

**Mayor**  
Kenneth Romney

**City Engineer/ Land  
Use Administrator**  
Kris Nilsen

**City Recorder/  
Community  
Development**  
Cathy Brightwell

# **WEST BOUNTIFUL PLANNING COMMISSION**

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West Bountiful, Utah 84087

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**Chairman**  
Denis Hopkinson

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

***The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.***

## **THE PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 10, 2020**

**Meeting will be held exclusively via Zoom (see info below)**

Prayer/Thought by Dennis Vest

1. Accept Agenda.
2. Public Hearing to Consider a Proposed Change to WBMC 17.62 Regarding Signage Regulations for Medical Cannabis Pharmacies.
3. Consider Proposed Change to WBMC 17.62 Regarding Signage Restrictions for Medical Cannabis Pharmacies.
4. Consider Request for Conditional Use Permit by Jonathan & Kaitlyn Sowards to Reduce the Standard Points for Small Farm Animals at 316 N 750 West.
5. Presentation by Doug Coons Regarding Options for His Property at 582 W 1000 N.
6. Staff report.
7. Consider Meeting Minutes from August 25, 2020.
8. Adjourn.

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**Join Zoom Meeting**

<https://us02web.zoom.us/j/84653680518>

**Meeting ID: 846 5368 0518**

One tap mobile +14086380968,,84653680518# US (San Jose)

Dial by location

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

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*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 September 4, 2020 by Cathy Brightwell, City Recorder.*

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

3  
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 September 8, 2020.

6 Minutes of the Planning Commission meeting of West Bountiful City held on Thursday,  
7 September 10, 2020 at West Bountiful City Hall, Davis County, Utah. Meeting was rescheduled  
8 due to disasters from high winds, power outages, etc.

9 **MEMBERS ATTENDING: All attending via Zoom:** Chairman Denis Hopkinson, Vice Chairman  
10 Alan Malan, Mike Cottle, Dee Vest, Corey Sweat (joined meeting at 7:50 pm), and Council  
11 member Kelly Enquist.

12  
13 **MEMBERS EXCUSED:** Laura Charchenko.

14 **STAFF ATTENDING:** Kris Nilsen (City Engineer), Cathy Brightwell (Recorder) in house and Debbie  
15 McKean (Secretary) and Steve Doxey (City Attorney) (via Zoom).

16 **VISITORS:** *Via Zoom* - Alex Iorg, DJ Schanz, Craig Hammond, Doug Coons, Kaitlyn Sower

17  
18 *The Planning Commission meeting was called to order at 7:30 pm by Chairman Denis*  
19 *Hopkinson. Dee Vest offered a prayer.*

20 *Chairman Hopkinson read the following message: **The Mayor and the Planning Commission***  
21 ***Chair have determined that due to the current COVID-19 pandemic and the physical distancing***  
22 ***required to prevent the spread of infection, public meetings present a substantial risk to the***  
23 ***health and safety of those who may be present at the meetings. That risk can be substantially***  
24 ***mitigated by holding this meeting through electronic means that allow for public participation***  
25 ***without an anchor location.***

26 **1. Accept Agenda**

27 Chairman Denis Hopkinson reviewed and discussed the agenda. Alan Malan moved to approve  
28 the agenda as presented. Mike Cottle seconded the motion with the following change of date  
29 read by Chairman Hopkinson in the above statement. Voting was unanimous in favor among all  
30 members present.

31 **2. Public Hearing to consider a Proposed Change to WBMC 17.62 Regarding Signage**  
32 **Regulations for Medical Cannabis Pharmacies.**

33  
34 Chairman Hopkinson invited comments from the public to address changes proposed to WBMC  
35 17.62 Regarding Signage Regulation for Medical Cannabis Pharmacies.

36  
37

38 **Action Taken:**

39

40 ***Mike Cottle moved to open the public hearing at 7:40 pm. Alan Malan seconded the motion***  
41 ***and voting was unanimous in favor.***

42

43 **Public Comment:**

44

45 Alex Iorg lives in Bountiful and is part owner in the WholesomeCo Cannibas Pharmacy. They  
46 have been open about a month and have had much success. WB Police department visited the  
47 facility and met security guards and staff to see about security and protecting the premises.  
48 Mr. Iorg invited anyone to come and tour and meet with the pharmacy staff including the  
49 Mayor, Council and West Bountiful staff. He referred to the letter from the Utah Department  
50 of Health clarifying its interpretation of the medical cannabis pharmacy signage restrictions.

