

## **CITY COUNCIL & PLANNING COMMISSION MINUTES**

**June 3, 2003**

**5:30 P.M.**

**Special Meeting**

Present: City Mayor Joe Johnson, City Manager Tom Hardy, City Attorney Rusty Mahan. City Council Members; Barbara Holt, Gordon Thomas, John Pitt, Tom Tolman and Fred Moss. City Recorder Kim Coleman, City Engineer Paul Rowland, Planning Director Blaine Gehring. Planning Commission Members; Chairman Dick Dresher, Vice-Chairman Mark Green, Larry Rigby, Clark Jenkins, Michael Allen, Duane Gardner, Recording Secretary.

Observers: Marv Blosch and Douglas Meredith.

Mayor Johnson welcomed all those present and had the Board Members and all present introduce themselves. Larry Rigby offered the prayer and Blaine Gehring led the pledge of allegiance to the flag.

### **Foothill Development**

#### **1. Discussion of foothill development in Bountiful including Bountiful City Ordinance No. 2003-06 moratorium on the foothill development.**

**The following were also discussed:**

- a. Annexation**
- b. Extension of Utilities**
- c. Standards for Development**
- d. Use of Planned Unit Development**
- e. Density Issues**
- f. Other Issues**
- g. Consider adoption of moratorium on foothill development**

Mayor Johnson mentioned that this meeting is intended to be informative with information from Staff and input by those present with their different backgrounds and interest in the community. The intentions are to make Bountiful a better place to live. The City continues to see development on the hillside. Questions continue to come before the City Council on how high is building going to be allowed, is it safe to build so high and can the City provide water? The discussion tonight is to review these issues and decide if changes to the ordinance are needed.

Tom Hardy explained when and why the Foothill Ordinance was adopted. Over the past few years it has been tweaked some to better serve Bountiful. There are two types of properties. One is property not developed within the City limits and the other is property not developed that has

not been annexed to the City. The issues are, should the City annex these properties and what are the implications of leaving them outside the City limits? The question is what does the City do now and how far can the City build? Mr. Hardy thought it a good idea for everyone to understand what private property is available that has not had a subdivision approval on it. Mr. Hardy had Paul Rowland present a map with the locations of these properties.

Paul Rowland explained the map of the City and surrounding area. He explained and showed the private property locations, how they are divided and what the balance of the properties are. Mr. Rowland also drew a line showing the locations of the water reservoirs, pump houses and the water wells in the City. All current developed areas can be serviced with Bountiful Water. All other property that can't receive utilities are located outside city limits or there isn't an access to the property. These properties are privately owned. There was a lengthy discussion on the availability of water and utilities to these locations.

There was also a discussion on annexing property into the City. Mayor Johnson mentioned that the legislation has left annexation to each individual city. Tom Hardy and Barbara Holt mentioned that the properties outside the City limits are not worth the problems they will create when building. These properties should be left outside the City to prevent the extreme cost of impact fees.

Rusty Mahan explained that some issues of the main provisions of the current foothill ordinance, no building on 30% slope, 5000 foot buildable pad, house not further than 500 feet from the street etc., need to be addressed. Mr. Mahan suggested reviewing the following:

1. Review of map
  - public property, private property
  - City limits - utility situation
2. Review of current ordinance
  - 30% slope unusable
  - 5,000 sq. ft. pad of under 30%
  - house no more than 500 feet from street
  - 10 ft cut and fill limit
  - two accesses for subdivisions
  - exceptions permitted
3. Issues for review
  - should hillside development be regulated?
  - should current individual provisions of ordinance be continued or changed?
  - should new hillside zone be created?
  - should density/lot size be increased in current zone?
  - Planned Unit Development
  - Annexation policy

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4. Moratorium on building on the foothill zone

Mr. Mahan also suggested creating a new Hillside Zone so if in the future property is annexed into the City it will be part of the new zone. Also, shift the development restrictions to increase the lot size or decrease the density in this zone. This would be the most effective way to restrict development. Mr. Mahan also suggested that a temporary moratorium be adopted to prevent further building and subdivision approvals until further study has been done.

There was a discussion about decreasing the density, amending the percentage of the slope with minimum acreage and the use of a Conditional Use Permit for those applications that require exceptions. The Foothill Ordinance needs to be in place, but some changes should be made to better serve the property owners and the City.

Fred Moss does not agree with having a moratorium in place. He prefers to treat everyone equal. Mr. Moss, as a Councilman, finds it difficult to receive proposals from the Planning Commission asking for exceptions. As a City Council we are asked to approve or disapprove, in about 15 minutes, where Engineering and the Planning Commission had hours of discussion before making a decision.

Mr. Mahan suggested dropping treating everyone equal because when going onto the hillside every property is different. Mr. Mahan feels that each property should be reviewed individually as a Conditional Use Permit. A Conditional Use Permit will help make each lot buildable to the best that can be.

There was a lengthy discussion on the remaining properties in and out of Bountiful limits. Some of the locations can comply with the current ordinance others will need to be annexed and will not comply with the current ordinance. It is too costly to annex these properties and provide the utilities and the maintenance required. The density and a time limit for a moratorium were also discussed.

Tom Hardy suggested that the City Council declare a moratorium to allow the Planning Commission and City Council some time for review and discussions on what changes need to be taken.

Fred Moss presented a proposed subdivision and mentioned that there are five developers ready to buy the property (this piece of property is in a section of Bountiful that water service cannot be connected to). Mr. Moss is against having a moratorium and making property owners wait to build on their property. The building process has to go through Staff so why make a developer wait? Mr. Moss' biggest problem is making sure that fairness is applied to everyone and a Conditional Use Permit will be too restrictive.

Tom Hardy mentioned that all recorded approved lots are not the issue with the moratorium.

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issue is those lots that are not recorded as approved lots.

Mayor Johnson mentioned that fairness is the objective for the moratorium and Staff needs time to review and study some changes to be more fair in their decisions. Some time is needed to create and untangle issues. The Council needs to make a decision on the moratorium. Mayor Johnson feels that a moratorium will give some counsel and direction for the Staff.

John Pitt made a motion to adopt Resolution 2003-06 to place a 6 month moratorium on any foothill development. The moratorium may be shortened by the City Council if it accomplishes its study in a shorter time frame. Barbara Holt seconded the motion and voting passed by majority vote. Councilpersons Pitt, Holt, Thomas and Tolman voted “aye”. Fred Moss voted “nay”.

Meeting adjourned at 7:15 p.m. on a motion by Councilman Thomas, seconded by Councilwoman Holt. Voting was unanimous with Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting “aye”.

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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