

PLANNING COMMISSION MINUTES

November 19, 1991

Present: Chairman Jeff Chretien, Mike Holmes, Kathi Izatt, Don Milligan, Mark Green; Les Foy, City Council Rep.; Jack Balling, City Engineer; Jon Reed Boothe, Planning Director; Layne Forbes, City Attorney; Shirley Chevalier, Recording Secretary

Excused: Dick Drescher, Elaine McKay, and Mick Johnson Guest: City Councilwoman Barbara Holt

Minutes of November 5, 1991 were amended as follows: page 2, delete last sentence, paragraph 2, Eagle's Ridge Plats A & B - "Street grades will be between 12-15% throughout the subdivision." Unanimously approved as amended.

Home Occupation:

11-19-91.4A Karen Baty, 574 E. 1130 N., Boutique, November 22nd & 23rd. Cancelled.

Subdivisions - Preliminary:

11-19-91.6A Canyon Creek Estates, 6 Lots, 1400 E. Canyon Creek Dr. Tom Mabey and Jerry James

This subdivision was previously presented to the Planning Commission with a proposal to extend Canyon Creek Drive 300 ft. and to develop six lots, three on each side. Planning Commission denied this by 4-3 majority vote. The reason for denial was the long dead-end street. Staff recommended approval to the Planning Commission and City Council because there is no other means of access to the property.

When staff reviewed this proposal, it was recommended to Mr. Mabey that a 70 ft. temporary turnaround be provided for emergency and service vehicles. Also the area where the creek flows through the 3 lots on the south side should be built above the flood plain, and the creek channeled in order to take care of the 50 year storm that would flow in that area. Further, the guidelines of the Foothill Ordinance must be met. Lot 3 is questionable as to whether there is buildable space. A disclaimer would be put on the plat indicating there must be buildable area of 5,000 sq. ft. that is less than 30% slope. These were the conditions of approval recommended by staff.

Planning Commission was very concerned about the access to this area. Because there is no other means of turnaround, City Council required the road be 60 ft. wide for free movement of traffic in both directions and parking on the side, without encumbering the movement of traffic up and down the canyon.

Mr. Balling presented a drawing showing the water system. When this property was developed, there was a proposal for Viewpoint Subdivision which would be to the south with an

access road coming into Canyon Creek Drive. This would be the last access. The rest is prohibitively steep.

There is some concern about accessibility to the area to the east. The paved road presently ends at a point where it would have to be extended another 1300 ft. There is a gravel road being used by Kern River for construction of their pipeline.

Mr. Balling showed an ownership plat from the county where twenty lots have been sold and homes constructed. There is access and it will develop at some time. There is about 1,000 ft. between this area and the stub road and where the three lots are developing.

At the City Council meeting it was learned that when brought to the Planning Commission before, no turnaround was mentioned but was in the proposal that came to City Council. They referred it back to the Planning Commission because it was information that had not been received when the original decision was made.

Mike Holmes said he has a problem with the ordinance being used selectively, in that certain areas are being given exceptions for longer roads and dead-end development, while other areas would be turned down for the same request. Contradictory to our ordinance, we have created a 1,000 ft. dead-end street. Whether there is a turnaround or not, the ordinance says you cannot go further than 600 ft. This was written to protect the public, and when we ignore the ordinance, we take on a severe liability. He opposes anything that puts the public safety below someone else's needs.

Kathi Izatt said the safety factor is her biggest concern. She mentioned that at the last City Council meeting, Mike Barfuss of the Bountiful Fire Dept., and Jim Cook with the Forest Service, discussed the safety of building in this type of area. Kathi said she felt Mike's comments boiled down to the fact that the city is asking for deep trouble if we allow building in these heavily wooded areas and don't have some type of protective restrictions on clearing away vegetation and making sure trees are not laying against the buildings, and the types of building materials used, etc. We should not allow 300 ft. more length plus the 70 ft. cul- de-sac turnaround. We need to look at other cities' ordinances on hillside development, then put something together for areas where it is not safe, taking a better look at how we are regulating building in these areas before allowing something else to be developed in the canyons.

Mark Green said he is concerned that we are chipping away at a longer distance, but he feels the turnaround is a benefit. He feels this is a significant increase in the safety factor and the additional 300 ft. may be a trade-off for that.

Mr. Balling said the limit of development is the water system. You cannot develop beyond that line. This proposal falls within the existing reservoir. When the next reservoir goes in, development can continue. Mr. Balling further stated that ten years ago, the City Council allowed Canyon Creek Estates to develop. Once a precedent has been set by the Council, staff is under obligation to uphold the decision. That is why staff is recommending approval based on the decision that was made ten years ago, to allow that road to be extended 2,000 ft. and allow

development under the Foothill Ordinance.

