

Mayor
Kenneth Romney

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

**Community
Development**
Addison Jenkins

**City Council
Representative**
Dell Butterfield

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Laura Mitchell
Corey Sweat
Dennis Vest
Robert Merrick
Tyler Payne

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, APRIL 9, 2024 AT THE CITY OFFICES.**

*Invocation/Thought – Commissioner Merrick
Pledge of Allegiance – Commissioner Payne*

1. Confirm Agenda
2. Public Hearing – Recommendation of Zoning Assignment for SDSA Annexation
3. Conditional Use Application – Barbera
4. Salmon 2-Lot Subdivision Preliminary Plat Review – 647 N 800 West
5. Discussion – Flag Lot Code Text Change Application – Thacker & Pope
6. Discussion – Airport Overlay Zone State Requirement
7. Discussion – Moderate Income Housing Plan
8. Approve Meeting Minutes from March 12, 2024
9. Staff Reports (Engineering, Community Development)
10. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org),
and provided to the Davis Journal on March 8, 2024, Remington Whiting, City Recorder.*

**West Bountiful City
Planning Commission Meeting**

April 9, 2024

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on April 8, 2024 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 9, 2024, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, Laura Mitchell, Robert Merrick, and Tyler Payne (Alternate).

MEMBERS EXCUSED: Councilmember Butterfield

STAFF ATTENDING: Kris Nilsen (City Engineer), Addison Jenkins (Community Development), Remington Whiting (City Recorder) and Debbie McKean (Secretary).

PUBLIC ATTENDING: Spencer Llewelyn, Chance Pope, Simon Mortensen, Jamaica Salmon, Betty Vowles.

Prayer by Commissioner Merrick

Pledge of Allegiance- Commissioner Payne

The meeting was called to order at 7:30 pm by Chairman Malan.

1. Confirm Agenda

Chairman Malan reviewed the proposed agenda. Corey Sweat moved to approve the agenda as presented. Dennis Vest seconded the motion. Voting was unanimous in favor among all members present.

2. Public Hearing- Recommendation of Zoning Assignment for SDSA Annexation

Commissioner packets included a memorandum from Staff dated April 9, 2024 regarding recommendation of Zoning Assignment for SDSA Annexation.

Addison Jenkins informed the public that the South Davis Sewer District has petitioned to annex their property at 1200 N into the jurisdiction of West Bountiful. He explained that currently, the Sewer District has about 33.4 acres within city limits where most of their operations occur. They also own an additional 12.67 acres of unincorporated land, some of which will be used in their impending plant expansion.

The district believes it is in their interest and the community's interest to have all of their property within city limits; city staff agrees with this assessment.

The district filed and the city council accepted a petition of annexation, which began a formal process of consideration. Part of this consideration is determining a zoning designation for the property being annexed.

The land under consideration is included in the city's General Plan and annexation plan. In those documents it is planned to be zoned as agricultural. All of the incorporated land it is currently adjacent to is part of the Sewer District property where they run their plant with the designation of Agricultural Specialty (which is an agricultural zone). All of the current and planned uses of this area (sewer district operations, residential, and quasi-public) are permitted or conditional uses in the Agricultural Specialty district.

The planning commission recommends a zoning designation of Agricultural Specialty for the 12.67 acres.

Action Taken

Laura Mitchell moved to open the public hearing at 7:34 pm for public comments on recommendation of Zoning Assignment for SDSA Annexation. Corey Sweat seconded the motion and voting was unanimous in favor.

Public Comment: There was no public comment.

Action Taken

Corey Sweat moved to close the public hearing at 7:35 pm. Dennis Vest seconded the motion and voting was unanimous in favor.

3. Conditional Use Permit Application-Diesel Pump Injection Utah LLC-Barbera

Commissioner packet included a memorandum dated April 9, 2024, from City Staff regarding Conditional Use Permit Application – Diesel Pump Injelectro Utah LLC- Barbera with an attached Conditional Use Permit Application and Application for Commercial Business License.