51

52 No other members of the public made comment.

53

54 **Action Taken:**

55 ***Alan Malan moved to close the public hearing at 7:47 pm. Dee Vest seconded the motion and***  
56 ***voting was unanimous in favor.***

57

58 **3. Consider Proposed Changes to WBMC 17.62 Regarding Signage Restrictions for**  
59 **Medical Cannabis Pharmacies.**

60

61 Commissioner packets included a memorandum dated September 3, 2020 from Staff regarding  
62 Medical Cannabis Pharmacy Signage Regulations with an application, copy of state regulations,  
63 a letter from the Dept. of Health, and a site plan.

64

65 **Background**

66

67 West Bountiful's recently adopted cannabis ordinance, WBMC 17.62.030.3, restricts the size of signs for  
68 Medical Cannabis Pharmacies to 4 ft. X 5 ft. For other businesses within the C-H zone, code allows wall  
69 signs to be up to 15% of aggregate area of building elevation on which the signs are installed. The city's  
70 medical cannabis code was modeled after state code; however, state code removed this specific size  
71 restriction in March 2020.

72

73 WholesomeCo has proposed two signs: one 3-sided rectangular cube measuring 16 ft. by 4 ft. (total 188  
74 sq.ft.) on the freeway side of the Carr building with sign face displayed on the south, west and north  
75 sides, and another sign is proposed to go over the front entrance of the business. Both signs comply  
76 with the general provisions of West Bountiful's sign ordinance, but do not comply with the size  
77 restrictions specific to medical cannabis pharmacies. WholesomeCo has submitted an application for a  
78 text change and their justification for their request. Perhaps their primary argument for removing the  
79 restriction is the claim that the legislature struck the statewide restriction "to provide for an equitable  
80 and fair approach to signage that is consistent with other similarly situated commercial establishments."  
81

82 Chairman Hopkinson asked for any comments from the Commissioners and Steve Doxey. Mr.  
83 Doxey recommends the city be consistent with the Utah Department of Health. Some  
84 discussion took place regarding size limitations for signage and language change to the  
85 ordinance.

86

87 **Action Taken:**

88 ***Alan Malan move to recommend to city council approval of the proposed changes to WBMC***  
89 ***17.62.030 regarding signage size restrictions for Medical Cannabis Pharmacies.. Dee Vest***  
90 ***seconded the motion and voting was unanimous in favor.***

91

92 **4. Consider Request for Conditional Use Permit by Jonathan & Kaitlyn Sowards to**  
93 **Reduce the Standard Points for Small Farm Animals at 316 N 750 West**

94

95 Commissioner packets included a memorandum dated September 3, 2020 from Cathy  
96 Brightwell regarding a request to reduce the standard points for small farm animals at 316 N  
97 750 West with an attached application for the Sowards and a site plan.

98

99 Cathy Brightwell introduced Jonathan and Kaitlin Sowards, noting they currently have 5 ducks  
100 and 5 chickens on their property which consists of .41 acres. Chickens and ducks are 4 points  
101 each, so they currently qualify for 10 chickens/ducks. She stated that the Soward's have applied  
102 for a Conditional Use Permit to decrease the number of points for each small animal from 4  
103 points to 2 points pursuant to WBMC 17.24.080 so they can have an additional 5 ducks and 5  
104 chickens. With the larger number of fowl, they will expand their current coop and duck house  
105 from 8' x 8' to 16' x 8'. This animal shelter is located 6 ft from the property line which meets the  
106 setback requirements. If the animals happen to escape the run, the back yard is fully enclosed  
107 with a 6' fence which will prevent them from escaping the property. Adjacent neighbors have  
108 been contacted and none object to the request.

109

110 Ms. Brightwell pointed out that WBMC 17.24.080 A.2. authorizes the Planning Commission to  
111 decrease the number of points for small animals from 4 points to 2 points each subject to  
112 approval of a conditional use permit and that Staff does not object to the request subject to the  
113 conditions listed below.

114

115 **Action Taken:**

116 ***Mike Cottle moved to approve the Conditional Use Permit for Jonathan and Kaitlyn Soward at***  
117 ***316 N 750 West for a reduction of standard points for small farm animals with the following***  
118 ***conditions: the proposed use at the particular location is necessary or desirable to provide a***  
119 ***service or facility that will contribute to the general well-being of the neighborhood and the***  
120 ***community; will not be detrimental to the health, safety, or general welfare of persons***  
121 ***residing or working in the vicinity, or injurious to property or improvements in the vicinity;***  
122 ***accompanying improvements will not inordinately impact schools, utilities, and streets; will***  
123 ***provide for appropriate buffering of uses and buildings, proper parking and traffic circulation,***  
124 ***the use of building materials and landscaping which are in harmony with the area, and***  
125 ***compatibility with adjoining uses; will comply with the regulations and conditions specified in***

