**Mayor**
Kenneth Romney

**City Engineer/ Zoning Administrator**
Ben White

**City Recorder**
Cathy Brightwell

# WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355

**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, MARCH 10, 2020 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda
2. Conditional Use Request from Dominion Energy - 911 W Porter Lane
3. Proposed Code Changes to WBMC 17.52 - Off-street Parking
4. Storage Uses in Residential/Agricultural Zones.
5. Staff report.
6. Consider Approval of Minutes from January 28, 2020 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 March 6, 2020 by Cathy Brightwell, City Recorder.*

# MEMORANDUM

**TO:** **Planning Commission**

**DATE:** **March 6, 2020**

**FROM:** **Cathy Brightwell**

**RE:** **Dominion Energy Conditional Use Permit at approximately 911 W Porter Ln**

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Dominion Energy operates a natural gas pressure regulating station along the street shoulder at approximately 911 W Porter Lane. The existing station is older and the design causes operation challenges and noise during certain operation times that can be minimized with a new design.

In 2016, additional property around the station was purchased to accommodate the replacement of the existing facility with a new, more efficient station. A new 8 ft. high precast concrete wall is proposed that will serve two purposes: 1) mask the noise generated from ongoing natural gas metering and regulating equipment operations, and 2) reduce the disturbances to neighbors during the upcoming planned station replacement activities. This proposal for a new station and wall is similar to many found throughout the Dominion Energy system and is aesthetically conducive to surrounding neighborhoods.

The wall will be installed around three sides of the property and upon completion of construction, an 8 ft. iron fence and entrance gate will be installed at the front setback parallel to Porter Ln. Included with this memo is a site plan of the proposed facilities and photos of similar buildings in other locations.

Because Dominion is constructing a building above ground in a location other than where they currently operate, it is considered a change in land use which requires a conditional use permit. Additionally, planning commission approval is required for a fence or wall that exceeds six feet in height. (see WBMC sites below)

In considering the proposed application and the health, safety and welfare of the community, staff has identified the following criteria that should be noted.

1. Drainage: Storm drainage should not negatively impact surrounding properties. Mitigation: The rear ditch will be modified to match the existing drain of neighboring properties, and gravel surface will help dissipate storm water.
2. Noise: Noise should be kept to the levels of those emitted from typical residential properties. Mitigation: The newer, more efficient facility will emit less noise than the current facility and the 8 ft. concrete wall will mask the noise generated from ongoing natural gas metering and regulating equipment operations.

3. Odors: Noxious odors should be controlled and not permitted to leave the property. Mitigation: No odors are expected from the normal operation of the facility.
4. Light: Security and site lighting should not negatively impact neighboring properties. Mitigation: Any proposed lighting is to be "down lighting" and be restricted to the fenced area.
5. Traffic: Traffic kept to residential standards. Mitigation: No employees will be stationed at this location. Maintenance staff will periodically visit the site.

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

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.

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Relevant Code sites:

**17.16.030 Conditional Uses**

The following uses are conditional in the agricultural district A-1:

B. Public or Quasi-public uses:

**17.16.100 Fence Requirements**

A. Fences and walls may not exceed six feet in height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.

# CONDITIONAL USE PERMIT APPLICATION

**West Bountiful City**
**PLANNING AND ZONING**
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcity.org

**PROPERTY ADDRESS:** 911 W Porter Ln

**PARCEL NUMBER:** 06-011-0148 **ZONE:** A-1 **DATE OF APPLICATION:** March 4, 2020

Name of Business: Dominion Energy Questar Pipeline, LLC

Applicant Name: Todd C. Cassity

Applicant Address: P. O. Box 45360 Salt Lake City, Utah 84145-0360

Primary phone: 801-324-3619 Fax Number: 801-324-3803

E-mail address: todd.cassity@dominionenergy.com

**Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.**

Dominion Energy Questar Pipeline, LLC has an existing natural gas regulating station on Porter Lane. This station measures and controls natural gas for delivery to the majority of Davis County and counties to the north. Please see the attached sheet for additional detail.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

**Fee must accompany this application - $20 for Residential Zone, $50 for Business Zone**

*I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. 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*

Date: March 4, 2020 Applicant Signature: Todd C. Cassity

**FOR OFFICIAL USE ONLY**

Application Received Date: 3/4/20 Permit Number: 20-003

Application Fee Received Date: 3/4/20 Permit Approval Date:

Fee: ____$20 Residential X $50 Commercial

*Revised May 2015*

The existing station is older and the design causes operational challenges and noise during certain operation times that can be minimized with a new design.

In 2016 additional property around the station was purchased to accommodate the replacement of the existing facility with a new, more efficient station.

DEQP proposes to install a new 8' high precast concrete wall around 3 sides of the property. The concrete wall serves two purposes: 1) masks noise generated from ongoing natural gas metering and regulating equipment operations 2) will reduce disturbances to neighbors during the upcoming planned station replacement activities.

