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Minutes of the
BOUNTIFUL CITY COUNCIL
January 27, 2015 – 6:02 p.m.

Present: Mayor Pro Tem: John Marc Knight
Council Members: Kendalyn Harris, Richard Higginson
Beth Holbrook, John Pitt
City Manager: Gary Hill
City Attorney: Russell Mahan
City Engineer: Paul Rowland
City Planner: Chad Wilkinson
Department Directors & Personnel:
Allen Johnson, Power
Tyson Beck, Finance
Recording Secretary: Nikki Dandurand
Excused: Mayor: Randy C. Lewis

Official Notice of the Work Session and Regular Meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Standard Examiner, and on the Utah Public Notice Website.

Work Session – 6:02 p.m. – 6:55 p.m.
Planning Commission Room

Mayor Pro Tem John Marc Knight called the meeting to order, and welcomed those in attendance.

ZONING AND RE-SUBDIVISION POLICY DISCUSSION – MR. RUSSELL MAHAN AND MR. CHAD WILKINSON

Mr. Mahan stated that this work session is to discuss the existing policy on re-subdivision and whether to adopt it into the Bountiful City Land Use Ordinance. Since 2002 the Council has generally opposed re-subdivision and explained the rationale stated in the policy (Resolution 2002-09), which is also part of proposed Ordinance 2015-03. It is recommended by staff and Mr. Mahan to either include the policy in the Land Use Ordinance or rescind the policy. Councilman Higginson stated that three developers have applied to re-subdivide within an existing subdivision. Tonight, Council has five options to consider; adopt the ordinance as originally written (Version 1), adopt the ordinance as recommended by the Planning Commission (Version 2), adopt the ordinance in another form, not adopt an ordinance at all and rescind the policy, or do nothing. Staff recommends against option five. The Bountiful City Planning Commission met on January 20, 2015 and by a 4-3 vote, recommended that the re-subdivision policy be rescinded except in the instance of hillside developments, with that limited application being adopted into the Land Use Ordinance. They also unanimously recommended a moratorium be placed over the Val Verda area to give time to work on a specific plan. Mr. Mahan proceeded to show the specific provisions of Version 1 and Version 2 of the ordinance. He then added again, that this work session is strictly for Council discussion at this point. Councilman Higginson asked what other cities in Davis County have re-subdivision policies.

1 Mr. Wilkinson responded that no other cities he is aware of have this policy. Council asked various
2 questions regarding the zoning, time standard for moratoriums, and specific names for subdivisions.
3

4 Mr. Rowland explained a storm water runoff issue, and that it is mitigated by detention
5 basins. Mr. Mahan said that generally the ordinance to vacate lots from subdivision is considered as
6 a part of final approval, but that we are accelerating this to the front of the process here. Councilman
7 Higginson stated it is important to remember that the proposed re-subdivision ordinance (agenda item
8 #8) is not specific to Val Verda, but includes all of Bountiful City and is in no connection with the
9 other three public hearings.

10
11 The Work Session adjourned at 6:55 p.m. to move into Regular Meeting.
12

13 **Regular Meeting – 7:02 p.m.**
14 **City Council Chambers**
15

16 Mayor Pro Tem Knight called the meeting to order at 7:02 p.m. and welcomed those in
17 attendance. Dennis Christensen, Bountiful 25th Ward, led the Pledge of Allegiance. Dave Badham,
18 Planning Commission, gave a prayer.
19

20 **APPROVAL OF MINUTES**

21 Minutes of the January 13, 2015 City Council Meeting were presented. Councilman
22 Higginson requested a clarification on page 6, line 7. Minutes read that Councilman Higginson noted
23 the BDAC was going to open February 19, 2015. After listening to the recorded audio, the correction
24 should be that Councilman Higginson inquired about the date for the opening of the BDAC, and Mr.
25 Paul Rowland responded with the correct date and first exhibit date. Councilman Higginson made a
26 motion to approve the minutes and Councilman Pitt seconded the motion. Voting was unanimous
27 with Councilpersons Harris, Higginson, Knight and Pitt voting “aye”.
28

