

BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, February 16, 2016
6:30 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Planning Commission will hold a meeting in the Conference Room at City Hall, 790 South 100 East, Bountiful, Utah, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the American with Disabilities Act may request an accommodation by contacting the Bountiful Planning Office at 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome and Introductions.
2. Approval of the minutes for January 5, 2016.
3. **PUBLIC HEARING** – Consider approval of an expansion of a non-conforming use daycare at 130 E 100 N, Stacey Nerdin, applicant.
4. **PUBLIC HEARING** - Consider approval of a Zone Map amendment from R-4 and R-3 to R-1 for properties addressed 3286 South 200 West and 12 & 24 West 3300 South and 12 & 22 East 3100 South.
5. Planning Director's report, review of pending applications and miscellaneous business.



Chad Wilkinson, City Planner

**Bountiful City
Planning Commission Minutes
January 5, 2016
6:30 P.M.**

Present: Chairman – Tom Smith; Vice Chairman – Dave Badham; City Council Representation - Richard Higginson; Planning Commission Members – Mike Allen, Von Hill, Sean Monson and Sharon Spratley; City Attorney – Russell Mahan; City Planner – Chad Wilkinson; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

1. Welcome and Introductions.

Chairman Smith opened the meeting at 6:30 pm and welcomed all those present.

2. Approval of the minutes for November 17, 2015.

Sean Monson made a motion to approve the minutes for November 17, 2015 as written. Mike Allen seconded the motion.

Voting passed 7-0 in favor with Commission Members Allen, Badham, Higginson, Hill, Monson, and Smith and Sharon Spratley voting aye.

3. Consider approval of Findings of Fact for approval of an amended variance to allow disturbance of areas with slopes greater than 30 percent for property addressed 1303 East Canyon Creek Drive, Jeff Tenney, applicant.

Sharon Spratley made a motion to approve Findings of Fact for approval of an amended variance to allow disturbance of areas with slopes greater than 30 percent for property addressed 1303 East Canyon Creek Drive, as written. Richard Higginson seconded the motion.

Voting passed 7-0 in favor with Commission Members Allen, Badham, Higginson, Hill, Monson, and Smith and Sharon Spratley voting aye.

Certificate of Occupancy for this project will be issued upon the compliance of the rear yard.

4. Consider preliminary and final approval of an 8-unit condo to PUD conversion plat at 1240-1276 N. 200 West, Eric Beard, applicant.

Eric Beard was present. Paul Rowland presented the staff report.

The home owners association of the Orchard Condominiums is requesting preliminary and final PUD conversion approval for their eight unit condominium located at 1240 North 200 West St. This is an existing eight unit twin home style condominium development which is now requesting PUD status so that the word condominium can be removed from the development's name.

This development met the requirements for parking and landscaping when it was granted site plan approval and has continued as a legal eight unit condominium since. The Bountiful City Zoning Ordinance provides that “any legally existing multi-family development...that does not have vertically stacked units may be platted as a PUD development regardless of whether or not it was developed under current or previous iterations of the Planned Development Overlay Zone”. One of the requirements for conversion is that the development must have at least 4 units, which this proposal meets.

The PUD’s name will be changed to “Twin Homes at the Orchard PUD”.

Recommend preliminary and final PUD plat approval for the Third North PUD with the following conditions:

1. Submit a current Title Report.
2. Make any and all other redline corrections.

Richard Higginson made a motion to forward a recommendation of approval to the City Council for a preliminary and final approval of an 8-unit condo to PUD conversion plat at 1240-1276 N 200 West. Dave Badham seconded the motion.

Voting passed 6-0-1 in favor with Commission Members Allen, Badham, Higginson, Monson, and Smith and Sharon Spratley voting aye and Von Hill abstaining.

5. Consider approval of a change in color for Natural Foods building, 55 W 500 South, Monet Ragsdale, applicant.

Monet Ragsdale, representing Natural Foods was present. Chad Wilkinson presented the staff report.

The applicant, Leadership Circle LLC, is requesting an amendment to the colors originally approved for the Natural Grocers building. The original site plan received approval on March 24, 2015. The property is located within the GC (General Commercial) Zoning District.