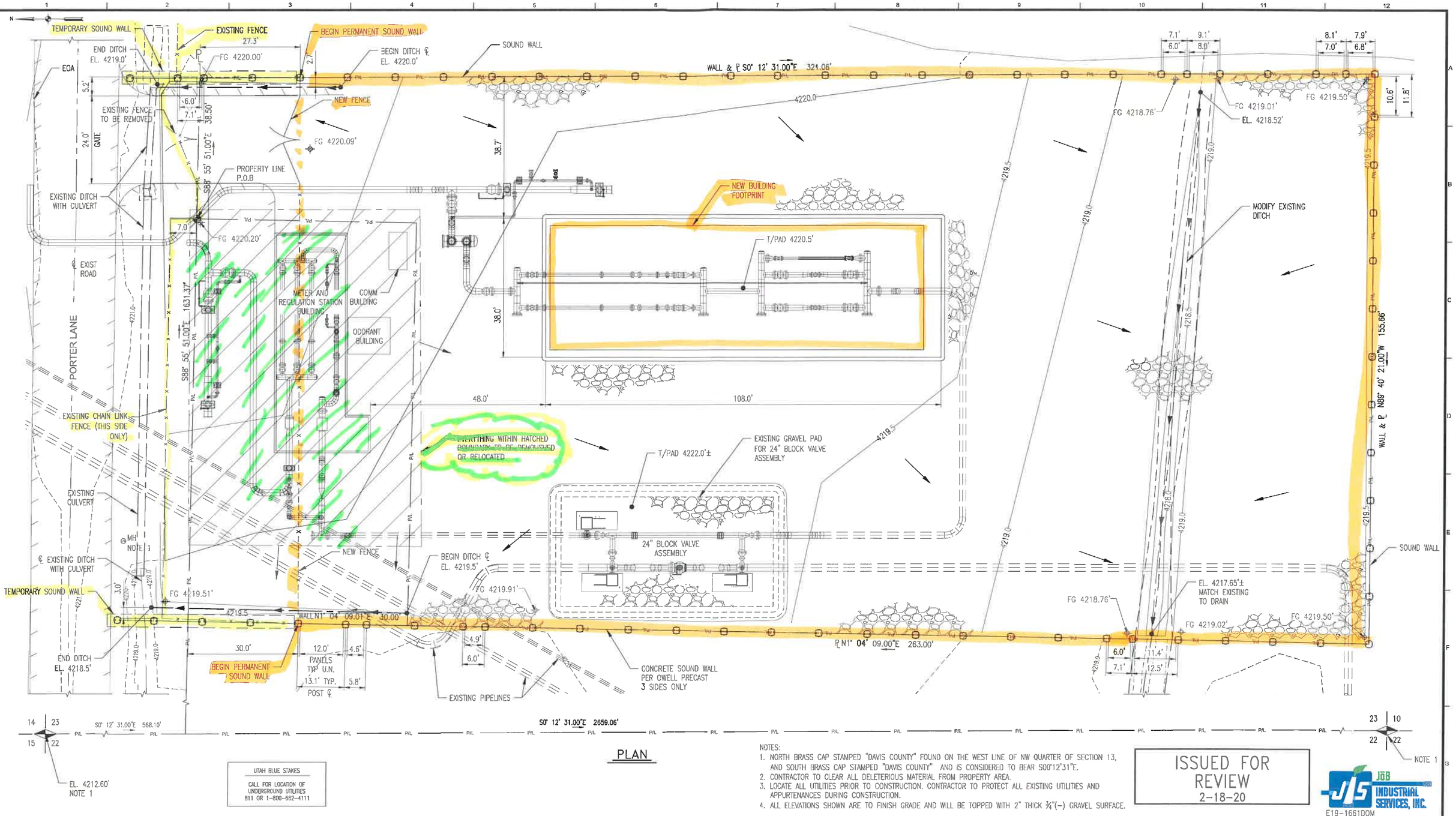
The 8' high wall will be installed around the three sides of the property up to the existing temporary chain link fencing on the north side of the property in 2020. It will remain in place during the station construction project that is currently planned for 2021. Upon completion of site construction, the temporary fencing on the north end will be removed and the concrete wall on the east and west sides will be retracted to a distance of 30' from

the front property line. An 8' tall iron fence and entrance gate will be installed along the front (parallel to Porter Lane), with the offset approximately 30' from the front of the property.

This new station and wall is similar to many found throughout the Dominion Energy system and is astatically conducive to the neighborhoods such as the one on Porter Lane. A few photos of existing facilities are included as examples.








PLAN

UTAH BLUE STAKES
CALL FOR LOCATION OF UNDERGROUND UTILITIES
811 OR 1-800-662-4111

NOTES:
1. NORTH BRASS CAP STAMPED "DAVIS COUNTY" FOUND ON THE WEST LINE OF NW QUARTER OF SECTION 13, AND SOUTH BRASS CAP STAMPED "DAVIS COUNTY" AND IS CONSIDERED TO BEAR S00°12'31"E.
2. CONTRACTOR TO CLEAR ALL DELETERIOUS MATERIAL FROM PROPERTY AREA.
3. LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND APPURTENANCES DURING CONSTRUCTION.
4. ALL ELEVATIONS SHOWN ARE TO FINISH GRADE AND WILL BE TOPPED WITH 2" THICK ¾"(-) GRAVEL SURFACE.

