Mayor
Kenneth Romney

City Engineer/ Land Use Administrator
Kris Nilsen

City Recorder/ Community Development
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

Chairman
Alan Malan

Commissioners
Mike Cottle
Laura Mitchell
Corey Sweat
Dennis Vest

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, JULY 12, 2022, AT THE CITY OFFICES, 550 N 800 WEST

AGENDA:

1. Prayer/Thought - Commissioner Mitchell.
   Pledge of Allegiance – Commissioner Malan.
2. Confirm Agenda.
3. Conditional Use Application – Janet Lee, 638 N 660 West (Flag Lot).
4. Request for Text Change - Retail Tobacco Specialty Businesses & Flavored Electronic Cigarette Products – Omar Mansour (Super Stop – 560 W 500 S)
5. Consider Meeting Minutes from June 14, 2022.
6. Staff report.
7. Adjourn.

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the city website on July 8, 2022, by Cathy Brightwell, City Recorder.

MEMORANDUM

TO: **Planning Commission**

DATE: **July 8, 2022**

FROM: **Cathy Brightwell, Kris Nilsen**

RE: **Roush /Lee Conditional Use Permit – Flag Lot**

Janet Lee has requested a 2-lot subdivision on the 1-acre property located at 638 N 660 West. There is currently one home on the lot, and a flag lot is necessary to create a second lot as the total frontage is approximately 142 feet. Flag lots are a Conditional Use in the R-1-10 zone, therefore, a Conditional Use Permit for the flag lot must be granted before the city can approve the subdivision application.

A list of the city's minimum criteria for flag lots and determination of whether the current proposal meets the requirements are listed below. '**Yes**' indicates the proposal meets requirements.

WBMC 16.12.060 *- Flag lots will only be allowed where traditional lot development is not feasible. Such lots shall meet the following criteria:*

1. *The staff of the lot shall not be less than twenty feet (20') wide and shall not exceed the design length requirements for a cul-de-sac.* **It is proposed to be 35 ft wide and 147 ft long.**
2. *The staff of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street.* **Yes.**
3. *The staff of the lot shall be owned, fee simple, as part of the lot.* **Yes.**
4. *The staff of the lot shall approach the public street at an angle of not less than eighty degrees.* **Yes.**
5. *The staff of the Flag lot cannot extend from intersections, street corners, or cul-de-sacs.* **Yes.**
6. *The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The staff area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat.* **Yes.**
7. *Flag lot must comply with fire code requirements including access width, driving surface, parking, and fire hydrant placement.* **Fire Marshal review and approval required as part of subdivision.**
8. *Flag lots cannot be used where traditional methods of development could occur.* **Yes.**
9. *Subdivisions which contain more than four (4) lots cannot contain a flag lot.* Yes.
10. *The lot shall be graded so storm water runoff does not negatively impact neighboring properties.* **A drainage plan will be required as part of the subdivision.**
11. *All flag lots shall have the street address displayed on private property in a prominent location where the staff abuts the public street.* **It will be assigned address 642 N 660 West as part of subdivision.**
12. *A flag lot may not be created which would negatively impact the future continuation of existing stub streets.* **Yes.**
13. *Other requirements imposed by the Conditional Use Permit to mitigate the potential negative impacts caused by the proposed use; the Conditional Use Permit and plat review cannot waive requirements 1 through 12 of this Section.*

For discussion, staff has included some potential impacts and common complaints regarding flag lots and listed possible mitigating conditions to deal with the negative impacts resulting from a flag lot. It is also important to determine which conditions must be met at the time the subdivision is approved and which conditions will be met at the time homes are built.

Common complaints about flag lots and Possible Conditions

1. Cannot find the house/address when driving down a street, including emergency vehicles.
    a. Consider lighting and street numbers at the flag lot staff entrance to help guide emergency vehicles and other persons to the correct address.
    b. Consider lighting along the staff driveway.

