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Zoning
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WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Denis Hopkinson

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

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 9, 2019 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use for a Flag Lot as Part of a New 2-lot Subdivision at 936 W Pages Lane.
3. Discuss Modifications to Group Housing Code and Set Public Hearing for April 23, 2019.
4. Discuss Updates to Land Use Section of General Plan
5. Staff report.
6. Consider Approval of Minutes from the March 26, 2019 Meeting.
7. Adjourn.

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

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 April 4, 2019 by Cathy Brightwell, City Recorder.

West Bountiful City Planning Commission Meeting

April 9, 2019

***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 4, 2019 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 9, 2019 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Alan Malan (Vice Chairman), Laura Charchenko, Corey Sweat, Dee Vest, Council member Enquist

STAFF PRESENT: Ben White (City Engineer), Cathy Brightwell (Recorder), and Debbie McKean (Secretary)

EXCUSED: Chairman Denis Hopkinson, Mike Cottle

VISITORS: Gary Jacketta

The Planning Commission Meeting was called to order at 7:35 pm by Vice Chairman Malan. Corey Sweat offered a prayer.

1. Accept Agenda

Vice Chairman Malan reviewed the agenda. Corey Sweat moved to accept the agenda as presented and Laura Charchenko seconded the motion. Voting was unanimous in favor among all members present.

2. Consider Conditional Use for a Flag Lot as Part of a New 2-lot Subdivision at 936 W Pages Lane

Commission packets included a memorandum from Ben White dated April 4, 2019 regarding Chambers Subdivision located at 936 West 1600 North with an attached site plan.

The memorandum included the following information:

Kent Chambers has applied for a 2-lot subdivision at 936 W Pages Lane. The proposal is to construct a flag lot behind an existing house owned by Halvor Olsen. The property is within the R-1-10 zone. Both lots meet the minimum size requirement for the zone. The flag lot requires Conditional Use approval by the Planning Commission as part of their subdivision recommendation to City Council.

Below is summary of points of interest to be addressed.

1. Drainage plan needs to be provided which demonstrates how the property will be graded and drained without negatively impacting the proposed lots and surrounding properties.
2. Drive approach location needs to be adjusted so that the drive approach flare is in front of the flag lot property.

3. Street light is required at the flag lot entrance.
4. Weber Basin secondary water service to the flag lot needs to be established.
5. Water, sewer and any other utility service needs to be constructed prior to the overlay on Pages Lane. Otherwise there will be a five-year moratorium to cut the road. Provide drawing identifying all construction requirements

Items to be completed prior to recording the plat include:

6. Address any comments received from the fire department and fire code
7. Obtain service letters from the major utility companies; specifically, how to address existing communications box in flag lot driveway.
8. Utility easements provided around the boundary of the plat
9. Title report review by the city attorney with no objectional entries.
10. Payment of impact and inspection fees.
11. Post appropriate improvement bonds

Items 7 through 11 listed above are typically not completed until after city council approves the final plat.

The following recommendations may be appropriate for the Planning Commission to consider:

- A. Positive recommendation to the city council for approval of the subdivision subject to any items noted above.
- B. Table the application until additional information is submitted by the applicant and comments by the fire department are received.

-end of memo

Ben White introduced the Conditional Use application for a flag log for Kent Chambers located at 936 West Pages Lane. The applicant was not present.

Staff has some concerns with drainage staying on the property and the applicant will need to comply with the Fire Department regulations for width of driveway and turnaround requirements. If drainage and fire department requirements are met, it would be an allowable flag lot. Some discussion and question took place regarding necessary requirements.

ACTION TAKEN:

Corey Sweat moved to table the consideration of a conditional use permit for a flag lot until further information is received. Dee Vest seconded the motion and voting was unanimous in favor among those present.

3. Discuss Modifications to Group Housing Code and Set Public Hearing for April 23, 2019

Commissioner packets included a memorandum dated April 4, 2019 from Duane Huffman regarding Group Living Arrangements along with a copy of a draft ordinance amending Title 17 of the West Bountiful Municipal Code.

The memorandum included the following information:

As a follow-up to the discussion at the March 26 meeting, a new draft of proposed code changes is provided.

Updated Draft

The updated draft has the following changes:

1. Removes definitions for “Group Living Arrangement” and “Nursing Home.” These were mistakenly included in the first draft with the idea that the city would potentially have group living arrangements for individuals without disabilities as allowed uses.
2. Updates the table of uses to remove group living arrangements and nursing homes.