29 **COUNCIL REPORTS**

30 Councilman Pitt reminded everyone of the BDAC opening next month and there will be a
31 fundraiser in effort to collect money for a new piano for the BDAC coming soon. There were no
32 other reports from Council.
33

34 **YOUTH COUNCIL REPORT**

35 Councilwoman Harris reported for the Youth Council that they will be attending their annual
36 day at the legislature this week with guest speaker Chief Ross.
37

38 **CONSIDER APPROVAL OF WEEKLY EXPENDITURES > \$1,000 PAID DECEMBER 25,**
39 **2014 AND JANUARY 8 & 15, 2015**

40 Mayor Pro Tem Knight presented the weekly summaries paid on December 25, 2014 for
41 \$306,541.38, January 8, 2015 for \$103,618.03 and January 15, 2015 for \$906,150.21. Councilman
42 Higginson inquired about the recycling program. Mr. Rowland reported that the program is running
43 well with few calls from residents. The annual renewal of fees will be up soon, within the anticipated
44 budget approval. Mayor Pro Tem Knight added that Bountiful residents pay less than before.
45 Councilman Pitt moved to approve the reports as presented, and Councilman Higginson seconded the
46 motion. Voting was unanimous with Councilpersons Harris, Higginson, Knight and Pitt voting

1 “aye”.

2
3 **CONSIDER APPROVAL OF THE PROPOSAL FROM DOWN UNDER CONSTRUCTION**
4 **FOR DIRECTIONAL BORING AT 500 WEST AND 400 NORTH IN THE AMOUNT OF**
5 **\$23, 487 – MR. ALLEN JOHNSON**

6 Mr. Johnson met with the Power Commission this morning and they recommend this proposal
7 be approved. The work in this intersection needs to be done and we should do it while the road is
8 currently under construction. The low bid is from Down Under construction, with two other bids
9 being submitted. This cost will not be reimbursed from the state as it is part of a long term plan in the
10 power district’s budget. With the road currently under construction, we can expect to save
11 approximately \$10,000-15,000 in demo costs. There will be four conduits, approximately 500 feet in
12 length being run with the cable TV conduit. Councilman Higginson made a motion to approve the
13 proposal and Councilwoman Harris seconded the motion. Voting was unanimous with
14 Councilpersons Harris, Higginson, Knight and Pitt voting “aye”.

15
16 **CONSIDER PRELIMINARY APPROVAL OF DEER HOLLOW STONE CREEK**
17 **SUBDIVISION, JOAN PETERSON, APPLICANT – MR. PAUL ROWLAND**

18 Mr. Rowland explained this area is currently zoned R-3, with a proposed four lot subdivision.
19 Currently on the property is a single family home, storm water is not a concern and no additional
20 streets will be added. All three additional lots will be required to access Davis Blvd. The Planning
21 Commission unanimously recommended this preliminary approval, with conditions met.
22 Councilman Higginson moved to approve the preliminary subdivision plans, and Councilman Pitt
23 seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson, Knight and Pitt
24 voting “aye”.

25
26 **PUBLIC HEARING - CONSIDER APPROVAL OF ORDINANCE 2015-03 AMENDING THE**
27 **BOUNTIFUL CITY LAND USE ORDINANCE CONCERNING RE-SUBDIVISION WITHIN**
28 **EXISTING SUBDIVISIONS – MR. RUSSELL MAHAN**