Addison Jenkins informed the commission that staff received an application from Adolfo on April 3, 2024, for a conditional use permit for Diesel Injection Utah, LLC, located at 1116 W 500 South. Diesel Pump Injelectro intends to have 2 people full-time employees and provide services to repair injection pumps and diesel injectors. They do not plan on repairing engines or cars on-site themselves.

Action Taken:

Corey Sweat moved to approve the Conditional Use Permit for Diesel Injelectro Utah, LLC, located at 1116 West 500 South with the affirmative findings listed in WB Municipal Code Section 17.60.40 that 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; and that 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. Conditions of the permit include a fire inspection approval and upon issuance of this Permit, Diesel Pump Injection Utah, LLC., will acquire a West Bountiful City business license and no outdoor storage related to the business will be allowed. Laura Mitchell seconded the motion and voting was unanimous in favor.

4. Conditional Use Permit Application- Backstage Performing Arts- Hathaway

Commissioner packets included a memorandum from Remington Whiting dated April 9, 2024 regarding a Conditional Use Permit for Commercial Business License – Backstage Performing Arts with an attached application. Mr. Whiting explained that on August 22nd, 2022, Kayeli Hathaway submitted a business license application to city staff for Backstage Performing Arts, located at 724 West 500 South. Backstage Performing Arts is an arts studio that teaches sewing, dance, music, and theater. This location is used for practicing, costume design, and lessons and will not feature any performances or concerts.

Remington noted that in WB city code 17.32.030, theaters located in the C-G zone are required to obtain a conditional use permit. Recently it was discovered that a conditional use permit was never granted by the planning commission. It is necessary at this time to move forward to issue a Conditional Use Permit.

Action Taken:

Corey Sweat moved to approve the Conditional Use Permit for Commercial Business License- Backstage Performing Arts located at 724 West 500 South for Kayeli Hathaway with the following affirmative findings in WB City Code 17.60.040 that 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 and 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 and before the permit is issued the property must pass the mandatory fire inspection and be approved by the fire marshal. Laura Mitchell seconded the motion and voting was unanimous in favor.

5. Preliminary Plat Review- Salmon 2 -Lot Subdivision – 647 North 800 West

Commissioner packets included a memorandum dated April 5, 2024 from Kris Nilsen, City Engineer, and staff regarding Preliminary Plat Review for Salmon 2-Lot Subdivision located at 647 North 800 West with attached Preliminary Plat diagram.

Mr. Nilsen informed the commission that the owner of the property located at 647 North 800 West has applied for Preliminary Plat Approval for a two (2) lot subdivision, with one of the lots as a flag lot. He noted that the planning commission granted a conditional use permit (with conditions, minutes attached) for the proposed flag lot in the meeting on November 28, 2023.

The property is within the R-1-10 zone and consists of 43,287.13 square feet (0.994 acres) and the proposed lots meet the required R-1-10 zoning requirements for size and frontage for a standard lot and a flag lot.

Mr. Nilsen pointed out that there are two existing detached accessory structures and one existing home on the property. Both detached structures will be demolished and removed. The existing home will remain on the proposed lot 1. He also noted that there will be a lighted monument at the front of the staff for locating the property concerning safety issues. The approach of the staff onto 800 N will be shifted north by 20 feet to avoid existing utilities. Mr. Nilsen stated that all conditions regarding the Preliminary plat have been met.

The checklist for PRELIMINARY PLAT REVIEW WBC 16.16.020 was provided in the packet and reviewed by the commissioners. The following items need to be addressed:

- Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply laterals, mains and culverts and other utilities within the tract or within 100 feet; Indicate on the site plan which existing laterals will serve Lot 1 or Lot 2 for sewer, irrigation and culinary water.
- Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants;
 - a. Indicate the proposed new WBWCD lateral and meter for Lot 2 and the existing lateral and meter for Lot 1.
 - i. The asphalt cannot currently be cut to install a new WBWCD lateral connection (existing restrictions on cutting 800 west asphalt). I am aware that WBWCD may allow the existing 1" lateral to serve both lots 1 and 2 (change to a double service), and a new meter installed for lot 2 (if this is the case indicate this on the plan).
 - ii. Provide written approval from WBWCD for the irrigation improvements prior to application for final plat.
 - iii. Indicate what type/material of wall is proposed on the west side of proposed lot 2 (flag lot).