Bountiful Land Use Ordinance Section 14-15-102 stipulates that as a part of site plan review all commercial projects must be reviewed for compliance with the design standards for non-single family development. Included in this section are guidelines and standards related to color and materials. Applicants are required to provide materials boards and color samples at the time of approval and materials and colors are a part of the review process.

The original approval included exterior finishes consisting of brown corrugated metal and dark green fiber cement siding with metal cornice elements. The building has windows on the north and east sides with the main entrance on the north east side. The new proposal

includes a lighter green color for the fiber cement siding material. A copy of the original approved colors is attached along with the proposed color. The applicant has also submitted a sample which will be available to view at the planning commission meeting.

The Code does not give a specific color palette and allows for flexibility in approving a variety of colors and materials. While the code has requirements for certain types and percentages of materials and architectural features such as canopies, windows, and other architectural features, the code gives very little guidance on color. Color is largely a matter of personal preference. In considering whether to approve a change to the color for the building, consideration should be given to surrounding buildings and uses. The proposed color is part of a rebranding effort and the applicant has submitted examples from two of their new stores in Minnesota and Oklahoma showing the color in context.

The colors originally approved are attractive and fit well with the surrounding development. The existing darker green complements the brown metal and it should be carefully considered whether a change to a relatively new building is appropriate.

Staff recommends that the existing colors are attractive and fit well with surrounding development and that any change in color to a relatively new building should be carefully considered. The Planning Commission should consider the proposal and forward a recommendation to the City Council.

Ms. Ragsdale stated that Natural Foods Corporation had changed the corporate colors and is requesting a change in color. This change in color will affect all the new stores.

After discussion of the color change by the Commission Members, Von Hill made a motion to forward a recommendation of approval to the City Council of a change in color for Natural Foods building at 55 W 500 South. Sean Monson seconded the motion. Voting passed 7-0 in favor with Commission Members Allen, Badham, Higginson, Hill, Monson, Smith, and Spratley voting aye.

6. Consider approval of the 2016 Planning Commission Meeting Calendar.

Chad Wilkinson reported that staff will be implementing a new Site Plan review procedure. This new process will include members from police, power, fire, water and sewer departments and have included dates for this meeting on this 2016 Calendar.

Von Hill made a motion to approve the 2016 Planning Commission Meeting Calendar with the addition of November 1, 2016 date. Sharon Spratley seconded the motion. Voting passed 7-0 in favor with Commission Members Allen, Badham, Higginson, Hill, Monson, Smith, and Spratley voting aye.

7. Election of Chairman and Vice Chairman of the Planning Commission for 2016.

Sharon Spratley nominated Sean Monson as Chairman and Mike Allen for Vice Chairman of the Planning Commission for 2016. Richard Higginson seconded the nomination. Voting passed 7-0 in favor with Commission Members Allen, Badham, Higginson, Hill, Monson, Smith, and Spratley voting aye.

8. Planning Director's report, review of pending applications and miscellaneous business.

1. Next Planning Commission meeting to be held on February 2, 2016.
2. Next City Council meeting to be held on January 12, 2016.
3. Announcement of the retirement of Russell Mahan, City Attorney.
4. Appeal for a Telecommunication Tower at Muir Elementary to be held on January 7, 2016.
5. Upcoming agenda items.

Chairman Smith ascertained there were no other items to discuss. The meeting was adjourned at 6:07 p.m.

Chad Wilkinson, City Planner

Commission Staff Report

Item #3



Item: Public Hearing; Expansion of Nonconforming Use
Author: Chad Wilkinson, City Planner
Address: 130 E. 100 North
Date: February 16, 2016

Description of Request

The applicant, Stacey Nerdin, requests planning commission approval in order to allow for expansion of an existing day care use located at 130 E. 100 North and identified as Parcel Number 03-030-0034. The property is located within the Single Family Residential (R-4) Zoning District.

Authority:

Bountiful Land Use Ordinance Section 14-2-111 authorizes the Planning Commission as the review and approval authority for an expansion of a non-conforming use.