29 Mr. Mahan stated the purpose of the proposed ordinance. The Land Use Ordinance is already
30 established and can be amended by the Planning Commission and City Council. There are not any
31 re-zoning or issues of house size within this ordinance, only the issue of re-subdivision. The
32 recommendation to the Council tonight is to either move the re-subdivision policy of Resolution
33 2002-09 into the Bountiful City Land Use Ordinance or to rescind the policy. The Planning
34 Commission recommended last week on a 4-3 vote that the City adopt the Version 2 of Ordinance
35 2015-03 and that Resolution 2002-09 be rescinded. The Planning Commission also recommended
36 that a moratorium be placed on the Val Verda area. Mayor Pro Tem Knight made note to all in
37 attendance that this ordinance has no bearing on the three other public hearings tonight. This
38 ordinance would be city wide in its application. The Council has five options: 1-adopt the original
39 ordinance (Version 1 of Ordinance 2015-03), 2-adopt the ordinance as recommended by the Planning
40 Commission (Version 2), 3-modify the ordinance in other ways, 4-not to adopt the ordinance and
41 rescind the policy, or 5-do nothing. Staff recommends that an action be taken tonight.

42
43 A public hearing was held on whether to amend the Bountiful City Land Use Ordinance to
44 include Ordinance 2015-03.

45
46 ***Public Hearing open: 7:40 p.m.***

1 **Public comments were as follows:**

- 2 • *Dave Badham – 3202 S. 75 E.* - Suggests this is not a one size fits all ordinance and
3 encourages Council to find another solution. The Planning Commission had a 4-3 vote, split
4 vote, for a reason. He would like to see the Val Verda area addressed separately.
5 • *Jolynn Wilson – 293 W. 3100 S.* – The Val Verda area is a great open space and would take a
6 huge popularity vote to change it.

7
8 Mayor Pro Tem Knight reiterated that this is just not the Val Verda issue.
9

10 Ms. Wilson continued that she echoes what Mr. Badham suggested on separating the Val
11 Verda area from this issue

- 12 • *Aric Jensen – 1305 Millbrook Way* – Mr. Jensen stated that no other cities that he knows of
13 have a re-subdivision ordinance. He agrees with the moratorium to further discuss the Val
14 Verda area.
15 • *Nate Pugsly – 4544 Ridge Crest Circle* – Concurs with Mr. Jensen’s statements. Re-
16 subdivision means growth and if the re-subdivision is a problem, then City Council can
17 always rezone.
18 • *Regan Sutalo – 2993 S. 100 W.* – Living in the Val Verda area was my choice and re-
19 subdivision is not right. This area should be left alone and not moved into a high-density
20 area.
21 • *Kathy Thurston – 333 W. 3100 S.* – Asked Council if there is a third option. Can we overlay
22 the whole city?

23
24 Mayor Pro Tem Knight asked if Ms. Thurston has a proposal.
25

26 Ms. Thurston continued that no she does not, but the whole city should propose a lower
27 density attitude.

- 28 • *Tony Evans – 2956 S. 650 E.* – Mr. Evans stated he had an interest for large property and
29 bought an acre, with the option of purchasing more. He does not want adjoining properties
30 with different values, but would consider how to re-subdivide within that reasoning.
31 • *Brian Knowlton- 630 E. 500 S.* –Targeted areas need to be re-subdivided for that is how a city
32 grows. His second point was the nest egg theory.
33 • *Dan Bramall – 3318 S. 200 W.* – Agrees with Mr. Badham. What about the option to
34 consider the land as historical land use and not just state land use. Mr. Bramall gave a
35 suggestion on how to divide new property.
36 • *Neil Moss – 3218 S. 200 W.* –Version 1 of the ordinance has seven very valid points. Can we
37 deal with those points, but still have flexibility?
38 • *Corey Peterson – 187 W. 3100 S.* – Mr. Peterson has slightly different thoughts than Mr.
39 Jensen, but overall expansion is good, but with the contraction back to rural.
40

41 **Public Hearing closed: 8:28 p.m.**
42

43 Mayor Pro Tem Knight moved to approve Version 1 of Ordinance 2015-03. The motion died
44 for lack of a second. Councilman Pitt asked if a discussion could be opened from Council. Mayor
45 Pro Tem Knight agreed. The Council discussed various points of zoning, a proposed moratorium on

1 the Val Verda area and recommendations to move forward.