ISSUED FOR REVIEW
2-18-20

JLB INDUSTRIAL SERVICES, INC.
E19-1661DOM

| REFERENCE DRAWINGS | | | WORK ORDERS | |
|---|---|---|---|---|
| DRAWING NUMBER | REV | DRAWING DESCRIPTION | WO NUMBER | DESCRIPTION |
| | | | | |

| REVISIONS | | | | |
|---|---|---|---|---|
| NO | DESCRIPTION | DATE | BY | CHECK |
| A | ISSUED FOR REVIEW | 2-07-20 | JLB | |
| B | REVISED PER CLIENT COMMENTS | 2-11-20 | JLB | |
| C | REVISED PER CLIENT COMMENTS | 2-18-20 | JLB | |

ENGINEERING RECORD
DRAWN BY: JLB
CHECKED BY:
PROJECT ENGINEER: MRR
SURVEYOR:
ENGINEERING MNGR:
CONSTR MNGR:

THE INFORMATION AND CONCEPTS CONTAINED IN THIS DOCUMENT ARE CONFIDENTIAL AND THE PROPERTY OF DOMINION ENERGY AND/OR THE CLIENT IDENTIFIED. DUPLICATION OR USE OF THIS INFORMATION AND/OR CONSTRUCTION OF SYSTEMS BASED ON THIS DOCUMENT ARE STRICTLY PROHIBITED WITHOUT WRITTEN AUTHORIZATION FROM DOMINION ENERGY.

Dominion Energy®
DOMINION ENERGY UTAH

SECTION: 13 T2N R 1W
ELEVATION: 4220'
LAT: 40.9132 LONG: -111.9053
SCALE: 1"=12'

LINE NUMBER:
FACILITY:
TITLE: FL-122 PORTER LANE GATE STATION
DESCRIPTION: CIVIL GRADING PLAN
ADDRESS: 1100 WEST PORTER LANE

| CITY | COUNTY | STATE |
|---|---|---|
| WEST BOUNTIFUL | DAVIS | UTAH |

| DRAWING NUMBER | SHEET | REVISION |
|---|---|---|
| 1661-V-001 | 1 | C |

DOMINION ENERGY_ANSI_D

# MEMORANDUM

**TO:** **Planning Commission**

**DATE:** **March 6, 2020**

**FROM:** **Cathy Brightwell**

**RE:** **OFF STREET PARKING - WBMC 17.52**

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Updates to the city's off-street parking ordinance have been discussed for the past several months by the planning commission. Proposed changes have been reviewed by legal counsel and a public hearing was held on January 14, 2020 with no public comments offered.

A few clarifications were suggested at the last meeting which have been incorporated in the attached draft and shown in highlights.

# 17.52 OFF-STREET PARKING

March 6, 2020 – Clean
(*includes legal review*)

## 17.52.010 Off-Street Parking Required; Purpose

The purpose of this chapter is to set a minimum standard for off-street parking to ensure that ample parking for the generated demand of the use will be available.

Sufficient parking should be provided to assure maximum utilization of the facilities on site will not unduly impose on neighbors in the vicinity or create an unsafe environment.

Off-street parking is required for residential, commercial, industrial and retail buildings and structures based on current use, size and capacity in accordance with the requirements of this chapter.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

## 17.52.020 Size

The dimensions of each off-street parking space, exclusive of access drives or aisles, shall be at least nine (9) feet by twenty (20) feet for diagonal and ninety (90) degree spaces, and ten (10) feet by twenty-four (24) feet for parallel spaces. Drive aisle widths shall be a minimum of twenty-two (22) feet behind ninety (90) degree and parallel parking and sixteen (16) feet for angled parking.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

## 17.52.030 Access To Individual Parking Space

Except for residential dwellings, direct access to each parking space shall be from a private driveway and not from a public street. All parking spaces shall have independent access not blocked by another parking space or other obstacle.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

## 17.52.040 Number Of Parking Spaces Required

An adequate number of off-street parking spaces shall be provided for all uses as follows:

A. Business or professional offices: one parking space for each two hundred (200) square feet of floor area.
B. Churches with fixed seating: one parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater.
C. Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, reception centers, meeting halls: one parking space for each three seats of maximum seating capacity.
D. Residential Dwellings: two parking spaces for each dwelling unit including garages and driveways.
E. Furniture and appliance stores: one parking space for each six hundred (600) square feet of retail floor area.
F. Hospitals: two parking spaces for each bed.
G. Hotels and motels: one space for each living or sleeping unit, plus parking space for all accessory uses as herein specified including employee parking.
H. Residential Health Care Facilities: one parking space for each five beds, plus one parking space for each employee at the highest shift.

I. Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments: one parking space for each 3.5 seats or one parking space for each one hundred (100) square feet of floor area (excluding kitchen, storage, etc.), whichever is greater.
J. Retail stores (except as provided in subsection E of this section): one parking space for each one hundred (100) square feet of retail floor space.
K. Wholesale establishments, warehouses, manufacturing establishments and all industrial uses: as determined by the zoning administrator.
L. Shopping center or other groups of uses not listed above: one parking space for each two hundred (200) square feet of total floor space.
M. Medical/Dental office: one parking space for each 200 square feet of gross floor area or five spaces per doctor, whichever is greater.
N. Fast Food: one parking space for each 75 square feet of floor area with a minimum of 5 spaces, plus 3 stacking spaces per drive-through lane.
O. Auto Dealer: one parking space for each 200 square feet of sales office area plus one space for every ten vehicles displayed, or five spaces, whichever is greater. Separate storage area for vehicles for sale or under repair shall be provided.
P. Grocery Store: one parking space per every 200 square feet of retail floor area.
Q. All other uses not listed above: as determined by the zoning administrator. All required determinations of the zoning administrator under this section shall be based on the nearest comparable use standards; in no case, however, shall parking provided be less than one space for each employee projected for the highest employment shift plus additional parking for vehicles used in conducting the business and customer parking.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

**17.52.050 Access Requirements**

Adequate ingress and egress to and from all uses shall be provided as follows:

1. Residential Lots. Each residential lot may have not more than two drive approaches which shall be a minimum of twelve (12) feet each and a maximum of thirty-two (32) feet wide at the property line, with a separation island of a minimum width of twelve (12) feet and maximum combined drive approach width of thirty-two (32) feet on any single street frontage. The drive approach flare entrance shall be no closer than four feet (4') to the abutting property line, or as approved by the City Engineer. No driveway shall be closer than twenty (20) feet to the point of intersection of two property lines at any street corner as measured along the property lines.
2. Other Than Residential Lots. Access shall be provided to meet the following requirements:

    1. Not more than two driveways shall be used for each one hundred (100) feet of frontage on any street;
    2. No two of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three feet;
    3. Each driveway shall be not more than thirty-five (35) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way;
    4. No driveway shall be closer than twenty (20) feet to the point of intersection of two property lines at any street corner as measured along the property line, and no driveway shall extend across such extended property line; and
    5. On a street where there are no curbs or gutters, all driveways shall be well marked and street frontage and pedestrian access protection provided the entire length of the frontage exclusive of the driveways as per approved plans.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

**17.52.060 Maintenance Of Parking Lots**

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

1. Surfacing. Each off-street parking lot shall be surfaced with gravel, asphaltic or Portland cement or other binder pavement and permanently maintained to provide a dustless surface. The parking area shall be designed and maintained consistent with WBMC 13.30 Storm Water Management.
2. Screening. The sides and rear of any off-street parking lot which adjoins an area that is primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.
3. Landscaping. Each parking lot shall provide along the entire frontage of the property a minimum depth of ten (10) feet of irrigated and permanently maintained landscaping.
4. Lighting. Lighting used to illuminate any parking lot shall be directed downward and arranged to reflect the light away from adjoining residential premises and from street traffic.
5. All surfacing, screening, landscaping, lighting, and any other parking area elements shall be continually and properly maintained.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

**17.52.070 Location Of Off-Street Parking**

Off-street parking in non-residential districts is allowed in the front setback, provided that the parking area is set back a minimum ten (10) feet from the front property line and the balance of the front yard setback along the entire frontage of the property is permanently landscaped.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

# 17.52 OFF-STREET PARKING

March 6, 2020 – Redline
(*includes legal review*)

## 17.52.010 Off-Street Parking -Required; Purpose

The purpose of this chapter is to set a minimum standard for off-street parking to ensure that ample parking for the generated demand of the use will be available ~~on site to avoid the necessity of parking on the street, except in certain areas designated by the City where off-street parking requirements cannot be met and where other programs are in effect to mitigate the parking problem~~.

Sufficient parking should be provided to assure maximum utilization of the facilities on site will not unduly impose on neighbors in the vicinity or create an unsafe environment.~~, and any reasonable future use will have adequate parking~~

Off-street parking is required for residential, commercial, industrial and retail buildings and structures based on current use, size and capacity in accordance with the ~~following~~ requirements of this chapter.