2. Houses in the back yards of other houses lack privacy.
    a. Consider privacy fencing along the flag lot staff to minimize noise and light pollution and provide additional side yard protection from cars and neighboring children interactions.
    b. Consider additional side yard setback on lots in front of flag lots and adjacent to the flag lot staff to provide adequate separation between houses and moving vehicles just like a corner lot.

3. Street parking, garbage cans, snow removal areas are limited and problematic.
    a. Consider staff width of 26 feet to allow for some parking while meeting the minimum fire lane requirement.

4. Drainage problems.
    a. Require drainage plan as part of subdivision submittal.

5. Meeting fire department criteria is confusing and expensive.
    a. Require fire marshal review and approval as part of subdivision submittal.

6. Depending on location, flag lot staff looks more like a road then a driveway and can present a safety issue for vehicles.
    a. Flag lot driveways should not be constructed from black asphalt. It looks too much like a road extension.
    b. Add “Private Road” signage.

Staff recommends planning commission review the above list and require those conditions it deems best suited to mitigate any negative impacts of the flag lot.

CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
Fax: (801) 292-6355
www.wbcity.org

PROPERTY ADDRESS: 638 N 660 W, West Bountiful Ut 84087

NAME OF BUSINESS/USE: Rough Subdivision

PARCEL NUMBER: 06-037-0064 ZONE: _____ DATE OF APPLICATION: 6/2/2022

Applicant Name: Janet Lee

Applicant Address: 672 N 660 W, West Bountiful Ut

Primary phone: 801-897-4677

E-mail address: janetleeRE@gmail.com

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

Creation of a flag lot per survey by Utah Land Surveying. (Emailed to Cathy Brightwell).

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: 6/9/22 Applicant Signature: Janet Lee

FOR OFFICIAL USE ONLY

Application Received Date: 6/9/22 Permit Number: 22-04
Application Fee Received Date: 6/9/22 Fire Inspection Date: _____
Permit Approval: _____ Fire Inspection Approval Date: _____

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED USING FOUND BRASS CAP MONUMENTS LOCATED AT THE INTERSECTION OF 400 NORTH STREET AND 660 WEST STREET AND THE INTERSECTION OF 1000 NORTH STREET AND 660 WEST STREET AS SHOWN ON THIS SURVEY PLAT. RECORD INFORMATION WAS OBTAINED FROM THE 'BOUNTIFUL CITY STREET INTERSECTION MONUMENT SYSTEM' RECORD OF SURVEY WITH FILE NO. 2908 IN THE DAVIS COUNTY SURVEYOR'S OFFICE.

A PRELIMINARY SUBDIVISION PLAT FOR

ROUSH SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 24,
TOWNSHIP 2 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN

LEGEND

Section Monument	Street Monument	Refernce/Witness Monument
Property Corner	Break Line	Fire Hydrant
Property Line		Center Line
Section Line		Easement Line
Vinyl Fence		Edge of Asphalt
Chain Link Fence		Curb & Gutter
Wood Fence		Curb Wall
Wire Fence		

SURVEYOR'S CERTIFICATE

I, MICHAEL L. WANGEMANN, SYRACUSE, UTAH, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT I HOLD LICENSE NO. 6431156 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND THAT I HAVE MADE A SURVEY OF THE BOUNDARIES OF THE FOLLOWING DESCRIBED PROPERTY:

(SEE BELOW)

I FURTHER CERTIFY THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS EFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES; THAT NONE OF THE VISIBLE IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY ENCROACH UPON ADJOINING PROPERTIES; AND THAT NO VISIBLE IMPROVEMENTS, FENCES OR EAVES OF ADJOINING PROPERTIES ENCROACH UPON THE SUBJECT PROPERTY EXCEPT AS SHOWN.