2
3 Councilwoman Holbrook made a motion to adopt Version 2 of Ordinance 2015-03 and to
4 rescind Resolution 2002-09. Councilman Higginson seconded the motion. Mayor Pro Tem Knight
5 asked if the Council would reconsider and rule on just the moratorium. Councilman Higginson
6 disagreed. The Council discussed other options to the motion. Mayor Pro Tem called for a vote,
7 with Councilpersons Harris, Holbrook, Higginson, Pitt voting “aye”, Councilman Knight voting
8 “nay.” Mr. Mahan added that the moratorium must be in writing and will be brought back at the next
9 City Council meeting. Mr. Mahan stated that notice of the agenda including the moratorium will be
10 posted tomorrow.

11
12 **OLD ORCHARD SUBDIVISION, BRIAN KNOWLTON – MR. PAUL ROWLAND**

13 Mr. Knowlton is proposing a subdivision with five lots on two acres, with three lots on 3200
14 S. and two lots on 3025 S. Mr. Rowland explained that utilities are present, there are no additional
15 streets, and how storm water runoff will drain. The Planning Commission recommends preliminary
16 subdivision approval, with conditions as listed in the staff report. Mr. Mahan stated that although the
17 Planning Commission has recommended approval of this application, a public hearing should be
18 held. The applicant, Aric Jensen made a few comments before the public hearing opened.

19
20 A public hearing was held on whether to vacate the lots involved from the Val Verda
21 Subdivision for the purpose of being included in the new Old Orchard Subdivision, as stated in
22 proposed Ordinance 2015-04.

23
24 ***Public Hearing open: 9:14 p.m.***

25 ***Public comments were as follows:***

- 26
- 27 • *Dave Badham* – Concerned that this action is about the money, not the people. Is there an
option to widen to road?
 - 28 • *Kathy Thurston -333 W. 3100 S. /Violette Ouzounian 154 W. 3100 S.* - Upset with Aric Jensen
29 saying this was already approved
 - 30 • *Jessica Meyerson* – 219 W. 3000 S.- Never notified, except by mail and many others not
31 aware of these changes. It will affect the property taxes we pay.
 - 32 • *Paul Arnold* – 3234 S. 75 E. – Suggested a sidewalk in-between houses to main road
 - 33 • *Andy Sutalo* - 2993 S. 100 W. – concerned that five lots is too much, where are the
34 driveways?
 - 35 • *Jane Hendrickson* - 187 W. 3100 S. – was never notified, road needs to be widened
- 36

37 Councilman Pitt asked for a clarification on how residents are notified. Mr. Wilkinson responded
38 that zoning changes and subdivision vacations require different notices under State law and City
39 ordinance, and because this change is only a subdivision, only residents within a certain block radius
40 are notified. A resident was concerned because she was not notified, and Mr. Wilkinson again said
41 that it is based on subdivision boundaries, not by address.

- 42
- 43 • *Corey Peterson* – 187 W. 3100 S. – concerned about the rezoning
 - 44 • *Joann Clapham*– 383 W.3100 S. - would like to purchase more property in the Val Verda
45 area, but not given the opportunity, would like to block developers
 - 46 • *Steven Bennion* - 23 E. 2400 S. – gave historical background of Val Verda area

- 1 • Gary Lund – 3026 S. 150 W. – glad to have more people come in and enjoy the area, makes a
2 good community
3

4 **Public Hearing closed: 10:05 p.m.**

5
6 Councilman Pitt made a motion to approve Ordinance 2015-04, and Councilwoman Holbrook
7 seconded the motion. Councilman Pitt stated that there are still many questions on this particular
8 issue and is hesitant to move forward, but a moratorium on the Val Verda area would be a good start.
9 Councilman Higginson stated that Val Verda is a great area with large lots and we don't want it to go
10 away, but we need to protect what's left. Mayor Pro Tem Knight asked for the vote, with
11 Councilpersons Harris, Holbrook, Higginson and Pitt voting "aye" and Councilman Knight voting
12 "nay." Ordinance 2015-04 was approved by a 4-1 vote.
13