Background and Analysis:

The day care operation is a non-conforming use because it is located in an R-4 single family residential zone. The building has housed the Bountiful Office of the Family Connection Center since 2001. The Family Connection Center recently vacated the property and the applicant wishes to continue the day care use. The property is currently zoned R-4 which is a single family residential zone. The property has a long history of nonresidential use and has been the location of various healthcare and nonprofit uses dating back to 1970's when the property was used as a nursing home. Based on business license records it appears that over the years, uses have included other nursing related/ health care services prior to the Family Connection Center. These historic uses have all been low intensity and low traffic generating uses without significant impacts to adjoining properties. The Family Connection Center included a crisis daycare component as a part of their operation in Bountiful and the property includes a fenced playground and other amenities normally associated with a daycare. The daycare was available only at certain hours and days of the week. Hours posted for the Bountiful location on social media indicate that the hours were Tuesdays and Wednesdays 10 AM to 3 PM and Thursdays 11 AM to 5 PM (as most recently posted in 2012).

The current proposal is an expansion of the hours of operation and the number of children served by the day care on a weekly basis. The applicant has indicated that they would operate the daycare Monday through Friday from 6:30 am to 5:30 pm. Based on the size of the structure the applicant anticipates that, under State Law, the building could accommodate up to 80 children per day. Based on a ratio of one teacher per 10 students, the anticipated number of employees would be up to eight. The applicant has submitted a site plan with an expanded parking area and the construction of a circle drive in order to facilitate drop-off and pick-up of children.

The Land Use Ordinance authorizes the Planning Commission as the review body for expansions of nonconforming uses and structures. The ordinance does not provide specific review criteria for expansions of nonconforming uses. Applicable local and state codes related to expansion are included as follows:

Bountiful Land Use Ordinance Section 14-2-402 states that any expansion of a nonconformity that increases the degree of nonconformance is prohibited except as provided in (the Land Use Ordinance) or as may be required by law.

Utah Code Section 10-9a-511 (1) (a) states that a nonconforming use or noncomplying structure may be continued by the present or a future property owner.

Utah Code Section 10-9a-511 (1) (b) states that a nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made the purpose of the extension.

While it is clear that a daycare has been operated for a number of years at the property, it appears that the previous daycare use was limited in scope and intensity. The conversion of the property to a commercial daycare would constitute an intensification or expansion of the existing nonconforming use. From a land use perspective significant impacts include increases in traffic for the neighborhood along with general impacts from expansion of the use including additional noise, hours of operation and signage for the site. Daycare facilities in residential zones are normally limited to no more than 12 children and are allowed as home occupations only.

While reasonable expansions of existing legal nonconforming uses should be considered, impacts to neighboring properties should be also be carefully considered. State law discusses extension of uses within buildings without structural alteration. This same principle could be applied to the current application. An expansion that does not require modifications to the property that would not otherwise be allowed in the residential zone seem appropriate. The zoning standards for the R-4 residential zone would not allow the expansion of the parking area within the front yard in order to allow for additional employees. Therefore this part of the proposal does not comply with the underlying zone standards and should not be approved. On the other hand, the circle drive proposed is allowed for any property in the residential zone and will also facilitate safe pick up and drop off of students and should be considered with some slight modifications.

Based on the application materials and a review of existing conditions at the property, staff proposes the following findings:

- The use of the building as a day care is an established legal nonconforming use.
- The Land Use Ordinance authorizes the Planning Commission as the review body for requests for expansion of a nonconforming use.
- An expansion of the nonconforming use is appropriate provided impacts to adjoining properties are mitigated.

- To minimize impacts to the adjoining properties all employee parking should be limited to the existing off-street parking area.
- The proposed expansion of the parking lot is not consistent with the underlying zone and should not be approved. The R-4 zone does not allow parking within the front setback area.
- The existing parking area is approximately 50 feet in width, which would accommodate 5 standard parking spaces.
- Based on the student to teacher ratio of 10:1 provided in the application materials, the day care should be limited to the number of teachers that could be accommodated in the existing parking lot. This would mean a maximum of 5 teachers.
- Based on the student to teacher ratio of 10:1 the number of students/children should be no more than 50.
- The circle drive is allowed in the residential zone (subject to compliance with dimensional standards) and should be allowed with minor modifications in order to use the existing drive approach.
- No structural modifications should be approved that would increase the size of the existing building.

Department Review

City Planner, City Attorney and City Engineer.