I ALSO FURTHER CERTIFY THAT THIS PLAT DOES NOT PURPORT TO DISCLOSE OVERLAPS, GAPS, OR BOUNDARY LINE DISPUTES OF THE PROPERTY SURVEYED WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY OF THE ADJOINING PROPERTIES, NOR DOES IT PURPORT TO DISCLOSE OWNERSHIP OF OR CLAIMS OF EASEMENTS OR ENCUMBRANCES UPON THE PROPERTY SURVEYED.

PROFESSIONAL LAND SURVEYOR
MICHAEL L. WANGEMANN
No. 6431156
STATE OF UTAH

Michael L. Wangemann, PLS

Date of Plat or Map: May 23, 2022

PLS# 6431156-2201

LEGAL DESCRIPTION

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 660 WEST STREET (A 50' WIDE RIGHT-OF-WAY), SAID POINT BEING NORTH 00°25'37" EAST ALONG THE CENTERLINE OF SAID 660 WEST STREET, A DISTANCE OF 825.00 FEET AND NORTH 89°32'37" EAST 26.40 FEET FROM THE INTERSECTION MONUMENT LOCATED AT 660 WEST STREET AND 400 NORTH STREET, SAID POINT ALSO BEING NORTH 1213.02 FEET AND WEST 1484.49 FEET FROM THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89°32'37" EAST 348.14 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY LINE; THENCE SOUTH 21°49'50" WEST ALONG SAID WEST RIGHT-OF-WAY LINE 148.45 FEET; THENCE SOUTH 89°32'37" WEST 295.37 FEET TO SAID EAST RIGHT-OF-WAY LINE OF 660 WEST STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: NORTH 00°25'37" EAST 34.44 FEET TO THE POINT ON A 3794.72 FOOT RADIUS CURVE; THENCE NORTHEASTERLY 102.97 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 01°33'17" (WHICH LONG CHORD BEARS NORTH 01°12'16" EAST 102.97 FEET) TO THE POINT OF BEGINNING. (NAD83 ROTATION IS 00°20'03" CLOCKWISE)

CONTAINS SQ/FT OR ACRES

UTILITY NOTE:
THE UTILITY INFORMATION SHOWN ON THIS PLAT IS BASED ON ABOVE GROUND EXISTING STRUCTURES AS OBSERVED AND LOCATED BY THE SURVEYOR IN THE FIELD AS WELL AS INFORMATION PROVIDED TO THE SURVEYOR. NO FURTHER INVESTIGATION OF EXISTING UTILITIES WERE PERFORMED FOR THIS SURVEY. THEREFORE THE SURVEYOR IS NOT RESPONSIBLE FOR THE REPRESENTATION OR OMISSION OR SUCH INFORMATION ON THIS PLAT. CONTACT BLUE STAKES BEFORE ANY DIGGING, EXCAVATION OR CONSTRUCTION IS TO TAKE PLACE.

E:\Utah Land Surveying\S_JOBS\~Blank\Blue Stakes Logo.gif

GENERAL NOTES

1. ALL COURSES SHOWN IN PARENTHESIS ARE RECORD INFORMATION TAKEN FROM DEED DESCRIPTION OR OFFICIAL MAPS OR PLATS OF RECORD. ALL OTHER COURSES ARE THE RESULT OF ACTUAL FIELD MEASUREMENTS.

2. ALL PROPERTY CORNERS ARE SET WITH 5/8" REBAR AND PLASTIC CAP STAMPED "UTAH LAND SURVEYING" OR OTHER PERMANENT MARKERS OR AS OTHER WISE STATED.