Les Foy feels it would add to the safety if there was a turnaround, but if it is gravel, it wouldn't add that much. To request the turnaround be asphalt could be a condition of approval.

Chairman Chretien said he is concerned that we are attempting to limit access to property that is already owned and basically developable by most standards, with the exception of access and the fact that there is a 1,000 ft. stub road. He is further concerned that the developers have gone ahead with their plans based on a decision made 10 yrs. ago. He feels this particular canyon is a unique situation, and while he does not want to see development going any further, it is personal property and an inalienable right for the owners to build here, and the road does go through.

He agrees that a paved turnaround would be more beneficial, and feels the trade-off is worth it to allow the developers to continue on.

Kathi Izatt made a motion to table this proposal to get the fire, police, and safety equipment personnel up there on a field trip predominantly from a fire safety aspect of the whole proposal; Les Foy seconded the motion; Mark Green opposed; majority voted to table.

Subdivisions - Final:

11-19-91.7A Amended Approval to Final Plats for Eagle Ridge Subd.

Final approval has been given to plats A & B of the Eagle Ridge Subdivision by both Planning Commission and City Council. In reviewing the construction drawings, the proposed street grade for the main access to the Lions shooting range exceeded 14% grade, developed poor sight distance and a dangerous curve. City Engineer Jack Balling met with the developers and requested they redesign the streets to comply with the Foothill Ordinance. They have willingly cooperated and have made some additional changes which will be of benefit to the city in developing this subdivision.

Staff recommends final approval be amended to approve the final revised plans subject to the following conditions:

1. The road grades meet the Foothill Ordinance requirements;
2. Posting of bond and payment of fees;
3. All other conditions as outlined under the previous meetings;
4. The upper phase, plat C, be considered a separate plat and subject to the slope ordinance which allows 12,000 sq. ft. lots;
5. The sidewalk be waived along the east side of the gas line where there will be no building lots.

The road has been changed to a 12.5% grade, and the sight distance is good. When plat C is developed, it is less than 15% and will have lots 12,000 sq. ft., while plats A & B have 16,000 sq. ft. lots.

Les Foy made a motion to grant an amendment to final approval of Eagle Ridge Subdivision, plats A & B, and the amendment to preliminary approval of plats C & D, subject to the recommendations of staff; Mike Holmes seconded the motion, Kathi Izatt abstained because Mr. Jones is her neighbor. Motion carried by majority.

Commercial Applications:

11-19-91.10A Addition to Animal Medical Clinic, 215 S. 500 W., Joe Liljenquist, Owner and Larry Olsen, Engineer

The addition will be on the north side of the existing structure. All parking and landscaping that currently exists is adequate for this project. Staff recommends preliminary and final approval subject to the plans being stamped by a licensed architect as required by State law; payment of the required fees; plan check by the Engineering Dept. to see that the plans meet the Uniform Building Code. Mr. Balling said the plans are complete except a little more work is needed on the heating and air conditioning.

Mike Holmes made a motion to approve this project subject to the conditions outlined by staff; Kathi Izatt seconded; voting was unanimous.

Miscellaneous: 11-19-91.11A Review Definition of Professional and Business Offices

City Attorney Layne Forbes, at the request of the Planning Commission, reviewed a number of ordinances of cities throughout Utah, and cases throughout the whole country, from which he prepared a proposed amendment to the definition of professional office. Planning Commission discussed this proposal and made a few changes to read as follows:

Definition - Professional Offices:

A place intended for the conduct of a recognized learned profession. Such offices are limited to: offices or clinics devoted to treatment and care of human illness or injury (medical, dental, chiropractic offices and similar uses), including facilities for out-patient care only, architects, attorneys, engineers, accountants, optometrists, and pharmacies and/or opticians contiguous to medical offices. It is not intended to include real estate offices, insurance offices, or business offices involved in retail or wholesale sales, warehousing, etc.

Mike Holmes made a motion to recommend to City Council an amendment to the ordinance of the existing definition of professional offices, as outlined above; Les Foy seconded; voting was unanimous.

11-19-91.11B Discussion re Planning Commission Bylaws

Kathi Izatt made a motion to adopt the bylaws as printed November 19, 1991. Les Foy seconded the motion; voting was unanimous. Copy attached to permanent record of minutes.

BYLAWS
OF
BOUNTIFUL CITY PLANNING AND ZONING COMMISSION

ARTICLE I
Offices

The principal office of the Bountiful City Planning and Zoning Commission (hereinafter the "Commission") shall be located at 790 South 100 East, Bountiful, Utah.