Recommended Action

Staff recommends approval of the proposed expansion of a nonconforming day care use with the following conditions:

The recommendation is subject to the following conditions:

1. All employee parking shall be off-street in the existing parking lot on the west of the property.
2. The use shall be limited to no more than 50 children per day and/or 5 employees and shall use the existing off-street parking spaces without expansion of the parking area.
3. The proposed circle drive shall be constructed in accordance with minimum dimensions found in Section 14-18-109 and shall be modified to use existing driveway approach on the west side of the property.
4. The existing driveway approach on the west side of the property shall be replaced with a standard drive approach.
5. The location of eastern drive access for the circle drive shall be in a location to be approved by the City engineer.
6. Any unused driveway approaches shall be properly abandoned and replaced with sidewalk to City standards.
7. Signage for the site should be limited to the size and number previously approved for the Family Connection Center.

8. The applicant shall provide evidence of required permits from the State of Utah prior to issuance of business license.

Attachments

1. Aerial photo
2. Application materials

130 E. 100 North



10 January 2016

Dear Councilmembers Pitt, Harris, Holbrook, Higginson and Knight,

Snowy Owl School House is a two year old, state licensed, in-home daycare in Bountiful; open five days a week from 7:00 am to 5:30 pm. Our daycare provides a bridge between home and school by helping children gain academic achievement and social development through perceptive, reflective and intuitive skill building in a Waldorf inspired environment.

The property located at 130 East 100 North in Bountiful will provide the perfect setting for our program expansion. We have an impeccable reputation in our current neighborhood for being a quiet, courteous and respectful neighbor. Such qualities will be established at this new location as well. This property not only provides secure fencing along the property line, ^{but} additional fencing ^{around} the interior of the property to enclose the playground. This ensures less contact with surrounding properties and maintains a quieter environment. The State requires 40 square feet of space for each child using the playground at the same time as other children and "the outdoor play area shall accommodate at least 33 percent of the licensed capacity a one time." Children are supervised at all times and these regulations answer any noise concerns. A small group of children will be playing outside at any one time.

The capacity of the new daycare is to be determined by the State. The Department of Workforce Services oversees the licensing of daycares in the State of Utah. Their regulations state that there shall be at least 35 square feet of indoor space for each child not including bathrooms, closets, staff lockers, hallways, corridors, lobbies, kitchens or staff offices.

We intend to full update the property inside and out. After the flood of the property, the interior is in need of major repair. We intend to replace all ceilings and walls. The basic floor plan will allow for the needed space to accommodate young children and comply with regulation for differing ages. New bathrooms and a new kitchen are part of the plans for renovation. We intend to renovate to accommodate all students, including students with special needs. Safety is the focus of our planning for the renovation. Included in our plans is a circular driveway to allow for one-way traffic during drop-off and pick-up. This will also ensure cars parking on the street is minimized.

In conclusion, Snowy Owl School House is looking forward to continuing our relationship in and with Bountiful City. Our family is from Bountiful and we live here as well. We desire to provide the best for the residents of our great city. All can rest assured, we will provide a vital and essential service for the community and meet the highest standards of safety and order.

Sincerely,

Stacey Nerdin
Owner/Director
Snowy Owl School House



07 January 2016

Dear Councilwoman Harris, Councilman Higginson, Councilwoman Holbrook, Councilman Knight, and Councilman Pitt,

I am writing this letter to endorse the continued use of our property at 100 North 130 East in Bountiful as a daycare facility and a safe place for children that benefits families and the larger community.

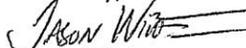
Family Connection Center has owned the property at 100 North 130 East since 2001. The property was purchased primarily for use as a children's nursery, which is equivalent to a day care center and requires similar state licensing to meet child safety considerations, including proper fence heights, locked access to play yard, safe nutritious meal services for children with safe cooking facilities, child sized toilets, separate sleeping areas, full view fenced play area so children may be observed at all times, etc. Family Connection Center fully maintained licensure and made all required facility upgrades as these changed over time. Over the past 15 years, any and all remodeling and upgrades to the facility and yard were done with specific daycare/nursery requirements and recommendations in mind. The building is essentially purposed as a daycare and has been used as such for the past 15 years.

During the past 15 years, we have enjoyed tremendous support from the Bountiful community, including individual families who made financial and other donations, local religious groups which often performed invaluable service projects, and Bountiful city businesses including contractors who did pro-bono work to enhance the facilities. Bountiful city mayors and city council members have served on our board of directors, including Tom Tolman, Mayor Joe Johnson, and current Mayor Randy Lewis. Several residents and business owners from Bountiful have also served on our board.