SHEET TITLE
BOUNDARY SURVEY

PREPARED FOR	JANET LEE
	672 NORTH 660 WEST
	WEST BOUNTIFUL, UT 84087
LOCATION	NORTHEAST $\frac{1}{4}$, SEC 24, T2N, R1W, SLB&M

REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		

DATE:	05/23/2022
SCALE:	1" = 20'
DRAWN:	MLW
CHECKED:	MLW

UTAH LAND SURVEYING, LLC
A PROFESSIONAL LICENSED LAND SURVEYING COMPANY
1359 FAIRWAY CIR
FARMINGTON, UT 84025
PHONE 801.725.8395
mikew@utahlandsurveying.com
www.utahlandsurveying.com

JOB NUMBER
1897-22

SHEET
1 OF 1

MEMORANDUM

TO: **Planning Commission**

DATE: **July 8, 2022**

FROM: **Staff**

RE: **Flavored Electronic Cigarette Products & Retail Tobacco Specialty Businesses**

This memo introduces a request to modify the city's land use code regarding retail tobacco specialty businesses to allow the sale flavored electronic cigarette products. The request is made by Omar Mansour, owner of Super Stop store at 560 W 500 S. Mr. Mansour did not provide specific language for this modification, see attached application.

Issue

In 2014, West Bountiful prohibited retail tobacco specialty businesses (RTSB) in all commercial and industrial zones. The city's definition of a RTSB included any business licensed under state code as such. In 2020, state code was modified to define RTSBs to include any business that sells any flavored electronic cigarette product (see exhibit B for full history and background).

Prior to 2020, Mr. Mansour's store did not meet the elements to be considered a RTSB. He claims to have sold flavored electronic cigarette products for many years before the change in 2020. The city was unaware of the 2020 state code change until it was notified by another prospective RTSB across the street in Bountiful that was deemed ineligible due to its proximity to the Super Stop.

Analysis

In 2014, the planning commission recommended, and the council determined that it was not in the community's best interest to have RTSBs in its commercial zones. With this application, the planning commission may weigh whether anything has changed in the city or in the RTSB industry/definitions that would change that recommendation. Mr. Mansour's application provided no further justification. He has stated that flavored electronic cigarette products have been sold at his store for years with no determinantal affect to the community.

Options

- Recommend denial of the request, finding insufficient justification, insufficient specificity, and/or that it is not in the community's interest to modify the character of the C-G zone.
- Recommend the addition of RTSB to the C-G zone as a permitted or conditional use, finding that RTSBs will not harm the zone.
- Require applicant to provide proposed language that would carve out the sale of flavored electronic cigarette products from the city's definition of RTSB. At this point, staff has concerns with diverting from state code in how these establishments are defined.

APPLICATION TO REZONE/CHANGE TEXT

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

PROPERTY ADDRESS: 560 W. 500 S. **DATE OF APPLICATION:** 7/5/22

PARCEL NUMBER: **CURRENT ZONE:** CG **PROPOSED ZONE:** —

LEGAL DESCRIPTION ATTACHED: YES NO

Applicant Name(s): Omar Mansour

Applicant Address (if different than above):

Primary phone: 801-647-4789 E-mail address: MansourOmar@me.com

Describe in detail the request for which this application is being submitted and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.

Reconsider retail tobacco Specialty bussinesses to match state Code.

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

Date: 7/5/22 Applicant Signature:

FOR OFFICIAL USE ONLY

*Application & **$150 Fee** Received Date:* *Public Hearing Date:*

Letters sent to affected neighbors:

Planning Commission Approval: *City Council Approval:*

Exhibit B

Background

- In 2014, by adoption of Ordinance 357-14, West Bountiful City prohibited Retail Tobacco Specialty Businesses ('RTSB') in all zones in the city. At that time, Utah Code 10-8-41.6 defined RTSB as a commercial establishment in which:
  - (i) The sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
  - (ii) Food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
  - (iii) The establishment is not licensed as a pharmacy.
- In 2020, the legislature redefined RTSB as a commercial establishment in which:
  - (i) Sales of tobacco products, electronic cigarette products, and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment;
  - (ii) 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
  - (iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
  - (iv) The commercial establishment:
    - a. Holds itself out as a RTSB; and
    - b. Causes a reasonable person to believe the commercial establishment is a RTSB;
  - (v) Any flavored electronic cigarette product is sold; or
  - (vi) The retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products.
- The 2020 update to UCA 10-8-41.6 included a process for county health departments to issue permits to businesses whose licensing requirements had changed from General Tobacco Retailers to RTSBs based on the new definition.
- They contacted convenience stores (who previously held permits as General Tobacco Retailers) to let them know the law had changed and that they could apply for a RTSB permit if they wanted to continue to sell flavored tobacco products.
- Mr. Mansour submitted his application and was issued a RTSB permit the end of 2020 (without any knowledge of the city). The county health department has stated that they do not verify compliance with city zoning laws.