126 *the land use ordinance for such use; and will conform to the intent of the city's general plan.*  
127 *The conditions to be imposed in the conditional use permit will mitigate the reasonably*  
128 *anticipated detrimental effects of the proposed use and accomplish the purposes of this*  
129 *subsection. Conditions applied: This Conditional Use Permit will expire upon sale of the*  
130 *property; chicken coop/run will be located a minimum of 6 feet from any property line or*  
131 *dwelling; to protect the health, safety, and welfare of the animals and the public, animal*  
132 *waste debris, noise, odor, and drainage shall be kept in accordance with usual and customary*  
133 *health standards associated with chickens; and failure to comply with these regulations will*  
134 *invalidate the Permit. Alan Malan seconded the motion and voting was unanimous in favor.*  
135

136 **5. Presentation by Doug Coons Regarding Options for His Property at 582 West 1000**  
137 **North**

138 Commissioner packets included a letter from Mr. Coons and a site plan of his property at 582 W  
139 1000 North that includes proposed options for his property. The west property consists of  
140 approximately .64 acres and the east portion has about .435 acres. He is asking for direction  
141 from the commission regarding his options for development.  
142

143 Mr. Coons is mostly concerned about the west portion of the property with the old home. He  
144 would like to create three 10,000 sf lots and leave the home. Cathy Brightwell showed an aerial  
145 view of the property. To make his proposal work, Mr. Coons would like to apply the PUD  
146 requirements to this smaller parcel of land but realizes the current ordinance requires 10 acre  
147 minimum plot of land to do a PUD. He also suggested the property be rezoned for smaller lots.  
148 He pointed out that many people desire smaller properties and it would be an advantage to  
149 clean the property up. He said he needs to get 3 lots out of the west property in order to make  
150 it advantageous for him financially.  
151

152 Chairman Hopkinson explained that he would need to stay within the R-1-10 zone and develop  
153 the property as such and they can only go by the current code. He explained that he could apply  
154 for changes to our ordinance but doubts it would get approved as similar requests have been  
155 made and denied many times in the past.  
156

157 Commissioners were asked to comment, and they all agreed that they would not support  
158 making any changes to any ordinance to accommodate Mr. Coons request.  
159

160 Mr. Coons stated that he has built lots with 70-foot frontages in both West Bountiful and  
161 Bountiful. He would lose money if he tore the current home down. He needs to have 3 lots to  
162 make it work. Chairman Hopkinson told him that each lot must be 10,000 square feet and have  
163 85-ft frontage.  
164

165 Some discussion took place regarding some possible ways to make this property developable.  
166 Kris Nilsen explained that he has reviewed the conceptual layout and three lots are possible if  
167 the existing structures are removed.  
168

169 Craig Hammond, a neighbor, shared his concerns about Mr. Coons proposal and the need to fix  
170 the corner for safety reasons. He is not in favor of allowing city code to be adjusted to meet  
171 the developer’s request. The property is what it is and will not work as the developer is  
172 proposing. Chairman Hopkinson noted that the commission is only reviewing some possibilities  
173 and will not make decisions on the proposal.

174  
175 Mr. Coons said he appreciated all the comments made this evening. He stated that he will be  
176 forced to sell the property if he can’t get three lots and then it will likely remain in the same  
177 condition as it has been for years. Chairman Hopkinson invited him to meet further with Kris  
178 Nilsen to see if there are any other options that may work.

179  
180 **6. Staff Report**

181  
182 **Kris Nilsen**

- 183 • 800 West and windstorm have kept them busy. Final pave is scheduled on Friday,  
184 September 18<sup>th</sup>. Still some landscaping to be completed as well.

185  
186 **Cathy Brightwell**

- 187 • Internet and power is back on and the week has been tremendously busy with resident  
188 calls regarding damage from the windstorm.

189  
190 Craig Hammond asked them to pass along his appreciation for all the efforts made by the city  
191 and outside agencies during this disaster.

192  
193 **7. Consider Meeting Minutes from August 25, 2020**

194  
195 **Action Taken:**

196 ***Mike Cottle moved to approve of the minutes of the August 25, 2020 meeting as presented.***  
197 ***Dee Vest seconded the motion and voting was unanimous in favor.***

198  
199 **8. Adjourn**

200  
201 **Action Taken:**

202 ***Alan Malan moved to adjourn the regular session of the Planning Commission meeting at***  
203 ***8:40 pm. Mike Cottle seconded the motion. Voting was unanimous in favor.***

204 .....

205 *The foregoing was approved by the West Bountiful City Planning Commission on September 29,*  
206 *2020, by unanimous vote of all members present.*

207 \_\_\_\_\_

*Cathy Brightwell – City Recorder*