

**West Bountiful City  
Planning Commission**

**February 11, 2014**

**Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on February 7, 2014 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 11, 2013, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Commissioners Alan Malan, Mike Cottle, Laura Charchenko, and Corey Sweat-alternate.

**MEMBERS EXCUSED:** Terry Turner.

**STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (Deputy Recorder), Duane Huffman (City Administrator), and Debbie McKean (Secretary).

**VISITORS:** Kelly Enquist (City Council Liaison).

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson. Chairman Hopkinson offered a prayer.

**I. Accept Agenda**

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as presented. Alan Malan seconded the motion. Voting was unanimous in favor among members present.

**Business Discussed:**

**II. Discuss establishing processes for the following list of items:**

- **Subdivision alteration adjustments**
- **Land Use amendments, including map/zone changes and text changes**
- **Vacating easements**
- **Basements**
- **Flag Lots**

Included in the Commissioner's Packet were memorandums from City Engineer, Ben White explaining each of the above topics and ideas to consider in their regard.

Chairman Hopkinson introduced the need to establish some procedures for the out steps that are not normal.

Ben White was invited to introduce the memorandum he wrote concerning each of the above items. Staff desires to have simple processes in place that include both State and City Municipal codes which correlate together but may not be found at all in our current City Code or may need some more understandable text.

**Basements-** In recent years the city has allowed some basements to be built when past code did not allow the building of basements. The practice has been to allow basements at the discretion of the city engineer with an appeal to the City Council if a basement was denied. Staff would like to see language in the city code that defines the process for applying for a basement and criteria to follow for allowing a basement to be built.

Chairman Hopkinson and Commissioner Malan were sure that there were restrictions placed for having basements in our city after the floods of 1986. Mr. White will do some further research to try and find if and when that restriction was put into place.

**Lot line adjustments** - State legislation was put in place that if parcels of land need to be changed, land owners can do so without consent of the City yet nothing is found in our current code. Further, in the case where easements need to be vacated there is no direction or process in our current code. Staff desires to have language in place in our City code as to who is the land use authority for such decisions and what process should be used. Subdivisions are different and need to report to the Planning Commission. In addition, Staff believes that developing a process will alleviate citizen's having to wait long periods of time to do simple things.

Ben White pointed out that currently there is nothing in our city code that addresses re-zone requests so we need to defer to State Code. Mr. White believes that it would be beneficial to have something in our City code even if it is the language of the State code.

Ben White informed the commission that there is little criteria for flag lots. Alan Malan remembered something being put in place. Denis Hopkinson informed the Commissioners that at the last City Council meeting there was a proposed flag lot presented. He described the discussion that took place. He pointed out some possible things that could be done to stream line the process from Staff to Planning Commission. Chairman Hopkinson would like to get away from unnecessary red tape and would rather err on the rights of the home owner. He stated that red tape needs to be for a good reason and not just to save time. It needs to serve the property owner.

Duane Huffman feels the suggestions that have been presented from Mr. White are all valuable and in favor of the citizen. He expressed that some timeframes need to be developed in order for Staff to know how long a citizen should need to wait before moving to the next level. Mr. Huffman desires to have direction so the Staff knows how to proceed.

Some discussion took place regarding different scenarios that could be dealt with. Ben White pointed out that most residents will not go to State Code to find out how to do things. It would be nice to have the answers in our City code and easily accessible and understandable to the public.

The memorandum dated February 6, 2014 from Ben White regarding **Flag Lot Criteria** was reviewed.

Chairman Hopkinson invited each Commissioner to share their initial feelings regarding the suggestions in Mr. White's memorandum regarding Flag Lot Criteria:

- **Mike Cottle** did not know that Flag Lots were still permitted in our city. He asked about how fire trucks serve those types of lots. He likes letting land owners do what they want on their own property. Mr. Cottle asked if flag lots have to have curb and gutter. Ben White informed him that they do not have to have curb and gutter.
- **Corey Sweat** elected to reserve his comment as he is still learning about information regarding the Planning Commission and desired to listen to others comments.
- **Laura Charchenko** felt most of the suggestions were straight forward. She thought that only one home was allowed per flag lot. She conceded that home owners should be able to do as they will on their property within reason.
- **Alan Malan** pointed out that he thought flag lots were a last resort for developing property. He was unclear on some of the things suggested but through some discussion his questions were satisfied by Mr. White. In regards to "H" in the memorandum, "Lots adjacent to the flag lot shall meet a corner lot setback if homes on adjoining properties exist at the time the flag lot is created," Mr. Malan felt that it was a little encumbering to the property owner. Mr. White reiterated that these are just suggestions for a possible checklist. Mr. Malan felt "U – A flag lot shall not be created from a vacant parcel" seemed a bit useless and did not make sense. Mike Cottle pointed out that "U" could tie into "A – Creation of flag lots shall not be used to avoid standard development requirements."
- **Ben White** clarified that flag lots are permitted by conditional use.

#### **ACTION ITEMS:**

Chairman Hopkinson would like Cathy Brightwell to check into basement regulations from prior history. In regards to flag lots, he stated it makes sense to have a procedure in place to help give direction to what a normal flag lot should be.

After some discussion and suggestions from the Commissioners it was determined to have Staff clean up some of the language and bring it back for further review and discussion. Chairman Hopkinson would like to proceed with this assignment one step at time taking time to review each of these items and developing language and procedures as necessary.

### **III. Annual training for Open and Public Meetings Act - Duane Huffman (City Administrator)**

Mr. Huffman presented an excellent slide presentation regarding the Utah Open and Public Meetings Act. This training is required annually by the State.

#### IV. Staff Report

##### Ben White reported:

- Alice Acres was passed by the City Council at their last meeting.
- James Bruhn is still working on his subdivision plans.
- Olsen Farms is moving forward with their project.
- Two Conditional Use permits will be on the next agenda for a salon and a spa in the same home. A mother and daughter duo are the applicants.
- Wood Haven trailer park will be coming to the city in the near future with a new proposal for land use. It encompasses about 7 ½ acres. There is a possibility the city could rezone changing from one to two zones or create a new one.

#### V. Approval of Minutes of dated January 14, 2014

##### ACTION TAKEN:

Mike Cottle moved to approve of the minutes dated January 28, 2014 as corrected. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

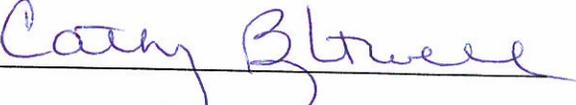
#### VI. Adjournment

##### ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting. Alan Malan seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:55 p.m.

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*The foregoing was approved by the West Bountiful Planning Commission by unanimous vote of all members present on Tuesday, February 25, 2014*

  
 Cathy Brightwell—Deputy Recorder