~~At the time any commercial, industrial or retail use~~building or structure is ~~erected or enlarged or increased in capacity or any use is established, off-street parking spaces shall be provided for automobiles in accordance with the following requirements, or as otherwise required by conditional use permit.~~ HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

## 17.52.020 Size

T~~T~~he dimensions of each off-street parking space, exclusive of access drives or aisles, shall be at least ~~ten~~nine (~~10~~9) feet by twenty (20) feet for diagonal and ninety (90) degree spaces, and ten (10) feet by twenty-~~two~~four (~~22~~24) feet for parallel spaces. ~~However, in parking lots of not less than twenty (20) parking spaces, upon site plan approval by the planning commission, up to forty (40) percent of such spaces may be seven and one-half feet by fifteen (15) feet if marked and used for compact automobiles only.~~ Drive aisle widths shall be a minimum of twenty-two (22) feet behind ninety (90) degree and parallel parking and sixteen (16) feet for angled parking.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

## 17.52.030 Access To Individual Parking Space

Except for ~~single-family and two-family~~ residential dwellings, direct access to each parking space shall be from a private driveway and not from a public street. All parking spaces shall have independent access not blocked by another parking space or other obstacle.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

## 17.52.040 Number Of Parking Spaces Required

An adequate number of off-~~-~~street parking spaces shall be provided for all uses as follows:

A. Business or professional offices: one parking space for each two hundred (200) square feet of floor area.
B. Churches with fixed seating: one parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater.
~~C.~~ Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, reception centers, meeting halls~~rooms~~: one parking space for each three seats of maximum seating capacity.
~~D.~~C.
~~E.~~ Residential Dwellings: two parking spaces for each dwelling unit including garages and ~~hard surface~~ driveways.
D.

~~F.~~E. Furniture and appliance stores: one parking space for each six hundred (600) square feet of retail floor area.

~~G.~~F. Hospitals: two parking spaces for each bed.

~~H.~~G. Hotels and motels: one space for each living or sleeping unit, plus parking space for all accessory uses as herein specified including employee parking.

~~I.~~H. ~~Nursing homes~~Residential Health Care Facilities: ~~four parking spaces, plus~~ one parking space for each five beds, plus one parking space for each employee at the highest shift.

~~J.~~I. Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments: one parking space for each 3.5 seats or one parking space for each one hundred (100) square feet of floor area (excluding kitchen, storage, etc.), whichever is greater.

~~K.~~J. Retail stores (except as provided in subsection E of this section): one parking space for each one hundred (100) square feet of retail floor space.

~~L.~~K. Wholesale establishments, warehouses, manufacturing establishments and all industrial uses: as determined by ~~conditional use permit or by planned unit development requirements if applicable, or by the planning commission~~ the zoning administrator~~, but in no case less than one space for each employee projected for the highest employment shift~~ plus additional parking for ~~vehicles used in conducting the business and customer parking~~.

L. Shopping center or other groups of uses not listed above: one parking space for each two~~one~~ hundred ~~fifty~~ (~~150~~200) square feet of total floor space~~, or as determined by conditional use permitthe zoning administrator~~.

M. Medical/Dental office: one parking space for each 200 square feet of gross floor area or five spaces per doctor, whichever is greater.

N. Fast Food: one parking space for each 75 square feet of floor area with a minimum of 5 spaces, plus 3 stacking spaces per drive-through lane.

O. Auto Dealer: one parking space for each 200 square feet of sales office area plus one space for every ten vehicles displayed, or five spaces, whichever is greater. Separate storage area for vehicles for sale or under repair shall be provided.

~~M.~~P. Grocery Store: one parking space per every 200 square feet of retail floor area.

Q. All other uses not listed above: as determined by ~~conditional use permit~~ the zoning administrator. All required determinations of the zoning administrator under this section shall be based on the nearest comparable use standards~~;~~, ~~but~~ in no case, however, shall parking provided be less than one space for each employee projected for the highest employment shift plus additional ~~-~~parking for vehicles used in conducting the business and ~~adequate~~ customer~~employee~~ parking.

~~N.~~

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

**17.52.050 Access Requirements**

Adequate ingress and egress to and from all uses shall be provided as follows:

1. Residential Lots. ~~For e~~Each ~~R-1-10, R-1-22, and A-1~~ residential lot~~, can~~ may have not more than two drive approaches which shall be a minimum of twelve (12) feet each and a maximum of thirty-two (32) feet wide at the property line, with a separation island of a minimum width of twelve (12) feet~~,~~ and maximum combined drive approach width of thirty-two (32) feet on any single street frontage. The drive approach flare entrance shall be no closer than four feet (4') to the abutting property line, or as approved by the City Engineer. No driveway shall be closer than twenty (20) feet to the point of intersection of two property lines at any street corner as measured along the property lines.
2. Other Than Residential Lots. Access shall be provided to meet the following requirements:

    1. Not more than two driveways shall be used for each one hundred (100) feet of frontage on any street;

2. No two of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three feet;
3. Each driveway shall be not more than thirty-five (35) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way;
4. No driveway shall be closer than twenty~~en~~ (20~~10~~) feet to the point of intersection of two property lines at any street corner as measured along the property line, and no driveway shall extend across such extended property line; and
5. On a street where there are no curbs or gutters, all driveways shall be well marked and street frontage and pedestrian access protection provided the entire length of the frontage exclusive of the driveways as per approved plans.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

