healthy people to those with compromised immune systems.
410 Encouraging West Bountiful residents to practice social distancing, mask protection
411 and hand washing/sanitizing. North Salt Lake currently has the highest number of
412 cases in Davis County.
- 413 • A meeting is scheduled with the Smith family to discuss with Mayor and staff the
414 future of the Smith property. They have requested to de-annex some parcels of
415 property from West Bountiful.

416 **10. Consider Meeting Minutes from June 9, 2020.**

417 **Action Taken:**

418 **Corey Sweat moved to approve of the minutes of the June 9, 2020 meeting as presented.**
419 **Laura Charchenko seconded the motion and voting was unanimous in favor.**

420

421 **11. Adjourn**

422 **Action Taken:**

423 **Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting**
424 **at 9:47 pm. Dee Vest seconded the motion. Voting was unanimous in favor.**

425

426 *The foregoing was approved by the West Bountiful City Planning Commission on June 22, 2020,*
427 *by unanimous vote of all members present.*

428 _____

429 *Cathy Brightwell – City Recorder*

430