Due to the location, we primarily served residents of Bountiful, but the facility also served your neighbors in Woods Cross, North Salt Lake, West Bountiful, and Centerville. Occasionally, when our larger Clearfield Nursery was at capacity, the Bountiful Nursery accommodated your neighbors in northern Davis County as well. In addition to providing valuable and safe services to children and families, we have also prided ourselves on being a good neighbor. We have enjoyed positive relationships in the neighborhood and have not received complaints due to running a nursery/daycare; traffic has been minimal, noise levels are managed, snow removal from sidewalks has been consistent, and property has been well-maintained. Whenever any concern arose, we promptly attended to it.

It is our belief and mission that children should have safe places to be when their parents are otherwise occupied by emergency situations, employment searches, or jobs. Safe places for children, whether nurseries or daycare facilities, are a hallmark of communities that care about and support parents and families. Family Connection Center fully endorses the continued use of the property as a safe place for children and believes that maintaining the property as a daycare will benefit the community at large.

Sincerely,



Jason Wilde

Executive Director

Family Connection Center



07 January 2016

Dear Councilmembers Pitt, Harris, Holbrook, Higginson and Knight:

I represent the Family Connection Center in the sale of their building located at 130 E 100 N in Bountiful and want to present a brief summary of the marketing and activity on this building as you consider the request for a rezone of the property.

The Family Connection Center has owned the building for 16 years and have used the building as a daycare/nursery during that time. Services were provided most for those in the Bountiful/Centerville/NSL area, but they did stretch as far north as Clearfield and Sunset. As I have spoken to the neighbors during the past year, I haven't had any raise concerns about the use of the building as a daycare. In fact, all of the comments I have received have been positive.

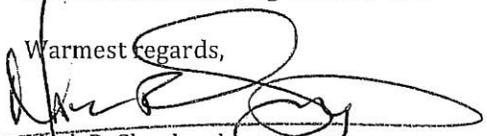
In December of 2014, the extreme drop in temperature caused the fire suppression line to break and flood the building with over five feet of water. As the line broke, it cause sprinkler heads to pop throughout the building, and severe damage occurred in nearly all parts of the upstairs area. A disaster repair company was brought in to remove all of the water, replace the furnaces and water heaters, remove all of the damage caused to flooring and walls and to remediate mold and asbestos in the building. They did not bring the building back to its previous condition as the Family Connection Center decided it was in their best interest to sell the building, and it was unclear how a buyer might choose to use the building.

In meeting with appraisers, other commercial real estate agents and contractors, all involved felt that the best use would be for the building to be used as a daycare, but we felt it was in the best interest of the Family Connection Center to market the building as having many potential uses. The vast majority of the potential buyers wanted to use the home as a 3-4 plex, but as they reviewed the building with contractors, the cost of converting the building far exceeded the benefit, and they each walked away. We had one family who wanted to use the home as a residence, as they had a blended family of 12 children. They put the building under contract and began working with contractors for estimates. Unfortunately, once again, the cost of the renovation, and converting the building back to a residence far outweighed the value of the home. Our estimates from our contractors to put the building back to its previous use ranged from \$70,000 to \$80,000. The estimates to convert it back to a residence were closer to the \$100,000 mark.

Presently, we have a pre-school in Bountiful that has put the building under contract to be used as a pre-school facility which would replace their existing building. They are willing to take on the cost of repairs to the building as it is a perfect fit for their needs. The building sits on a ½ acre parcel, is fully fenced and has an interior fenced area set up as a playground. The garage was converted years ago to be used as a classroom. It is heated and cooled on its own system.

Over the past year, I have come to truly believe that there really is no other viable use for the property. Converting it to a residence, single or multi-family, is simply not cost effective. The home has a functioning fire suppression and was up to code for use as a daycare or pre-school. The new owners have agreed to correct any code issues so that the building meets current code. It is my recommendation and request that the zoning for the property be changed to allow the new owners to use the building as a pre-school/daycare facility. I would be willing to discuss this issue with you personally or to walk you through the building so that you can understand its condition and potential uses along with the challenges which a new owner would face to convert the building to a new use.

