

**Bountiful City  
Planning Commission Minutes  
November 17, 2015  
5:30 P.M.**

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

**1. Welcome and Introductions.**

Chairman Smith opened the meeting at 5:30 pm and welcomed all those present.

**2. Approval of the minutes for October 20, 2015.**

Richard Higginson made a motion to approve the minutes for October 20, 2015 as written. Sean Monson seconded the motion.

Voting passed 5-0-2 in favor with Commission Members Badham, Higginson, Hill, Monson, and Smith voting Aye with Mike Allen and Sharon Spratley abstaining.

**3. Consider approval of Findings of Fact and a Conditional Use Permit letter to install a telecommunications tower to be located at Muir Elementary School, 2275 South Davis Blvd, Jared White representing Verizon Wireless, applicant.**

Von Hill made a motion to approve Findings of Fact and a Conditional Use Permit letter to install a telecommunications tower to be located at Muir Elementary School, 2275 South Davis Blvd with the one spacing correction on the Conditional Use Permit letter. Richard Higginson seconded the motion.

Voting passed 5-0-2 in favor with Commission Members Badham, Higginson, Hill, Monson, and Smith voting Aye with Mike Allen and Sharon Spratley abstaining.

**4. CANCELLED - PUBLIC HEARING – Consider approval of a Variance for side yard setbacks for the property located at 581 N. 1100 E, Andrew Kent representing Milo Peck, owner.**

Chad Wilkinson stated that this item had been cancelled. The property is subject to an exemption in Code that allows for vertical additions provided they are within the boundaries of the original foundation for the home. City staff determined that the proposed addition is within the boundaries of the original foundation and therefore no variance is required.

**5. PUBLIC HEARING – Consider approval of an Amended Variance to allow disturbance of areas with slopes greater than 30 percent for property addressed 1303 East Canyon Creek Drive, Jeff Tenney, applicant.**

Jeff Tenney, property owner and Jeremy Roberts, contractor for Roberts Property Management LLC were present. Chad Wilkinson presented the staff report.

The applicant, Jeff Tenney, has requested an amendment to the existing variance to allow for encroachments on slopes greater than 30 percent for the property located at 1303 East Canyon Creek Drive in the R-F (Residential Foothill) zone. The proposed amendment would allow retaining walls to be built in different locations than originally approved and for an extension of the encroachment further to the north on the lot.

The existing variance was approved by the Administrative Committee on June 1, 2015. The Committee found that the original proposed encroachments on the slope over 30% was the minimum necessary in order to develop the existing lot with a reasonably sized single family dwelling and that the proposed construction was consistent with other development in the area. During the original approval, it was explained to the applicant that any additional construction beyond what was approved by the variance was not authorized and it was also noted that further encroachment would be less likely to be approved because the purpose of the code is to minimize disturbance. Committee members also noted that no retaining walls were over 10 feet tall on the original plans.

The applicant has submitted a statement that describes the reasons for an amendment to the original variance. He states that his engineer determined that the walls supporting the driveway needed to be built differently due to existing site conditions and that there was a misunderstanding with the rock wall contractor, who installed one of the walls further north than what was originally planned.

Staff recommends approval of the amended variance for the revisions to the walls and encroachments related to the driveway. Staff recommends denial of the requested variance for additional encroachments north of the residence and recommends that these areas be restored and revegetated.

Mr. Allen asked the applicant to clarify the error of the 3 ft garage and the retaining wall. Mr. Roberts stated that the Excavator and the Engineering firm have argued that they both had stayed to the plans. Jeff is concerned that the vegetation will be difficult to be restored.

Mr. Monson asked about the structural integrity. Mr. Roberts stated that the two issues do not bring structural problems to the home.

Mr. Wilkinson made the Commission members aware of neighbor's letters that have been copied and e-mailed to them.

Chairman Smith opened the Public Hearing at 5:45 p.m.

Donna Parker resides at 1311 E Canyon Creek Dr. Mrs. Parker wanted to follow up with the letter her husband, Laurence Parker had sent to the Commission members. She was not concerned about the 8 ft setback but is worried about the massive cut for a retaining wall (possibly 18 ft in height). Mr. Roberts clarified that the retaining wall will be a terrace wall and

will be 2 walls at 6 ft each. Mrs. Parker wanted to make sure that the walls will have an Engineer stamp. Chairman Smith confirmed that will happen.

Mr. Rowland clarified the wall height currently being discussed is the same as stated in the surveyed elevation plan received.

Misty Larsen resides at 1292 E Canyon Creek Dr. Mrs. Larsen was concerned for the size of the driveway, porch and walkway. She was concerned that the building has structure problems and will fall since there is a crack in the foundation which goes all the way thru the building. Commission members and the City Engineer stated cracks are a normal part of foundations settling.

Mr. Wilkinson confirmed that the wall materials will be an on-going conversation with the applicant and City staff. The City engineering staff feels comfortable with the engineered drawings.

Emily Swanson wanted to clarify if scrub oak could be revegetated. Mr. Rowland reported that restoring scrub oak will take some time but they have had success in restoring and revegetating other properties.

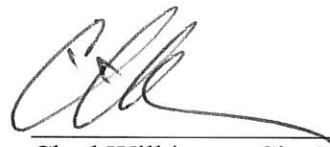
Commission Members stated that they need to stay within the approvals of what the City code allows.

Richard Higginson made a motion to approve the amended variance for the revision to the walls and encroachments related to the driveway. He also makes a motion to deny the requested variance for additional encroachments north of the residence with the requirement that these areas be restored and revegetated. Dave Badham seconded the motion. Voting passed 5-1-1 in favor with Commission Members Allen, Badham, Higginson, Smith, and Spratley voting Aye, with Sean Monson voting nay and Von Hill abstaining.

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

1. Next Planning Commission meeting to be held on December 1, 2015.
2. Special City Council meeting to be held on November 17, 2015 at Mill Creek Junior High at 7:00 p.m following this Planning Commission meeting.
3. Next City Council meeting to be held on December 8, 2015.
4. Upcoming agenda items.

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

  
Chad Wilkinson, City Planner