Current Situation

- In May 2022, the city was contacted by a potential Vape Shop owner who was attempting to open a business in Bountiful, across the street from the Super Stop, but was denied because the location was within 600 feet of the Super Stop which was listed as a RTSB. Prior to this contact, we had no knowledge of the above changes to legislation or permitting of Mr. Mansour's business.
- Staff contacted the health department in early June to find out why they issued a Permit to a business that was not allowed within our city. The state code says that permits are issued by the health department but are not valid until the municipality issues a business license to the retailer. The health department said they leave the licensing up to the retailer and do not believe it is their responsibility to verify it has been done. We asked them to revoke the permit because it was not valid in West Bountiful.

Their attorneys responded that it is not their responsibility, and the city would have to take action against the business.

- A letter was sent by staff to Mr. Mansour which caused him to come to the office to discuss the situation. He presented a copy of his permit and a letter received on June 27 from the health department telling him he met the requirements for his permit. It was explained to Mr. Mansour that even though he had a permit to operate as a RTSB, it was not valid because he had not received a license from the city. He responded that he thought his city business license met the requirement.
- Mr. Mansour would like to continue to sell flavored tobacco products. He explained that his business and the products he sells has not changed in the past 8-10 years and that a change in definition by the legislature should not force him to lose a profitable portion of this business. Of the 6 criteria listed in state code for RTSB's, the only one that he meets is #v (flavored tobacco products). His sales do not meet the threshold, his products are behind the counter and out of sight, retail tobacco specialty products are not his primary business, and he does not hold himself out as a RTSB (Vape Shop). He has submitted a Request for Text Change asking the city to reconsider its ban.

West Bountiful City **June 14, 2022**
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 June 10, 2021, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, June 14, 2021, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Mike Cottle, Dee Vest, Corey Sweat, Laura Mitchell, and Council member Kelly Enquist.

STAFF ATTENDING: Kris Nilsen (City Engineer) and Debbie McKean (Secretary).

EXCUSED: Cathy Brightwell (Recorder)

VISITORS: Katherine Packer, Skylar Tolbert, Jay Gough, Todd Willey, Deby Marshall.

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

1. Prayer/Thought by Commissioner Vest
Pledge of Allegiance – Commissioner Mitchell

2. Accept Agenda

Chairman Malan reviewed the proposed agenda. Corey Sweat moved to approve the agenda with the deletion of Item #3 as requested by the applicant. Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.

3. Conditional Use Application- Tyson Davis 941 West 1950 North (Farm Animals)

Applicant requested this item be pulled from the agenda.

4. Conditional Use Application- Onion Patch Securities (Outdoor Vehicle Storage)

Commissioner packets included a memorandum dated June 10, 2022, from Kris Nilsen and Cathy Brightwell regarding a Conditional Use Application for Onion Patch Securities, LLC for Outdoor Storage.

Background
Kris Nilsen explained that on April 27, 2022, Onion Patch Securities, LLC submitted a Conditional Use Application for outdoor vehicle storage on vacant ground. This application is part of a larger land use package that involves Onion Patch and Manheim Remarketing. The city council recently approved the adoption of a new zone – Outdoor Vehicle Storage Overlay (OVSO). Onion Patch submitted a Rezone Request to change 6.7 acres of their property, as shown on the attached diagram, to OVSO. Outdoor vehicle storage is a conditional use in the OVSO.