**17.52.060 Maintenance Of Parking Lots**

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

1. Surfacing. Each off-street parking lot shall be surfaced with gravel,~~an~~ asphaltic or Portland cement or other binder pavement and permanently maintained ~~so as~~ to provide a dustless surface. The parking area shall be ~~so graded as to dispose of all surface water~~ designed and maintained consistent with WBMC 13.30 Storm Water Management. ~~The planning commission may grant some industrial uses the ability to utilize dustless gravel for parking and outside storage areas through the site plan review process, provided there is a detention area in the parking lot.~~ ~~If such water is to be carried to adjacent streets, it shall be piped under sidewalks.~~
2. Screening. The sides and rear of any off-street parking lot which adjoins an area ~~which~~ that is ~~to remain~~ primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.
3. Landscaping. Each parking lot shall provide along the entire frontage of the property a minimum depth of ten (10) feet of irrigated and permanently maintained landscaping. ~~be adequately landscaped to comply with a plan approved by the planning commission and such landscaping shall be permanently maintained.~~
4. Lighting. Lighting used to illuminate any parking lot shall be directed downward ~~be~~ and arranged to reflect the light away from adjoining residential premises and from street traffic.
~~4.~~5. All surfacing, screening, landscaping, lighting, and any other parking area elements shall be continually and properly maintained ~~in good working condition~~.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

**17.52.070 Location Of Off-Street Parking**

~~Off-street parking shall not be allowed in required front yard setbacks except by conditional use permit and in areas where the character of the street and general landscaping will not be adversely affected.~~ Off-street parking in non-residential districts is allowed in the front setback, provided that the parking area is set back a minimum ten (10) feet from the front property line~~,~~ and the balance of the front yard setback along the entire frontage of the property is permanently landscaped.

HISTORY
*Adopted by Ord. 374-15 on 11/18/2015*

# MEMORANDUM

**TO:** **Planning Commission**

**DATE:** **March 6, 2020**

**FROM:** **Cathy Brightwell**

**RE:** **Storage Uses in Residential/Agricultural Zones**

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As discussed in the last planning commission meeting, the A-1 zone allows both residential and agricultural uses which has become an issue for property owners who use their property for storage and do not have a house on the property.

The goal is to allow the maximum acceptable use of private property while protecting surrounding property values, privacy and agricultural uses, and build or maintain a sense of community. Without some zoning controls, we risk the accumulation of junk and proliferation of illegal businesses.

As a way to continue discussion, I have provided comments and suggestions from the last meeting.

1. Require conditional use to store personal property when there is no house.

2. Limit personal property storage to inside a building.

3. Limit personal property storage to size of property.

4. Limit personal property storage to the A-1 Zone.

5. Modify the current definition of agriculture: 17.04 "**Agriculture**" means the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business designed for the processing of raw food products by packaging, treating and/or intensive feeding.

6. Clarify the current definition of storage: 17.04 "**Storage**" means keeping or retaining tangible personal property in the city for any purpose including the storage of tangible personal property used for non-retail or industrial trade. "Storage" does not include keeping or retaining tangible personal property held for sale in the regular course of business.

A redline version of Uses in the A-1 Zone is attached. It includes commissioner's suggestions and other modifications that were proposed as shown in blue on the attachment.

# 17.16 Agricultural District, A-1

## 17.16.010 Purpose

The purpose of providing the agricultural district A-1 is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces. This district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow and promote conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

## 17.16.020 Permitted Uses

The following are permitted in the agricultural districts A-1:

1. Agricultural;
2. Single family dwelling;
3. Farm Animals;
4. Home Occupations;
5. Residential facility for persons with a disability,
6. *Accessory structures associated with residential uses;*
7. *Non-residentialUses that include other buildings that could normally be associated with a residence on the property.*

## 17.16.030 Conditional Uses

The following uses are conditional in the agricultural district A-1:

1. Equestrian facilities, commercial stables;
2. Public or quasi-public uses;
3. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
4. Flag lots;
5. ~~Natural resource extraction~~; (move to more appropriate Zone)
6. Residential facility for elderly persons;
7. Kennels (pursuant to Chapter 5.28 Home Occupations);
8. ~~Residential facility for Elderly Persons;~~ Duplicates #6
9. Accessory Dwelling Units (ADU)
10. Restricted Lots (see definitions, Section 17.04.030);.
11. *Personal Use storage (need definition)*

**West Bountiful City** **January 28, 2020**
**Planning Commission Meeting**

***PENDING – NOT APPROVED***

***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 January 24, 2020 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 28, 2020 at West Bountiful City Hall, Davis County, Utah.

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Alan Malan, Dee Vest, Laura Charchenko, Mike Cottle, Corey Sweat and Council member Kelly Enquist.

**MEMBERS EXCUSED:**

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

**VISITORS**: Gary Jacketta, Troy Jacobs, Deby Marshall.

The Planning Commission meeting was called to order at 7:30 pm by Chairman Denis Hopkinson. Alan Malan offered a prayer.

**1. Accept Agenda**

Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda. Corey Sweat seconded the motion. Voting was unanimous in favor among all members present.

**2. Conditional Use Request for Elite Metals at 116 West 500 South**

Commissioner packets included a memorandum dated January 24, 2020 from Cathy Brightwell and Ben White regarding a Conditional Use Permit Request for Elite Metals at 1116 West 500 South.