Warmest regards,



Mark R. Shepherd
Principal Broker/Owner
RE/MAX Unlimited - Commercial Division
(801) 540-0348
Mark@MyPieceOfUtah.com

9 February 2016

Snowy Owl School House proposes to purchase the building on 130 East and 100 North to re-establish a daycare center at the location. The daycare center proposed would be regulated by code and regulations set forth by the State of Utah. Those regulations guarantee that the location would provide at least 35 square feet of space in the building for each child receiving care at the facility at any one time. Further limitation eliminates common spaces like hallways, bathrooms, kitchens, dining spaces, closets and adult space (offices and break rooms) from the calculations. It is understood that Bountiful City requires a parking stall for each employee working at the facility at any one time. It is expected that this facility will accommodate up to 80 students with 8 employees. The accompanying rough sketches show that 8 parking stalls is possible on the West parking area with removal of the tree located on the Northwest corner of the lot. The State Office of Childcare Licencing will ultimately certify the number of students the building has capacity to serve. It would then be imperative that Snowy Owl School House comply with parking regulations set forth by Bountiful City. A student to teacher ratio of 10:1 is a reasonable average for calculating the number of employees required to provide adequate care and supervision. Again, the State agency has oversight to regulate ratios and the formulas are spelled out in detail. Snowy Owl School House must comply with those ratio regulations for operating a daycare. Once again, the business would need to ensure compliance with parking regulations for the number of employees working at the site at any one time.

In the pending process of updating the building for future re-establishment of a daycare at the location, every effort will be made to incorporate a circular drive in the front of the building to facilitate drop-off and pick-up. After looking at the Bountiful City regulations for circular driveways, it seems the front space is large enough to accommodate a drive as we have envisioned.

Stacey Nerdin
Owner – Snowy Owl School House

Hours
6:30 am to 5:30 pm

Commission Staff Report

Item # 4

Subject: Public Hearing- Zone Map Amendment from R-3 and R-4 to R-1

Property Addresses: 3286 South 200 West, 12 & 24 West
3300 South and 12 & 22 East 3100 South.

Author: Chad Wilkinson, Planning Director

Department: Planning

Date: February 16, 2016



Background

On July 28, 2015, the Bountiful City Council held a work session to discuss land use in the Val Verda area. Prior to the work session, the city had been involved in a public input process for the Val Verda area that included an online survey and a public open house. The results of the survey and open house revealed that lot size and density of new development were the biggest concerns of the respondents. During the public input process, some owners of one acre or larger properties not currently zoned R-1 requested that their properties be rezoned to R-1. As a result of their request, the City Council directed staff to initiate a zone map amendment of one acre or larger parcels in Val Verda for any property owner who desired to rezone from R-3 or R-4 (Residential Single Family) to R-1 (one acre minimum residential single family with limited domestic farm animal rights). Notice was sent to each of the owners of 1 acre parcels in the Val Verda area not currently zoned R-1. Out of the 13 notices sent, four property owners elected to participate in the zone change. In addition, a property owner with a lot that is less than one acre has requested that his property be included in the R-1 zone.

Analysis

The R-1 zone was created in 2011 specifically for the Val Verda area in order to provide a zone that allowed the keeping of certain domestic farm animals on properties that are at least one acre in size. Some residents decided to rezone their properties to R-1 at that time, but others elected to remain R-3 or R-4. At this time four property owners of 1 acre parcels that are currently zoned R-3 have requested that their properties be zoned R-1. Changing the zoning for these properties is consistent with the 2009 General Plan. The General Plan specifically calls for a uniform policy for agricultural use within this area of Bountiful. The R-1 zoning designation was adopted to address this goal from the General Plan.

One additional property owner with a property that is less than an acre (approximately .62 acres) has requested that his lot be rezoned to R-1. While there are examples throughout the City of lots that are smaller than the minimum lot size for their zoning district, there are several issues that need to be considered in determining whether a less than 1 acre lot should be included in the R-1 zone. First, the right to keep farm animals in the R-1 zone

anticipated that the properties where animals were kept would be at least an acre in size. Current R-1 standards determine the number and type of animals allowed on a property based on a formula. Properties are given points based on their size and those points determine the number and type of farm animals allowed. A copy of the domestic farm animal standards is attached to this report. In the case of the property under consideration, the size would allow for up to one horse or one sheep, goat or llama. The Code already allows for up to eight chickens on any residential lot in the City. The R-1 designation would also allow for other types of fowl (geese, ducks, pigeons, etc) and rabbits.

