

**Bountiful City  
Planning Commission Minutes  
April 17, 2018  
6:30 P.M.**

Present: Chair – Sean Monson; Planning Commission Members – Jesse Bell, Jim Clark and Sharon Spratley; City Council Representation – Richard Higginson; Asst. City Attorney – Jake Fordham; City Planner – Chad Wilkinson; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

Excused: Planning Commission Member – Tom Smith and City Attorney – Clint Drake

**1. Welcome and Introductions.**

Chair Monson opened the meeting at 6:30 pm and welcomed all those present.

**2. Approval of the minutes for March 6, 2018.**

Von Hill made a motion to approve the minutes for March 6, 2018 as written.

Jim Clark seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Monson, and Spratley voting aye.

**3. Consider approval of the Findings of Fact for denial of a Variance to allow for a parking space within the required front yard. The property is located at 3457 S Bountiful Blvd, Ryan and Sandra Call, applicants.**

Jesse Bell made a motion to approve the Findings of Fact for denial of a Variance to allow for a parking space within the required front yard located at 3457 S Bountiful Blvd as written.

Von Hill seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Monson and Spratley voting aye.

Mr. Wilkinson informed the Commission members that we received an appeal from Mr. and Mrs. Call which will be scheduled with the Administrative Law Judge.

**4. Consider approval of the Findings of Fact for denial of a Variance to allow a third driveway. The property is located at 992 E 550 N, Kevin Menlove, applicant.**

Mr. Higginson asked for clarification about the third driveway coming to the City's attention. Mr. Wilkinson explained that this item was a result of code compliance.

Von Hill made a motion to approval of the Findings of Fact for denial of a Variance to allow a third driveway located at 992 E 550 N as written.

Jim Clark seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Monson and Spratley voting aye.

**5. Review of proposed Agriculture Protection Area for Bangerter Farms located at approximately 1280 N 400 East, Alan Bangerter and Randall Edwards, applicant.**

Alan and Diane Bangerter were present. Mr. Wilkinson presented the staff report.

The applicants, Alan Bangerter and Randal Edwards, have requested the creation of an agriculture protection area for property located at approximately 1280 N. 400 East. The property is approximately 11.85 acres in size and is currently zoned R-4. Utah Code Title 17 Chapter 41 provides for a process by which the legislative body of a City or town may create an agricultural protection area. The process provides for coordination with the County including review and recommendation by a County appointed agriculture protection advisory board. The proposal is also required to be considered by the Planning Commission with a recommendation forwarded to the City Council.

State Code Section 17-41-305 provides criteria for evaluating a proposal for creation of an agriculture protection area.

The Chas W. Bangerter and Son farm has been operating in Bountiful for over 100 years and continues to be a viable and productive farm. Development has occurred around the property and the farm is now hemmed in by residential development on all sides. The farm is one of a few remaining viable farm parcels in the City limits.

A review of the evaluation criteria provided in State law shows that the proposal is consistent with the intent of the agriculture protection area statute. The property is currently used for agriculture and the farm use has existed for decades. The Bangerter farm is an active participant in the Bountiful Farmer's Market and supports the recent trend for increased demand for locally grown produce. The one criterion that merits further discussion relates to the zoning of the property. The property is currently zoned R-4 (Single-family Residential) and the adoption of the agriculture protection area will not change the underlying zoning of the property. The City does not have an agricultural zoning designation at this time. The R-1 zoning district focused around the Val Verda area is the closest designation to an agriculture zone but is still primarily a single family zone that allows for limited farm animals and agricultural use. Although State Code lists existing zoning as a consideration, in this case, because the use has been operating for over 100 years, the agriculture use is considered to be a legal existing nonconforming use. Because of the preexisting nature of the use, the current zoning is not a limiting factor on the continued use of the ground for agricultural purposes as the use may continue in perpetuity as long as the agricultural use is not abandoned or discontinued for more than one year.

Notice of the proposal for an agriculture protection area was sent to all property owners within 1000 feet of the subject property. The City received a few comments in response to the notice all generally in support of the proposed protection area.

The proposal was considered by the Davis County Agriculture Protection advisory board on April 9 2018. The advisory board unanimously recommended approval of the proposed Agriculture Protection Area.

State law limits the land use authority of Cities pertaining to property within an agriculture protection area. As an example a City may not change the zoning designation or regulations affecting land within an agriculture protection area without written approval of all owners within the boundary of the agriculture protection area. In addition, the protection area requires additional procedures should the City wish to exercise eminent domain on the property. These impacts should be considered as the Planning Commission and City Council review the application. State law also requires additional notice to appear on new subdivisions within 300 feet of an agriculture protection area. Since there are not any other properties within 300 feet of the property with significant development potential, this requirement is expected to have minimal impact

It is recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed agriculture protection area.

Mr. Bangarter stated that this farm is a family business that supports 3 sons and their families who also want to continue to farm. The farm supports local stores and the food pantry with produce and employing over 100 youth. The land needs to be preserved to be able to continue farming.

Mr. Wilkinson stated that the process would be similar if the Bangarter Farms wanted to remove any of the Agriculture Protection Area.

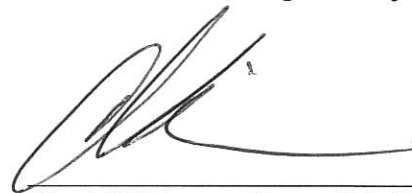
Von Hill made a motion that the Planning Commission forward to the City Council a recommendation of approval for an Agricultural Protection Area for Bangarter Farms located at 1280 N 400 East.

Sharon Spratley seconded the motion. Voting passed 6-0 with Bell, Clark, Higginson, Hill, Monson and Spratley voting aye.

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

1. Next Planning Commission meeting – May 1, 2018.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 6:58 p.m.



Chad Wilkinson, Bountiful City Planner