The following items will need to be addressed for the Final Plat approval:

- A storm water plan in accordance with 16.28.060 Hydrology Report.
 - a. Revise the description of the runoff path for Basin 1 in the RUNOFF VOLUME CALCULATIONS to indicate the overflow path is to the NW corner of proposed lot 2, NOT the 600 north private road.
 - b. Combined Storage - Total drainage storage is shown in two locations on sheet C-400, revise the combined storage shown in the bottom right corner of sheet C-400 to match the total storage shown in the RUNOFF VOLUME CALCULATIONS.
- Copies of any agreements with adjacent property owners relevant to the proposed subdivision;
 - a. Provide an executed copy of the recorded surface drainage agreement/easement on the Bryce Bangerter Property.
- A copy of a preliminary title report evidencing satisfactory proof of ownership;
 - a. Clear Off Schedule B Part II - Exception 19 from the title report prior to application for final plat.
 - b. Before the final plat and a recent title report are provided, the owner/signer on the plat and on the title, report shall match the actual current owner of the property.

Kris Nilsen informed the commissioners of the following items that have also been reviewed by Steve Doxey; legal counsel:

- The applicant has provided a proposed single-family structure layout on the proposed flag lot (lot 2) (see attached sheet C-400 site plan). As shown, the frontage is on the south side of the flag lot and the side yards are on the east and west, with the north side being the rear yard.
- Surface Drainage - in the case that surface drainage from the proposed Lots 1 and 2 exceeds the 100-year storm event, the overflow path for surface drainage is designed to surface flow out the NW corner of proposed Lot 2. Then flow NW over the Bryce Bangerter Property to existing drainage easements through Heritage Pointe Subdivision and to Heritage Point circle Public ROW.

- As per the approval of the conditional use permit for a flag lot in this subdivision, the flag lot entrance shall have a monument with the address of the flag lot in letters/numbers that are reflective or have a light so they can be easily seen at night.

Action Taken:

Corey Sweat moved to approve the Preliminary Plat for Salmon 2-Lot Subdivision located at 647 N 800 West upon addressing the above listed conditions as per the memorandum dated April 5, 2024 regarding the Troy Salmon Subdivision-Preliminary Plat with the requirement to provide a lighted address monument at the flag lot entrance with reflective letters/numbers and to move the staff off to the north due to utility easement. Robert Merrick seconded the motion and voting was unanimous in favor.

6. Discussion-Flag Lot Code Text Change Application – Pope

Commissioner packets included a memorandum dated April 9, 2024 from Staff regarding Discussion on Flag Lot Code Text Change Application from Chance Pope with an attached application to Rezone/Change Text, a Text Amendment proposal and a site diagram showing what the lot would look like with text and without text change.

Addison Jenkins summarized a request from Mr. Pope for a change in city code regarding flag lot regulations. He noted the following:

- Chance Pope, at 1188 W 400 North, is located in the A-1 zone and is in the process of trying to create a new lot by combining some parcels behind his current lot to build a new house on.
- He is petitioning the commission to consider changing the way the area of flag lots are calculated.
- If approved, the relevant portion city code regarding flag lots would read: *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.*
(16.12.060 D)

Mr. Jenkins explained that Mr. Pope is proposing eliminating the requirement that the staff of the lot not count toward the total area of the lot when determining if a lot meets the minimum lot size requirements for a given zone. He stated that in his particular case, the applicant would be required to either buy property from neighbors or from his father-in-law, Mr. Thacker, in order to satisfy both the requirements that the lot be at least one acre, not including the staff, and that the lot “shall not contain peculiarly shaped elongations which would be unusable for normal purposes solely to provide necessary square footage.”