Cathy Brightwell explained that Troy Jacobs is requesting a Conditional Use Permit to operate an indoor fabrication metal business at 1116 W 500 South. He builds ornamental iron railings and furniture for builders and designers. The Commercial Highway (C-H) zone lists indoor fabrication, machining or welding of materials not for resale as a conditional use (see WBMC 17.34 below). While the term 'not for resale' has raised questions in the past, recent decisions by the Commission have allowed this type of business when the product has been changed from its original form. In other words, Mr. Jacobs will not be purchasing metal railings and reselling them; he will purchase metal then design and build custom pieces for customers. There is plenty of parking in the front and back of the building for his business needs as there are no customers that come to his shop. Fire Marshall will make sure the business is conducive to welding. There should be no signage issues for this business.

**ACTION TAKEN:**

***Laura Charchenko moved to approve the Conditional Use Request for Elite Metals at 1116 West 500 South for an indoor fabrication metal business with the following conditions: that they receive approval from the fire inspector and upon issuance of this permit, the applicant will purchase a WBC business license, no outdoor storage will be allowed, and the city signage ordinance must be adhered to. Findings: 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; 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; will comply with the regulations and conditions specified in the land use ordinance for such use; and the conditions imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection. Alan Malan seconded the motion and voting was unanimous in favor.***

**3. Storage Uses in Residential/Agricultural Zones.**

Commissioner packets included a memorandum dated January 24, 2020 from Cathy Brightwell and Ben White regarding Storage Uses in Residential/Agricultural Zones and an attached copy of city code section 17.16. Agricultural District, A-1.

The A-1 zone allows both residential and agricultural uses. Staff has interpreted this to mean that uses such as personal property storage without a house on the same property is not allowed. This has become an issue for property owners who use their property for storage and do not have a house on the property.

At the last meeting, staff was asked to come up with options the planning commission could consider. Before we can focus on specific language it's important to understand and identify what we are trying to do. Having the Commission answer the following questions will be helpful.

**What are we trying to achieve?**

- Maximum acceptable use of private property
- Protect surrounding property values, privacy, and agricultural uses
- Build or maintain sense of community

**What are we trying to prevent?**

- Accumulation of junk
- Illegal businesses
- Transient uses/increase in traffic on undeveloped property

**Based on the answers to the above questions:**

- Should we focus on one zone or all residential zones?
- Should size of property be a factor?
- Should personal storage be limited to indoor, outdoor, or both?
- Should personal storage be further limited, e.g., vehicles, trailers that are licensed in the property owner's name?

Ben White explained that staff has tried to come to some conclusion with this issue. The questions above were asked in order to try to define and focus on what language can be understood and identified. One thought was to add language that requires vehicles and trailers to be licensed in the property owner's name. He noted that we need to be careful to balance what we are trying to achieve with what we are trying to prevent so there are not some ill consequences for the whole of the city.

Chairman Hopkinson pointed out that we need an avenue for those properties that do not have residential homes on them but have a need to use their property with other types of buildings/dwellings on it. He also noted that Item # 5 under 17.16.030 "Natural resource extraction" needs to be moved to another zone that is more appropriate.

**Commissioner Comments:**

**Dee Vest** noted that there may be instances where someone else's property could be stored temporarily on a property so the vehicle would not be in the property owners name. He was not sure how to handle the situation.

**Mike Cottle** feels if we allow storage on property without a home on it that it could easily get out of hand, yet if we don't allow it people will do it anyway. He would like to find a way that allows a bit of controlled use.

**Corey Sweat** is not in favor of limiting what a person does on their personal property. He knows it can get out of hand, but people have rights to do what they want on their own property. He noted that If regulations are in the conditional use section of the code, we could add guidelines for individual situations.

**Laura Charchenko** agreed with Commissioner's Sweat's comments. She suggested that there needs to be space big enough to build a home on the property then the rest of the property could be used as the owner sees fit.

**Alan Malan** feels that the ability to store vehicles and trailers on a property needs to be the same regardless of whether there is a home on the property. He added that he does not believe the city has the right to know what is inside of a structure on someone's personal property. He suggested that a conditional use permit could be used to help deal with some of these issues.

**Chairman Hopkinson** spoke to how staff has had to deal with these situations and mitigation has not worked in some instances in the past with properties that have an abundance of things on their property. The commissions job is to put language into place that can manage this situation. Is there language that can be used that will give property owners as much rights on their property while protecting those surrounding properties?

He asked the Commission to study these issues and come up with some ideas and language for staff that allows property owners their rights and privileges while protecting other surrounding residential properties.

Alan Malan suggested language along the lines of "uses that include other buildings that could normally be associated with having a residence on the property." Chairman Hopkinson suggested using the language "non-residential uses."

**4. Possible Modifications to WBMC Title 16 Regarding Dead-end Streets and Flag Lots.**

A memorandum dated January 24, 2020 from Ben White regarding possible modifications to WBMC Title 16 Subdivisions regarding dead-end streets and flag lots was included in the Commissioner's packet.