Proposal
Onion Patch intends to lease this land to Manheim Remarketing for temporary storage of vehicles subject to approval by the city council of the above Rezone request and Development Agreement. Before those decisions can be made, the planning commission must approve a conditional use permit to impose any conditions it finds necessary to mitigate the reasonably anticipated detrimental effects of the proposed use. This approval will be contingent on the city council's approval of the rezone and development agreement.

Discussion took place regarding the proposed conditions and more specifically the fence. It was decided that the fence will be a minimum of 8 feet tall and a maximum of 20% open.

Action Taken:
Laura Mitchell moved to approve the Conditional Use Application for Onion Patch Securities, LLC for Outdoor Storage with the affirmative findings that 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; accompanying improvements will not inordinately impact schools, utilities or streets; 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. The following conditions are imposed:

1. ***Security and nuisance attraction - A perimeter fence will be installed around the leased property. The fence will be a minimum of 8 feet in height and be a maximum of 20% open.***
2. ***Pollution - Dust will be controlled to an acceptable level.***
3. ***Safety and aesthetics - Weeds within and around the fenced area will be maintained.***
4. ***Noise and nuisance - Operating hours will match those of the existing operation.***
5. ***Pollution and nuisance - Any lighting on the property will be directed downward onto the site.***
6. ***Safety and nuisance - No vehicle access will be permitted to the property except from Manheim's property to the south.***
7. ***Proper approval of zone change, and development agreement by city council.***
8. ***Conditional Use Permit shall continue in full force and effect for the lesser of a) the duration of ground lease, or b) ten years after effective date of the Agreement and Conditional Use Permit, whichever comes first.***

Motion was seconded by Commissioner Corey Sweat and voting was unanimous in favor.

5. Preliminary Plat for Belmont Farm 9-Lot Subdivision 1450 West 400 North- Ivory Development

Commissioner packets included a memorandum dated June 11, 2022, from Kris Nilsen, City Engineer regarding Belmont Farms Subdivision Preliminary Plat.

Kris Nilsen explained that the purpose of the preliminary plat is to require formal preliminary approval of a subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. Ivory Development has applied for a nine-lot subdivision located on the west side of 1450 West at 400 North consisting of 13.28 acres. The property is within the B-U zone and the proposed use is single family detached residential dwellings, matching the existing use adjacent to the property on the east and south. The B-U zone requires any project located within 300 feet of the A-1 Canal to blend a combination of appropriate uses, this project is not within 300 feet of the A-1 Canal and therefore not required to blend additional uses with residential. The project has been reviewed by staff to meet the

underlying A-1 zone requirements. The lots all meet the A-1 zoning requirements for size (min. 43,560 sf) and frontage (min. 85 ft.), as represented.

Skylar Tolbert has been with Ivory Development for 13 years and said they are excited to be doing this development in West Bountiful. He noted that they have been Utah's #1 home builder for 16 consecutive years. He quickly recapped the proposal and said they will address the noted issues and work with city staff to get everything needed.

Laura Mitchell expressed a concern about the driveway for Lot #9 and requested that it be offset from 1450 West. Commissioner Sweat stated that he feels that our code covers that issue.

The Preliminary Plat Review Checklist (WBMC 16.16.020) was included in the packet and reviewed by the Commission along with the city engineer recommendations. The following action was taken.