A second issue is the issue of nonconformity for the lot itself. Lenders are sometimes hesitant to finance purchases of lots that do not comply with the minimum standards of the zone. This could impact the ability to obtain loans on properties not meeting the minimum size standards. Lenders often require a certification that homes on lots not meeting the minimum lot size standards for their zone can be rebuilt if destroyed by calamity or if removed voluntarily by a property owner. While the zoning code provides for replacement of structures on nonconforming lots, this condition is not ideal.

Standard of Review

As a matter of procedure, whenever the Planning Commission considers a request for a rezone (zone map amendment), it shall review it in accordance with the provisions of 14-2-205 AMENDMENTS TO ORDINANCE AND MAP, which are as follows:

- B. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments should not be made to the Bountiful City Land Use Ordinance or Zoning Map except to promote the objectives and purpose of this Title, the Bountiful City General Plan, or to correct manifest errors.

Department Review

This item has been reviewed by the City Planner and City Attorney.

Significant Impacts

The proposed change from R-3 to R-1 for the one acre parcels is consistent with the General Plan. The zone change will not adversely affect the neighborhood and will preserve the traditional open areas associated with Val Verda area. The requested change to allow for lots less than one acre in the R-1 zone would create nonconforming lots that could potentially lead to farm animals on lots that are less than an acre in size. This could place these animals in areas that were not originally anticipated by the general plan.

Recommendation

Staff recommends that the Planning Commission recommend approval of the proposed zone map amendments for the parcels greater than 1 acre. If the Planning Commission determines that the request to amend the less than 1 acre lot to R-1 is appropriate, staff recommends that changes to the farm animal standards be considered to create a minimum

lot size for certain large animals (such as horses). If the planning commission feels that the R-1 zoning designation is appropriate for properties less than 1 acre, staff recommends that the item be continued to a future meeting to allow other properties less than 1 acre in size the opportunity to voluntarily request a change in their zoning.

Attachments

1. Aerial photo
2. Domestic Farm Animal Standards
3. Application Materials

14-4-119 DOMESTIC FARM ANIMALS

- A. The City recognizes that farm animals are inextricably associated with certain noise, sight, and smell nuisances that are generally unacceptable in urban areas. However, the City also recognizes the importance of maintaining its agricultural heritage and the traditional values associated with that heritage. It is with this purpose, to preserve the agricultural heritage of the community, that this section is enacted.
- B. Where permitted, the quantity of animals permitted on a property shall be determined on the basis of one hundred (100) animal points per vacant acre, (e.g., 0.50 acres x 100 = 50 animal points, 1.45 acres x 100 = 145 animal points).
- C. Vacant acreage is determined by the following. At a minimum, a residential property shall deduct 0.20 acres (approx. 8700 sq ft) per unit from the total acreage before calculating the animal allowance; (e.g., (0.50 acres – 0.20 acres) x 100 = 30 animal points; (1.45 acres – 0.20 acres) x 100 = 125 points). For a residential property where more than .20 acres is occupied by driveway, residential building footprint, garage, and areas of human occupancy and use, the actual vacant acreage available for animals shall be calculated by survey. A front yard and any minimum required yard setbacks shall not be considered vacant acreage or for animal habitat.
- D. The animals allowed in Table 14-4-119 below, and no other animals except household pets, are allowed in a permitted residential zone.

Table 14-4-119

Type of Animal	# of Points per Animal
Pigs, Cattle	Not allowed
Horses	40
Sheep, goats, llamas	25
Fowl, pigeons, rabbits	5
Raccoons, skunks, roosters, and any other nuisance animal	Not allowed
Any non-domestic animal, and any animal regulated by the State of Utah, the United States, or any of their agents	Not allowed

- E. A commercial agricultural operation is not permitted anywhere within the City of Bountiful.
- F. Coops, barns, stalls, pens, and any other animal housing structure, shall be located in conformance with the provisions of *Title 8 - Public Health* of the Bountiful City Code.