ARTICLE 11
Meetings

Section 1. Regular Meetings Regular meetings of the Commission shall be held on the first and third Tuesdays of each month, commencing at 7:00 p.m., at the principal offices of the commission, unless otherwise dictated by lack of agenda items or the necessity for a field trip requiring an earlier commencement time.

Section 2. Election Meetings. An election meeting of the Commission shall be held annually on the first Tuesday in the month of January, beginning with the year 1992, for the purpose of electing officers of the Commission and for the transaction of such other business as may come before the meeting. If the day fixed for the election meeting shall be a legal holiday, such meeting shall be held on the next succeeding Tuesday in January.

Section 3. Special Meetings. Special meetings of the Commission for any purpose or purposes, unless otherwise prescribed by statute, may be called by the chairman of the Commission or the Planning Director and shall be called by the chairman of the Commission at the request of a quorum of the members of the Commission.

Section 4. Place of Meetings. Each meeting of the Commission shall be held at such place as may be designated in the notice of meeting. If no place is designated in any such notice, the relevant meeting shall be held at the principal office of the Commission.

Section 5. Notice of Meetings. Notice of Commission meetings shall be provided to each Commission member and other party requesting notice thereof in compliance with the Open Meetings Act of Utah Code, Annotated § _____, as the same may be amended from time to time.

Section 6. Quorum. Except as otherwise required by statute, a majority of the Commission members shall constitute a quorum at each meeting of the Commission and the affirmative vote of a majority of the Commission members when a quorum is present and entitled to vote on the subject matter shall be the act of the Commission. If less than a majority of the Commission members are represented at a meeting, a majority of the Commission members in attendance may adjourn the meeting from time to time for a period not to exceed twenty days at any one adjournment without further notice other than an announcement at the meeting. At such

adjourned meeting, at which a quorum of the Commission shall be present, any business may be transacted which might have been transacted at the meeting as originally notified, EXCEPTING only the notification requirements for public hearings as set forth in Utah Code Annotated. No Commission member may vote or act by proxy at any meeting of Commission.

Section 7. Agenda.

(a) The agenda format shall include categories for Old Business and Report of City Council Actions as items IIIA and IIIB.

(b) The agenda should be mailed to all Commission members, newspapers of general circulation in Bountiful City, entities or individuals representing a proposal included on the Commission agenda and such other groups, parties or persons who have previously requested receipt of a copy of the agenda not later than five (5) nor more than twenty (20) days prior to the meeting scheduled in the agenda. In all instances where action by the Commission is desired, the agenda mailing to the Commission shall be accompanied by written recommendations or proposals for review by the Commission members prior to the meeting. It shall be optional to include written recommendations or proposals with the agenda mailing for matters which do not require action by the Commission.

(c) To be placed on the Commission agenda, all necessary plans, fees, applications, engineering specifications and other pertinent data as specified in the Bountiful City Zoning Ordinance and Bountiful City Subdivision Ordinance and such other rules, regulations and requirements as may be promulgated from time to time, shall have been submitted and reviewed by the Planning Director, City Engineer and such other personnel as are deemed necessary to adequately review and make recommendations to the Commission. Should a request for inclusion on the Commission agenda not be accompanied by sufficient material to justify inclusion on the agenda due to failure to include documentation which lacks materiality or which does not substantially comply with the rules, regulations and ordinances of the City of Bountiful, such item, at the discretion of the Planning Director and/or chairman, may not be placed on the agenda as an item requiring action by the Commission. Such item may be placed on the agenda for purposes of information and discussion only. Determination of the adequacy of the material submitted and subsequent inclusion or non-inclusion on the Commission agenda should be made by the Planning Director and chairman not later than five (5) days prior to the date of the Commission meeting.

Section 8. Action and Governing Rules. A bona fide representative of each agenda item shall be present before the Commission in order to respond to inquiries from the Commission, staff or interested members of the public. In each instance where an item has been placed on the agenda for action by the Commission and a bona fide representative thereof is present, the Commission shall, in accordance with Utah Code Annotated, the rules, regulations and ordinances of Bountiful City and these bylaws, approve, conditionally approve, table, deny, table for action on a date and time certain or otherwise dispose of each such item before the Commission. As circumstances permit and with gracious consideration for individual attitudes and differences of opinion, adequate discussion, review, comment and debate by the Commission

members, staff, person or entity representing the agenda item, and interested members of the public, will be allowed and encouraged. Meetings of the Commission shall generally be conducted pursuant to Roberts Rules of Order.

ARTICLE III

Officers

Section 1. General Powers. The business and affairs of the Commission shall be managed by its officers pursuant to the provisions of Utah Code Annotated, the laws, rules and regulations of the City of Bountiful and these bylaws.