Questions from March 26th Meeting

This section provides follow-up answers to questions brought up at the planning commission meeting.

- A. Can facilities for persons with a disability be limited to not more 8 people (this came from the definition Group Living Arrangement)?
 - a. The short answer is that the definition included in the 1st draft would not have necessarily limited potential accommodations for arrangements involving people with a disability.
- B. Why were group living arrangement and nursing homes included in the table of uses in the 1st draft?
 - a. This was a drafting mistake.
- C. Is Section 17.84.020(A)(4), which requires proof of a disability, a violation of health privacy laws?
 - a. No, federal law is clear that persons requesting an accommodation have a duty to prove that they have a valid disability. This can be as simple as a doctor’s note stating what the disability is.
- D. Are Section 17.84.020(A)(6) and (7) redundant?
 - a. No. Item 6 is requiring evidence that a requested accommodation is necessary to treat a disability – for example, evidence that shows an individual with a specific disability receives benefits by sharing a living arrangement with groups of six other people. Item 7 is requiring evidence that the accommodation is reasonable in terms of the land use code/community – for example, evidence showing that having six people in the home will not be a detriment to the neighborhood due to parking, noise, safety, etc.

Pending discussion and any additional questions at the upcoming April 9th commission meeting, I recommend that the commission move forward with scheduling a public hearing to further consider providing a recommendation to the city council on this draft code. – end of memo.

Ben White gave a brief review regarding the group housing code. The law does not allow regulation of housing for disabilities, but we can regulate how many non- related people live in a household according to our current code.

Alan Malan asked about the process for reasonable accommodations in Section II 17.84.020. He suggested we strike “this” and put the zoning ordinances in its place. He also suggested we create a more defined definition for “disabilities”.

ACTION TAKEN:

Corey Sweat moved to set a public hearing for the next available date to hear comments for the Group Living Arrangements Code. Laura Charchenko seconded the motion and voting was unanimous in favor among those present.

4. Discuss Updates to Land Use Section of General Plan

A redlined copy and clean copy of the Land Use section of the General Plan was included in the Commissioner packets.

The following was discussed:

- Services - Laura Charchenko asked if there would be any chance that a Fire Station would be located in Woods Cross/West Bountiful area in the future. Staff reported that there are no plans for a station at this time.
- Agricultural – Alan Malan inquired about the language that says, “the current residential zoning will not be an effective regulatory tool in accomplishing this goal on its own,” in reference to maintaining agricultural properties. Mr. White explained that the 1-acre requirement does not require the land to be used for agricultural purposes, it has turned into more of a residential zone. He gave Millbridge Lane as an example. The General Plan is a non-binding document, it is just a guide for us to have direction for future city development.
- Replace City boundary maps to include 3-year comparison.
- Table 2.1 Land Use Comparison Percentages – Ben explained how the percentages were calculated. It was decided to strike the data for 1989.
- Future Land Use Map mirrors our current zoning.
- Strike Agricultural Preservation in the table- Alan suggested a 25 to 5 acre minimum. Change to an R-5 if we were to keep it as part of the table.
- Historic Preservation Overlay Zone – discussed what the language “flexibility in developmental densities, ” means. It was decided to strike that language.
- Neighborhood Enhancement- Strike language from “For example” to the end of the section.
- UDOT Section- some discussion took place regarding not building west of Legacy Highway. Ben will check on the agreement regarding Legacy Highway.

Commissioners said they like the red-lined versions to make it easier to see what has been deleted but would prefer it in larger text. Ben White will continue to present a section at a time to review the entire document for the General Plan.

5. Staff Report

Ben White

- UTA is asking for the public to participate in a survey asking individuals what they want for a public transportation service. Ridership vs. Coverage. He invited the Commissioners to take the survey. Laura Charchenko suggested to put the link to the survey on our city face book page. Ben added that data shows only a very small percentage of revenues comes from fares; the majority comes from tax payers.

Cathy Brightwell

- Outreach committees will be established in conjunction with the 2020 Census on a community basis to educate the public and help get better response results. They need people for that committee and Staff would like suggestions for individuals they may ask to participate.

Dee Vest thanked the Staff for providing excellent information on the past Legislative Session.

6. Consider Approval of Minutes from March 26, 2019 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the February 26, 2019 meeting as presented. Dee Vest seconded the motion and voting was unanimous in favor.

7. Adjournment

ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 8:32 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on March 21, 2019 by unanimous vote of all members present.


Cathy Brightwell – City Recorder