14 Councilwoman Holbrook made a motion to give preliminary subdivision approval of the Old
15 Orchard subdivision, and Councilwoman Harris seconded the motion. Councilpersons Harris,
16 Holbrook, Higginson and Pitt voted "aye", and Councilman Knight voting "nay." Preliminary
17 subdivision approval was approved by a 4-1 vote.
18

19 **VAL VERDA MEADOWS SUBDIVISION, BRIGHTON HOMES – MR. PAUL ROWLAND**

20 Mr. Rowland stated that the property in review is the Schulties property, where Brighton
21 Homes is proposing to build a nine lot subdivision; with four lots to front onto 200 West Street and
22 five lots to front onto a new cul-de-sac. These plans meet all R-4 zoning requirements; and will
23 provide materials to fix current curb/gutter problems and substandard streets on 200 West. Because
24 of the then-existing re-subdivision policy, the Planning Commission made no recommendation on
25 approval of this subdivision, but if the Council approves, it should do so with the stated conditions,
26 and the Council will need to vacate the Schulties lots from the Val Verda Subdivision by ordinance.
27 Councilman Higginson reported that the Planning Commission was hesitant to recommend approval
28 because the cul-de-sac runs alongside the neighbor's property without any buffer.
29

30 Nate Pugsley, a developer with Brighton Homes, stated to the Council that there were
31 different variations considered on this property. He stated he believes they have met ordinance
32 requirements.
33

34 A public hearing was held on whether to vacate the lots involved from the Val Verda
35 Subdivision for the purpose of being included in the new Val Verda Meadows Subdivision, as stated
36 in proposed Ordinance 2015-05.
37

38 **Public Hearing open: 10:20 p.m.**

39 **Public comments were as follows:**

- 40 • Jolynn Wilson – objected to the new proposed road because it would border her property. She
41 has developed an urban garden and this would greatly affect it. Also claims the city has
42 violated her due process rights and illegally performed a zone change. She is not against
43 development, but big homes are not the answer.
- 44 • Dan Brammel – 3318 S. 200 W. – Original owners, the Shulties, can sell whenever they want,
45 but is concerned about the lot sizes, would like to see larger lots sold, amend as a protected
46 zone and possibly an overlay.

- 1 • *Dave Badham* – agrees with Mr. Brammel, would like to see moratorium in place.
- 2 • *Corey Peterson* – Does not agree with any re-subdivision

3
4 Councilwoman Harris asked how are the lot sizes verified. Mr. Rowland responded that only the
5 preliminary plats are approved tonight. Before completion, it will all be surveyed again and there
6 could be some difference at that point ie. side yards, etc.

- 7
8 • *Steffanie Holdstock - 3286 S. 200 W.* – Agrees that the Shulties have right to sell their own
9 property, but the multiple lots are excessive. Can Brighton minimize the lots legally? Please
10 consider the neighbors while building

11
12 Mayor Pro Tem Knight addressed Ms. Holdstock question that our city engineer can discuss the
13 lot sizes with the developer.

- 14
15 • *Don Schulties – 4380 Hidden Lake Dr.* – owner of the property for 60 years. His father
16 bought the land for his family and we are using these rights to protect our family. Please
17 show us respect as well, as we choose to sell and build this land. There will only be seven
18 lots, not nine, on the property.
- 19 • *Cari Moss – 3218 S. 200 W.* – Would like to see an overlay for Val Verda, 200 W. traffic is
20 not good and with more density it will cause problems.