Mr. Pope's argument is that allowing the area of the staff of a flag lot to count toward the minimum lot size requirement does not significantly change the requirements, and makes it easier to fulfil the requirement that lots be "regularly" shaped.

Addison Jenkins asked the commission to consider the following in regards to the request:

- West Bountiful has numerous parcels and pieces of land in the A-1 and R-1-22 zones that could be redeveloped or subdivided into buildable lots, this change could have an impact on the total number of buildable lots in these areas.
- This requested change would give property owners more flexibility and opportunity in deciding what to do with the land they own.
- Keeping the setback requirements ensures that future homes will be built with appropriate distances between them and their neighbors.
- Minimum lot size requirements have a 'letter-of-the-law' aspect (exact square footage), and a 'spirit-of-the-law' aspect (rural feel vs suburban feel, permitted uses), the commission may want to discuss whether this change would impact either of these aspects in acceptable ways.

Discussion took place regarding the effects of the text change. It was pointed out that the staff of flag lots are not included in part of the property equation. The maximum width of the staff is not noted in the code. Minimum width is 20 feet.

Corey Sweat stated that there is good reason for the code as it is currently written and the suggested change to text would disrupt the whole A-1 zone as well as all other zone. He expressed that this text change needs to be discussed further and more study done.

Laura Mitchell pointed out that flag lots are to be the exception and not encouraged. After much discussion the commissioners concurred with one another that the text change that was proposed will not work as proposed.

Corey Sweat stated that he is open to making such properties usable, but this is not the vehicle to do it. Commissioners concurred. He pointed out that flag lots are allowed in all zones which is another reason this text change would not work out.

Some options were suggested and it was determined that further discussion needs to take place in greater depth.

Addison Jenkins pointed out that an application has been submitted by property owners requesting the text change. A public hearing would need to be held to consider the text change. He will contact Mr. Pope and see how he would like to proceed.

Commissioners requested that staff research and bring back possible options regarding the dynamics of the lot, consideration of taxes and fees, regulation on maximum width of the staff, effects on other such lots in other zones, and what other cities do regarding flag lots.

If the applicant is determined to go forth with the application request, a public hearing for the text change will be scheduled but applicant should be informed that it would be unlikely to pass.

7. Approve Meeting Minutes from March 12, 2024

Action Taken:

Corey Sweat moved to approve the minutes from March 12, 2024, as corrected. Dennis Vest seconded the motion and voting was unanimous in favor.

8. Staff Report

a. Engineering (Kris Nilsen)

- Contractor for WB City Park Lighting have not shown up yet
- 660 West is still under design with the options to have a sidewalk on either the east or west side of the road
- Process is underway to get bids for new playground equipment for the small tot playground
- Project on 1100 West from 400 North to 200 North has funding.
- Highgate Phase II will move forward with a new application since theirs has expired.
- Hugoe subdivision has received final approval.
- Doug Coons is still working on getting his subdivision in place.

b. Community Development (Addison Jenkins)

- Loveland's annexation will appear at the end of the month.
- Cody Wright has submitted a notice of intent to annex, and the Brown's are also interested in annexing. Utility properties have not been approached. There is a triangle of property which is owned by David & Kara McKean that does not want to be annexed. There are some property owners that have expressed interest but have not committed yet.
- Ivory Home representatives are meeting with the city on Wednesday.
- Moderate Income Housing proposals are being studied to see if they meet state requirements.
- SDSD are working on the lighting plans, buffering, etc. They are also working on the odor control plan. The city will initiate an engineering firm to make a plan but Sewer District will pay for the cost involved. The Sewer District will be present at the next meeting. Curb, gutter, and sidewalk are part of the considerations for subdivisions and building permits, not conditional use permits, thus a sidewalk or shared-use path along the frontage road can be addressed at that stage of the process.

9. Adjourn

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:50 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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