THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS REGULARLY SCHEDULED MEETING ON TUESDAY, JULY 14, 2015, AT 7:30 PM AT THE CITY OFFICES AT 550 NORTH 800 WEST

AGENDA AS FOLLOWS:

1. Accept Agenda.
2. Discuss General Zoning.
3. Discuss Flag Lots.
4. Annual Open Meeting Training.
5. Staff Report.
7. Adjournment.

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and the City’s website on July 10, 2015.
The City Council discussed flag lots during the July 7th meeting. Their concerns and comments stem from a belief that guidelines that have often been used to evaluate flag lot applications were somehow binding on applicants. City Council believes that some minimum mandatory criteria which must be met for all flag lot applications is appropriate and some additional criteria that maybe considered, but may also be waived or amended by the Planning Commission is possible.

The Planning Commission is being asked to develop a set of minimum criteria which must be met for flag lot applications. It is possible that not all zones will have exactly the same criteria.

For discussion purposes, staff has drafted possible minimum mandatory criteria which must be met for flag lot applications to be considered. Also included is a memo from when the Carbone Subdivision was approved in 2012. The Carbone memo includes the list of criteria which was reviewed with previous flag lot applications.

Since flag lots are generally created as part of a subdivision, it seemed reasonable to include any minimum criteria for flag lots in Title 16 Subdivision. The attached language highlighted in yellow is a draft set of criteria.
16.12.060 Lots.

A. The lot arrangement, design and shape will be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements set forth herein.

Lots shall not contain peculiarly shaped elongations which would be unusable for normal purposes solely to provide necessary square footage.

B. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance then in effect, if any, for the zone in which the subdivision is located, and to the minimum requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.

C. Flag lots may be considered as a conditional use where traditional lot development is not feasible. Such lots shall meet the following criteria:

1. The stem of the lot shall not be less than twenty feet (20’) and shall not exceed two hundred and fifty feet (250’).

2. The stem of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street.

3. The stem of the lot shall be owned, fee simple, as part of the lot.

4. The stem of the lot shall be at nearly ninety (90) degrees from a public street.

5. Flag lots cannot extend from intersections, street corners, cul-de-sacs, or dead end streets.

6. The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The stem area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made by the Zoning Administrator at the time of the subdivision application and shall be designated on the plat.

7. Flag lot must comply with fire code requirements including access width, driving surface, parking and fire hydrant placement.

8. Flag lots cannot be used where traditional methods of development could occur including cases when more than one property is required to complete a development.

9. Subdivisions which contain more than six (6) lots cannot contain a flag lot.
C. Each lot shall abut on a street dedicated for public use by the subdivision plat or an existing public street which is more than twenty-six (26) feet wide, except that when such existing street is less than fifty (50) feet wide or less than the width requirement of the master street plan, additional land shall be dedicated to widen the street for that portion of the street upon which the subdivision has frontage. The amount of land to be dedicated shall be determined by the planning commission as necessary and reasonable to satisfy the requirements of one-half of that required width or fifty (50) feet, whichever is greater.

D. Interior lots having frontage on two streets shall be prohibited except when exceptional circumstances, as determined by the planning commission, would make such lots functionally acceptable. In all instances when such lots are permitted, the subdivider shall record deed restrictions in perpetuity for those lots, limiting access from those lots to one street only so that all lots have access to the same street. Such deed restrictions shall also prohibit construction (except for fencing as allowed under Title 17) within that space adjacent to the street, from which access is prohibited, to a depth of thirty (30) feet.

E. Corner lots shall have extra width sufficient to account for larger setbacks.

F. Side lines of lots shall be approximately at right angles, or radial to the street line.

G. All remnants of lots below minimum size left over after the subdivision of a large tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

H. When the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat. Such transfer shall be certified to the planning commission by the city recorder.
Memorandum

Date: March 9, 2012
To: Planning Commission
From: Ben White, Cathy Brightwell
RE: Carbone Subdivision

The Carbone Subdivision is a proposed two lot subdivision located on 2.37 acres at 725 West 400 North. This development was discussed last fall as part of amending Chapter 17.24 of the Municipal Code to allow flag lots as a conditional use in the R-1-10 zone. The Carbone/Widdison family have petitioned the City to subdivide the property into two lots. There is not adequate street frontage to create two traditional lots. The proposed concept plan is to have the existing home be one lot along 400 North Street and a second flag lot behind(south) the existing home. There are two related, but separate discussions; Conditional Use for the flag lot and Subdivision of the property. This memo will address each item separately.