Mr. White explained that in the last planning commission meeting, there was discussion about whether there was an application where flag lots on a dead-end street would be acceptable. The opinion seemed to lean toward "maybe." He noted that Commissioner Malan suggested rather than stating

that flag lots are not allowed to extend from dead-end streets, the language could be modified to read something like:

- Flag lots cannot be within X number of feet from the end of a dead-end street, such as 400 feet (the maximum length of a standard cul-de-sac).
- Another approach would be to set a maximum distance from the flag lot staff to the street intersection where the dead-end street begins.

There are only a few instances in the city where a future flag lot might extend from a dead-end street that exceeds 400 feet - 1200 N, 200 N and 220 N, and 1400 N could possibly fit this category in the future if/when it is annexed into the city.

Staff would like to know if the planning commission is interested in considering changing current regulations or only proceeding if a resident makes a formal request, with proposed language, to change the Code and pays the applicable fee?

Chairman Hopkinson suggested staff attempt to draft language they can consider especially if applicants come forward with a specific request.

**5. Proposed Code Changes to WBMC 17.52- Off-street Parking.**

Commissioner packets included a memorandum dated January 24, 2020 from Ben White and Cathy Brightwell regarding Off Street Parking – WBMC 17.52 including a redline copy of legal counsel's review. Recommended changes were discussed at the January 14 planning commission meeting to address the following issues:

1. There are very few parking lots in the city that have parking stalls the size required by current code. While a property owner can always build above the minimum, to build below the minimum creates "illegal" circumstances; not "grandfathered." Where 9-foot wide parking stalls are the current industry standard, it makes more sense to use them in our code.
2. The current code does not address the required drive isle width between parking stalls. A proposed minimum width is now included.
3. Conditional Use permits to establish appropriate conditions are difficult if no guidelines exist. Staff is suggesting that when uses are proposed that are not similar to those currently included in our code, that staff work with the applicant to develop appropriate parking limit requirements.
4. Clarification that there are different standards for residential and commercial properties.

The recommended changes have been reviewed by legal counsel and he has proposed a few additional modifications as shown as highlights in the attached draft.

Ben White discussed staff's support for minimum 9-foot stalls instead of 10-feet stalls. He pointed out that each business will know what size stalls are most appropriate for their type of business and they can always have larger stalls if they feel it is beneficial to their customers. He gave an example of a new fast food restaurant that will be coming on the corner of 400 North and 500 South. They are proposing 9-foot stalls, but grocery stores like Costco have 10-foot stalls. If we required the fast food restaurant to have larger stalls, they would lose 10% of their parking.

Chairman Hopkinson asked about the reference to "zoning administrator" and if there is a definition in Code. Ben White answered in the affirmative; the definition is located in Title 2.

Some discussion took place regarding "in good working condition" in WBMC 17.52.060, #5 and whether there a definition for "working" and it was noted that "good condition" is not definable either. It was decided to strike the language "in good working condition."

The was also discussion regarding section 17.52.040 items A-Q. Commissioner Malan does not like "L" to be determined by the zoning administrator. Ben White stated that there may be a time that this would require negotiations and needs some latitude. The commission determined to strike all of "L" from the draft.

Some discussion took place on the language in Q. It was decided that there does need to be a point person to deal with these situations but the language should be thinned down with the zoning administrator in place by striking "adequate" and finding a better word for it. Some discussion took place regarding the second sentence in Section Q and whether to keep it or strike it. It was decided to keep the language in place.

**6. Staff Report**

**Ben White:**

- Informed Commission that there will be a new restaurant "Raising Cane" located on the south Chevron property at 400 North and 500 West. He added that Café Rio is considering relocating to the McCallister Building.
- Council member Enquist gave an update on the Woods Cross Council Meeting. He noted there was a full house and Mayor and Council from West Bountiful attended. He mentioned that there were a lot of people there because of the Legacy Highway issues. Duane Huffman read the letter from West Bountiful to the Mayor and Council of Woods Cross regarding their west side development proposal. Citizens are not in favor of more than two stories high for living facilities in that area. A motion was made to approve the proposal as presented but the motion was denied. Instead, a decision was made to allow future discussions with West Bountiful city council regarding the development. It was a 3-hour meeting.
- All reports have been received on the new well. It appears that this water is softer water than in our current well. We may be building a well house on the property by end of summer.
- Bids were opened today for the 800 West project. The low bid was 2.4 million and will be presented to city council next week. Construction will begin soon.

**7. Consider Approval of Minutes from January 14, 2020 meeting.**

**ACTION TAKEN:**

***Corey Sweat moved to approve of the minutes of the January 14, 2020 meeting as presented. Mike Cottle seconded the motion and voting was unanimous in favor.***

**8. Adjourn:**

**ACTION TAKEN:**

***Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:50 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.***

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*The foregoing was approved by the West Bountiful City Planning Commission on January 24, 2020, by unanimous vote of all members present.*

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*Cathy Brightwell – City Recorder*