CITY OF BOUNTIFUL
790 South 100 East
Bountiful, Utah 84010
Phone: 801-298-6190

For Office Use Only

Date Rec'd _____

Application \$ _____

Zone _____

VAL VERDA AREA REZONE APPLICATION

Date of Submittal: September 1st 2015

Property Address: 24 West 3300 South Bountiful, Utah

Applicant Name: Reese Ferle Memmott

Applicant Address: 24 West 3300 South

Applicant Phone #: 801-298-2590

Applicant E-Mail: None

Zoning Amendment (Check item requested)

- Yes**, please consider my property for a zone change from R-3/R-4 (Residential Single Family) to R-1 (Residential Single Family with limited domestic farm animal rights).

Owner Signature: Reese Ferle Memmott

(If applicant is not owner, applicant must submit notarized authorization from all property owners)



CITY OF BOUNTIFUL
790 South 100 East
Bountiful, Utah 84010
Phone: 801-298-6190

For Office Use Only

Date Rec'd _____
Application \$ _____
Zone _____

VAL VERDA AREA REZONE APPLICATION

Date of Submittal: 25 Aug 2015

Property Address: 22 East 3100 South, Bountiful, UT

Applicant Name: Anthony R. & Cynthia B. Ivins

Applicant Address: 2956 South 650 East, Bountiful, UT

Applicant Phone #: [REDACTED]

Applicant E-Mail: [REDACTED]

Zoning Amendment (Check item requested)

- Yes**, please consider my property for a zone change from R-3/R-4 (Residential Single Family) to R-1 (Residential Single Family with limited domestic farm animal rights).

Owner Signature: 

(If applicant is not owner, applicant must submit notarized authorization from all property owners)



CITY OF BOUNTIFUL
790 South 100 East
Bountiful, Utah 84010
Phone: 801-298-6190

For Office Use Only

Date Rec'd _____

Application \$ _____

Zone _____

VAL VERDA AREA REZONE APPLICATION

Date of Submittal: 8/27/2015

Property Address: 12 E. 3100 S. Bountiful, UT 84010-5727

Applicant Name: Don P. Christy

Applicant Address: 12 E. 3100 S. Bountiful, UT 84010-5727

Applicant Phone #: [REDACTED]

Applicant E-Mail: [REDACTED]

Zoning Amendment (Check item requested)

- Yes, please consider my property for a zone change from R-3/R-4 (Residential Single Family) to R-1 (Residential Single Family with limited domestic farm animal rights).

Owner Signature: Don P. Christy

(If applicant is not owner, applicant must submit notarized authorization from all property owners)



CITY OF BOUNTIFUL
790 South 100 East
Bountiful, Utah 84010
Phone: 801-298-6190

For Office Use Only

Date Rec'd 1-7-16
Application \$ 0
Zone _____

VAL VERDA AREA REZONE APPLICATION

Date of Submittal: 1/7/16 01-022-0028
Property Address: 3286 S. 200 W. BNTFL UT 84010
Applicant Name: Joshua & Steffanie Holdstock
Applicant Address: 3286 S. 200 W. BNTFL UT 84010
Applicant Phone #: [REDACTED]
Applicant E-Mail: [REDACTED]

Zoning Amendment (Check item requested)

- Yes, please consider my property for a zone change from R-3/R-4 (Residential Single Family) to R-1 (Residential Single Family with limited domestic farm animal rights).

Owner Signature: [Signature]

(If applicant is not owner, applicant must submit notarized authorization from all property owners)



CITY OF BOUNTIFUL
790 South 100 East
Bountiful, Utah 84010
Phone: 801-298-6190

For Office Use Only

Date Rec'd 9-9-2015

Application \$ _____

Zone _____

VAL VERDA AREA REZONE APPLICATION

Date of Submittal: 9/4/15

Property Address: 12 W. 3300 So. Bountiful, Utah 84010

Applicant Name: Wayne Barnes

Applicant Address: 12 W. 3300 So. Bountiful, Utah 84010

Applicant Phone #: [REDACTED]

Applicant E-Mail: _____

Zoning Amendment (Check item requested)

- Yes, please consider my property for a zone change from R-3/R-4 (Residential Single Family) to R-1 (Residential Single Family with limited domestic farm animal rights).

Owner Signature: Wayne Barnes

(If applicant is not owner, applicant must submit notarized authorization from all property owners)