Action Taken:
Corey Sweat moved to accept the preliminary plat for Belmont Farms Subdivision with the condition that the following be addressed:

- ***Proposed off-site and on-sight culinary and secondary water facilities***
    - ***a. Indicate existing WBWCD pressurized secondary water***
    - ***b. Indicate existing culinary water size is 8" in 400 North and 1450 West.***
- ***A storm water plan in accordance with 16.28.060 Hydrology report***
- ***Copies of any agreements with adjacent property owners relevant to the proposed subdivision; Utah Power and Light (RMP) for proposed utility crossing and Ivory Development for storm drain improvements outside of subdivision boundary.***
- ***A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavation in accordance with the city's design standards'***
- ***A copy of preliminary title report evidencing satisfactory proof of ownership***
- ***Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements have been reviewed by the utility companies SDSD and WBWCD***
- ***A Davis County development and construction permit, if the proposed project is located within 100 ft. of a critical flood area as defined by Davis County (Davis County Flood Plan Permit).***

Laura Mitchell seconded the motion making a friendly amendment to address the offset of the driveway in Lot #9 from 1450 West. Voting was unanimous in favor.

6. New Water-Efficient Landscape Ordinance, WBMC 12.28.

Commissioner packet included a memorandum dated June 10, 2022, from Cathy Brightwell and Kris Nilsen regarding Water-efficient Landscape Regulations.

Kris Nilsen explained that the planning commission spent a couple of months developing and negotiating new regulations consistent with Weber Basin's standards that replace the city's current landscape ordinance, WBMC 12.28. Following a public hearing on April 26, 2022, the planning commission voted unanimously to recommend approval of the draft proposal and forward to city council.

The catalyst for these code changes was to allow property owners to qualify for the "Flip Your Strip" rebate program offered by Weber Basin; however, the real goal of the changes is the long-term conservation of water far beyond park strips.

Several members of the city council were concerned that the requirements in the proposal go too far to justify the small amount residents will receive for "Flip Your Strip" and suggested the city adopt more reasonable water-wise guidelines.

Recently, several neighboring cities have adopted ordinances that qualify for Weber Basin's rebate program without implementing strict regulations, but instead recommend and encourage waterwise standards.

Staff has modified the earlier draft proposal making minor revisions and changing most "shall's" to "should's" throughout the document. Also, attached to the end of the proposal are cites in current code that address Landscaping and may need some modifications for clarity and consistency. Because the planning commission is not scheduled to hold another meeting until mid-July, these proposals are presented for discussion and possible recommendation to move back to city council as no other public hearing is required.

Corey Sweat suggested that this ordinance be titled New Water-Efficient Landscape Guidelines. Some discussion took place. He stated that this document does not need to have teeth as the document the Council passed has all the teeth set in place.

Alan Malan proposed to change the language in 17.28.050 – to "it is recommended…" prior to "no turf" in Item B.3. It was also proposed to add "WBMC" to 12.28.020 Applicability in the paragraph following A. & B. after "defined by Utah Law" or "WBMC".

Action Taken:

Corey Sweat moved to forward the proposed Water-efficient Landscape regulations to the City Council for their review and approval with the following changes: that the language "it is recommended" in 17.28.050 be added to B.3, that language "WBMC" be added to 12.28.020 Applicability -in paragraph defining Utah Law and that the title be changed to read "Water Efficient Landscape Guidelines. Laura Mitchell seconded the motion and voting was unanimous in favor.

7. Consider Meeting Minutes from May 24, 2022.

Action Taken:
Mike Cottle moved to approve of the minutes of the May 24, 2022, meeting as presented. Dennis Vest seconded the motion and voting was unanimous in favor.

8. Staff Report.

Kris Nilsen:

- The 600 West road construction project is keeping on schedule and the contract is expected to be complete by September 1st. Road will be in a drivable condition for the 4th of July. After the 4th they will demolish the road. Cement is still hard to get.

- Generator for the well will arrive this week. Fluoride start-up is still pending; it should be operating by July 1, 2022.
- Regarding Alice Acres drainage, Kris and Steve feel like the ditch is in good shape and drainage is good. The double fencing is a nuisance because of weeds and debris. He will visit the west end to see what potential problems may be involved. Each property owner is responsible for maintaining the ditch and drainage flow.

9. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:20 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 July 12, 2022 by unanimous vote of all members present.

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Cathy Brightwell – City Recorder