21
22 ***Public Hearing closed: 10:55 p.m.***

23
24 Councilman Pitt stated that the Planning Commission did not recommend in favor of vacating
25 the lots from the subdivision, and that he did not like the course of the proposed new road. He made
26 a motion to deny Ordinance 2015-05 to vacate the lots from the Val Verda Subdivision. Councilman
27 Higginson asked about the Councils options. Mr. Mahan said this was a legislative act and that the
28 Council had discretion. Councilman Higginson asked that findings be adopted by the Council after
29 the fact. He stated that he does not like this cul-de-sac at all, and that he is opposed to it because it is
30 so intrusive to the neighbor. He also does not like the lots on 200 West Street. He hopes that
31 something more acceptable can be proposed. Councilman Pitt suggested that there needs to be
32 further investigation into a policy for the Val Verda area. Councilwoman Holbrook agreed with
33 Councilman Higginson about the cul-de-sac and would like to see something different, but we do
34 need to recognize that the Schulties have the right to sell and there needs to be a good conclusion
35 with the developer. It does fit in the R-4 zone, but does not like the design. Councilman Pitt says he
36 objects to this particular design. Councilman Higginson seconded the motion to deny Ordinance
37 2015-05. Councilmen Higginson, Knight and Pitt voted “aye”, Councilwomen Harris and Holbrook
38 voted ‘nay’. The vacation ordinance fails.

39
40 Councilman Pitt made a motion to deny preliminary subdivision approval of the Val Verda
41 Meadows subdivision, and Councilman Higginson seconded the motion. Councilpersons Higginson,
42 Knight and Pitt voted “aye”, Councilwomen Harris and Holbrook voted “nay.” Preliminary
43 Subdivision approval is denied.

44
45 **RUTH ESTATES SUBDIVISION, BOB LINDSEY – MR. PAUL ROWLAND**

46 Mr. Rowland stated that Mr. Lindsey is proposing an eight lot subdivision on 50 E. 3100 S.

1 with a cul-de-sac. The area is currently zoned as R-3. Because of the issue of the re-subdivision
2 policy then existing, the Planning Commission made no recommendation, but if approved the
3 Council will need to vacate the lots, with conditions stated. Mr. Lindsey made a few comments. He
4 noted that the actual lot size is 3.2 acres, not 2.3 as printed. This is an existing property and has great
5 cooperation from the neighbors. These are very unique lots and covenants will be enacted to protect
6 the area, but many homes will be affordable.
7

8 A public hearing was held on whether to vacate the lots involved from the Val Verda
9 Subdivision for the purpose of being included in the new Ruth Estates Subdivision, as stated in
10 proposed Ordinance 2015-05 (having been numbered as 2015-06 on the agenda).
11

12 **Public Hearing open: 11:10 p.m.**

13 **Public comments were as follows:**

- 14 • *Becky Lindsey – 3187 S. 200 E.* – Her grandfather purchased this land years ago. Five
15 generations have lived on the land and thankfully it has been subdivided to the children
- 16 • *Dave Badham – 3202 S. 75 E.* – Likes this property re-subdivision
- 17 • *Paul Arnold – 75 E. 3234 S.* - Likes what Mr. Lindsey is proposing, real asset to the area
- 18 • *Tony Ivers – 22 E. 3100 S.* – Does not like the proposed plans, is there a better alternative?
- 19 • *Dave Badham* - Request of the neighbors to include a cat-walk in the area.
- 20 • *Steven Bennion* – Mr. Lindsey is doing a great job, cat walk is a great idea
21

22 **Public Hearing closed: 11:30 p.m.**

23
24 Councilwoman Harris made a motion to approve Ordinance 2015-05, Councilwoman
25 Holbrook seconded the motion. Councilpersons Harris, Holbrook, Higginson and Pitt voted “aye”,
26 Councilman Knight voted “nay.” Ordinance 2015-05 passed with a 4-1 vote.
27

28 Councilman Higginson made a motion to give preliminary subdivision approval to Ruth
29 Estates subdivision, with the seven conditions stated. Councilwoman Harris seconded the motion.
30 Councilperson Harris, Holbrook, Higginson and Pitt voted “aye”, Councilman Knight voted “nay.”
31 Preliminary approval was passed with a 4-1 vote.
32

33 Mayor Pro Tem Knight moved to adjourn the meeting, with all Councilpersons voting aye.
34 The regular meeting of the City Council was adjourned at 11:30 p.m.
35
36

37
38 _____
39 RANDY C. LEWIS, Mayor
40
41

42
43 _____
44 SHAWNA ANDRUS, City Recorder
45