Section 2. Term. Officers shall be elected at each election meeting of the Commission. Each officer shall hold office until the next election meeting of the Commission and thereafter until his successor shall have been elected and qualified or until his earlier death, resignation or removal. The chairman and vice-chairman may not serve consecutive terms.

Section 3. Vacancies, Removal. Any officer may resign at any time by giving written notice through the Planning Director. An officer's resignation shall take effect upon receipt of such notice by the Planning Director unless another time is specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any officer vacancy may be filled by the affirmative vote of a majority of the remaining Commission members though less than a quorum of the Commission members. An officer elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

Section 4. Presumption of Assent. A Commission member who is present at a meeting of the Commission at which action on any Commission matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the Commission immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Commission member who voted in favor of such action.

Section 5. Compensation. Pursuant to the regulations set forth in Utah Code Annotated, no Commission member may be paid for his service as a member of said Commission. A Commission member may, however, receive reimbursement for reasonable travel expenses and attendance at seminars or other meetings related to the business of the Commission.

Section 6. Executive and Other Committees. By resolution adopted by the majority of the Commission members, the Commission may designate an executive committee consisting of not less than two Commission members and such other persons as deemed appropriate by the Commission to investigate, report on, review, study, or otherwise deliberate upon specific questions, problems, assignments or matters as set forth by the Commission in the resolution creating such executive committee. The designation of any committee shall not operate to relieve

the Commission or any member thereof from any responsibility imposed by law. Rules governing procedures for meetings of any committee shall be as established by the committee, or in the absence thereof, by the Commission.

ARTICLE IV

Officers

Section 1. Number and Qualifications. The officers of the Commission shall be a chairperson, a vice -chairperson and a secretary. The Commission may also elect or appoint such other officers or assistant officers as it may consider necessary. Offices may not be held by the same person.

Section 2. Authority and Duties of Officers. The officers of the Commission shall have the authority and shall exercise the powers and perform the duties specified below and as may be additionally specified by the chairperson, the Commission members or these bylaws, except that in any event, each officer shall exercise such powers and perform such duties as may be required by law in addition to the following.

(a) Chairperson The chairperson shall: (i) be the chief executive officer of the Commission and have general and active control of its affairs and business and general supervision of its officers, agents and employees; (ii) preside at all meetings of the Commission; (iii) see that all orders and resolutions of the Commission are carried into effect; and (iv) perform all other duties incident to the office of chairperson as from time to time may be assigned to him by the Commission.

(b) Vice Chairperson. The vice chairperson shall assist the chairperson and shall perform such duties as may be assigned by the chairperson or by the Commission. ne vice chairperson shall, at the request of the chairperson, or in his absence, inability or refusal to act, perform the duties of the chairperson and when so acting, shall have all the powers of and be subject to all the restrictions upon the chairperson.

(c) Secreta . The secretary shall: (i) keep the minutes of the proceedings of the Commission; (ii) see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; (iii) be custodian of the records of the Commission; (iv) keep at the Commission's principal office a record containing the names and addresses of all Commission members and the terms of office of each; (vi) perform all duties incident to the office of secretary and such other duties as from time to time may be assigned by the Commission or the chairperson. Assistant secretaries, if any, shall have the same duties and powers, subject to supervision by the secretary.

ARTICLE V

Policies and Procedures

Section 1. Leizal Assistance. If appropriate representation of the City Attorney's Office is not in attendance at any meeting, all legal questions shall be submitted to the City Attorney in writing within two days of the request by the Commission. All questions and answers should be written and placed in a binder for review at each meeting as needed. All written answers received shall be reviewed at the next meeting prior to new business items.

Section 2. Public Statements. When making a public statement, each Commission member shall indicate whether he is representing himself or the Commission.

Section 3. Ethics. With the intent of avoiding conflicts of interest and protecting the integrity of Commission determinations, each Commission member shall be governed by and comply with the provisions of Utah Code Annotated, H 10-3-1301 through 10-3-1305, a copy of which is attached hereto and made a part hereof as though set forth in full.

ARTICLE VI

Miscellaneous

Section 1. Books and Records. The Commission shall keep correct and complete books and records of account and shall keep minutes of the proceedings of the meetings held by the Commission. Any person shall have the right to examine, in person or by agent or attorney, at any reasonable time and for any purpose, the Commission's books and records of account, minutes and record of Commission members and to make abstracts or copies therefrom.

Section 2. Amendments. Subject to repeal or change by action of a two-thirds majority of the Commission, the power to alter, amend or repeal these bylaws and adopt new bylaws shall be vested in the Commission members.

Section 3. Interpretation. These bylaws and each provision hereof are subject to applicable statutory law and to the provisions of Utah Code Annotated and to such rules, regulations and ordinances of the City of Bountiful.