Conditional Use Permit

The Planning Commission must make findings as outlined in Chapter 17.60 CONDITIONAL USES. In a recent Planning Commission meeting, the discussion of potential conditions for flag lots was addressed. Some of the items on the potential conditions' list was from previous applications and some were added at that time. The list is meant as a guide and not a list of mandatory conditions. That list included A thru U listed below. It should be noted that the proposed application either already meets the items that are in bold type or can/will be met as part of the home building permit application.

A. Creation of flag lots shall not be used to avoid standard development requirements;
B. Flag lots are limited to single family dwellings;
C. Flag lots, including the staff shall be held in fee simple ownership.
D. No more than two lots can be served by one flag lot staff. If a flag lot staff serves two lots, a cross access agreement shall be recorded;
E. The lot area for a flag lot must meet the minimum for the zone, not including the staff;
F. Minimum lot width must conform to the zone;
G. Front, side and rear setbacks must conform to the zone;
H. Lots adjacent to the flag lot staff shall meet a corner lot setback if homes on adjoining properties exist at the time the flag lot is created;
I. A flag lot staff will not be less than one hundred (100) feet and not more than two hundred fifty (250) feet long;
J. Front lot line shall be the one closest to the flag staff and parallel to the public street;
K. The flag lot staff must be nearly perpendicular to the public street right of way and cannot be an extension of a “stub street;”
L. The minimum unobstructed driveway pavement width shall be twenty (20) feet if one lot is served by the flag lot staff. Two lots served by one flag staff will require a minimum twenty-six (26) feet of driveway pavement;
M. The furthest point on the flag lot staff cannot be more than one thousand (1000) feet from the nearest intersection of two (2) through streets if the flag lot is on a dead end;
N. Turn around area for emergency vehicles must comply with the current Fire Code
O. Fire hydrant requirements must comply with the current Fire Code;
P. Culinary water meter shall be placed at the street right of way and outside of paved areas;
Q. The site shall be graded so storm water runoff from the flag lot does not negatively impact neighboring properties; and
R. All flag lots shall have the street address displayed in a prominent location where the staff portion fronts on the public street.
S. Not more than one lot can be served by one flag lot staff (if adopted, D would be deleted and L would be modified).
T. A flag lot cannot be contiguous to another flag lot not served by the same staff.
U. A flag lot shall not be created from a vacant parcel.

As is noted by the bold text, the proposed flag lot conforms well with many of the criteria previously applied to flag lot applications. Condition A and P are addressed by Staff as part of the subdivision discussion.

Subdivision Application

Included with this memo is a reduced copy of the proposed two lot subdivision plat. The application appears to meet the minimum requirements for a residential subdivision application in the R-1-10 zone. Three conditions recommended by staff include:

1. Condition A listed above. Staff is not recommending curb, gutter or sidewalk improvements be required now or by deferred improvement agreement based on a separate, recent decision of the City Council. While the creation of this flag lot is a
subdivision, the potential still exists for future subdividing of the same parcel of ground. For this reason, staff is recommending that a note be added to the plat that stipulates the requirement for curb, gutter, sidewalk and other public improvements be installed for both lots 101 and 102 should the ground be further subdivided in the future.

2. Condition P listed above. The City has an existing water main that traverses through the property. The easement for that water line needs to be added to the plat. A discussion regarding the placement of the water meter needs to be held with Public Works. The City requires water meters to be located by the public road. That may not be the most appropriate location for the meter in this case. This item is more a public works and not a planning commission discussion.

3. Basement. The applicant has expressed the desire to have a partial basement. The Greenhouse Circle lots to the west were approved with a partial basement. Maybe that is appropriate here too. The applicant will need to investigate the depth of sewer and the potential depth of the sewer lateral. It may not be possible to provide a gravity flow sewer service with a basement.
Minutes of the West Bountiful City Council meeting held on Tuesday, July 7, 2015 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Pro Tem Mark Preece, Council members James Ahlstrom, James Bruhn, Kelly Enquist, and Debbie McKean

EXCUSED: Mayor Ken Romney

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Todd Hixson, Ben White (Engineer), Steve Maughan (Public Works Director), Paul Holden (Golf Director), Cathy Brightwell (City Recorder/Secretary)

VISITORS: Alan Malan, Corey Sweat, Jody Burnett

Mayor Pro Tem Preece called the Regular meeting to order at 7:32 pm. James Ahlstrom offered a prayer and the Pledge of Allegiance was led by Mark Preece.

1. Accept Agenda

MOTION: James Bruhn moved to approve the agenda as revised; item 7a was added as an emergency item earlier in the day. Debbie McKeen seconded the Motion which PASSED by unanimous vote of all members present.

2. Public Comment.

Corey Sweat, 1078 W 600 N, commented that the playground equipment proposal scheduled to be addressed tonight costs too much money in his opinion. He stated that he believes the price is probably double what the City needs to spend and doesn’t even include the separate bids for concrete, tree removal, etc. He added that the playground equipment and footprint space is bigger than it needs to be.


Duane Huffman explained that in response to a request for proposals, the City received seven proposals from playground equipment suppliers and contractors. After review and evaluation of the proposals by the designated council members and staff, Big T Recreation is being recommended as the vender who represents the best design and value to the City. The recommended design, which has been modified from the originally submitted proposal, comes at a cost of $134,559.96 installed.

Based on Mr. Sweat’s earlier comments, there was discussion about whether there would be a benefit to delay and go out to bid again but it was decided that the committee had done their due diligence and a delay would probably push completion of the project into next year. Council
member Bruhn added that the bid process was done correctly and it would not be fair to the bidders to go backwards.

Mr. Huffman reviewed the pricing and color options. He explained that serious consideration needs to be given to colors based on the recent KSL news piece and how the color affects the temperature of the slide. He added that the position of the equipment has been realigned so the slides face as close to north as possible for safety reasons. There was also discussion about warranties, and the vendor stated that all the steel components have a lifetime warranty and the plastic portions carry a standard fifteen year warranty.

Before the playground equipment is installed, there is some site work which needs to occur. Staff intends to have contractors who are independent from the playground contractor remove trees, existing concrete, and swings, and construct a new concrete border. In order to get all the work completed by this fall, we need to advertise a concrete package soon.

A bid package is being prepared with three bid schedules: (a) playground border, (b) a new basketball court, and (c) enlarging the volleyball courts to regulation size. The three separate schedules will allow the City Council to see the cost of each component separate from the others and make an award for one, two, or all three schedules. Before bidding the additional work, staff wants to confirm that these are the items to be constructed this year; we have correctly identified the appropriate locations; and there is not anything else that should be included in a concrete package for this year.

There was some discussion about including a Pickle ball court and it was suggested that we wait to see what the space looks like after the above items are added to ensure the Park is not too crowded.

Mr. Huffman inquired about removal of the trees in the area of the new playground and there was concern that if the Cottonwood trees are not removed now, we could be sorry later. Ben White added that if all the existing trees are left in place, the play area would need to be moved closer to the hill which could result in safety issues when sledding down the hill. There was also concern that the Cottonwood droppings would cause a mess in the wood fiber floor of the play area. If the large trees are removed, they will be replaced with new trees to help shade the equipment.

**MOTION:** James Bruhn moved to award to Big T Recreation their Quote #5442 for proposed playground equipment – Playworld Systems Custom Option 1C, Design #15-1875C, with Engineered Wood Fiber for $134,559.96. The colors will be orange and blue with light green colored slides. Staff is also directed to solicit concrete bids for items a, b, and c listed above for future consideration. Kelly Enquist seconded the Motion which PASSED.

The vote was recorded as follows:

James Ahlstrom – Aye
4. Consider Resolution #367-15, A Resolution Authorizing the Submission of an Opinion Question to West Bountiful City Residents Regarding the Imposition of a City Wide Option Recreational, Cultural, Botanical, and Zoological Sales and Use Tax.

Duane Huffman reviewed the state requirements for placing an opinion question on the ballot for the imposition of a RAP tax. The Resolution needs to include the specific language city council wants to have on the ballot. After some discussion, the consensus was to limit the language to the items specific to West Bountiful so as not to confuse residents.

MOTION: James Bruhn moved to Approve Resolution 367-15, A Resolution Authorizing the Submission of an Opinion Question to West Bountiful City Residents Regarding the Imposition of a City Wide Option Recreational, Cultural, Botanical, and Zoological Sales and Use Tax, using the following language on the ballot: Question: “Shall West Bountiful City, Utah be reauthorized to impose a 0.1% sales and use tax to fund recreational and cultural organizations, recreational and cultural facilities, and to finance ongoing operating expenses of recreational facilities and cultural organizations within the City?” Debbie McKean seconded the Motion which PASSED.

The vote was recorded as follows:
- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Aye
- Debbie McKean – Aye
- Mark Preece – Aye

5. Consider Approval of Resolution 368-15, a Resolution Authorizing an Interlocal Agreement for Justice Court Services with Farmington City.

Duane Huffman reviewed the staff memo and proposed Interlocal Agreement for Farmington City to provide the same Justice Court Services to West Bountiful currently provided by Davis County, who has given Notice that they no longer want to provide the service. Everything will remain the same except who provides the services. Council member McKean asked Chief Hixson how he feels about the change and he responded that he feels good about it and believes it is a win-win for all.
MOTION: James Ahlstrom moved to Approve Resolution 368-15, a Resolution Authorizing an Interlocal Agreement for Justice Court Services with Farmington City. Kelly Enquist seconded the Motion which PASSED.

The vote was recorded as follows:
- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Aye
- Debbie McKean– Aye
- Mark Preece – Aye

6. Consider Community Development Block Grant (“CDBG”) Agreement for Sidewalk Improvement Project.

Ben White reviewed the history of the Grant explaining that in 2013, the City submitted a $65k funding request to Davis County for CDBG funds to construct sidewalk along the west side of 800 West, south of Pages Lane. The City received $25k from that application which completed the sidewalk to about 1300 North. City funds contributed about $6400 for a total project cost of $31,400. This year, the City requested $30k to complete the 800 West sidewalk to Pages Lane, and was awarded the full amount. He added that the work will not be completed until next year due to some conflicts with Rocky Mountain Power which need to be addressed first. He also confirmed that all the changes suggested by Steve Doxey had been made in the final Agreement.

MOTION: Debbie McKean moved to approve a Community Development Block Grant Agreement for a sidewalk improvement project on 800 West. James Bruhn seconded the Motion which PASSED.

The vote was recorded as follows:
- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Aye
- Debbie McKean– Aye
- Mark Preece – Aye

7. Consider Purchase Approvals for New Equipment Included in the Recently Adopted FY2016 Budget.

The recently adopted FY 2016 budget included funding for new equipment for use by the Public Works and Golf Departments. The City’s procurement code requires that purchases of $10k or more first be approved by the City Council.

James Bruhn asked if competitive bids had been solicited. Duane Huffman responded that all of the equipment will be purchased under the State contract so we know we have the best available price. Specific brand selection is left up to each department head and is based on which one best meets their needs. Regarding financing for item #1, the Toro Reelmaster fairway mower,
Mr. Huffman explained that the price before them is the bottomline price for the equipment, and financing options will be brought back for council approval once received.

**MOTION:** James Ahlstrom moved to approve purchases for 4 items of new equipment included in the recently adopted FY2016 budget with financing terms to be decided later for item #1. The items are: 1. Toro Reelmaster 5410-D (fairway mower), 2. John Deere 5075E (tractor for roadside mowing), 3. John Deere CX15 (mower deck for roadside mowing), and 4. Hustler Z Diesel 932699 (mower for parks). Debbie McKean seconded the Motion which PASSED.

The vote was recorded as follows:
- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Aye
- Debbie McKean – Aye
- Mark Preece – Aye

7a. **Consider Award to Wind River Excavation for $31,500 for Pages Lane Water Line Repair**

Duane explained that we have been working for three weeks on a water break between the Bountiful Landfill and Legacy Trail. We have pulled out the pipe that was inside a sleeve and believe the break is under the north bound lane of Legacy highway. Based on what we have seen, it appears the problem is due to an inferior product that was used.

The options are to proceed to replace the full length of pipe, or replace some of the pipe leaving the inferior product in place for some distance. The only customer on the line is the Bountiful Landfill and we have an agreement with them to maintain the line; they have been without water for ten days.

We have received two bids to replace the entire line; Kapp Construction at $41k, and Wind River Construction at $31.5k. If approved, we will have the pipe in this week then testing will take us out about ten days.

Council member Bruhn asked staff to prepare a letter to UDOT, for each council member to sign, letting them know about the problem and asking them to participate.

**MOTION –** James Ahlstrom moved to Award to Wind River Excavation their bid for $31.5k for the Pages Lane waterline project the entire line under LegacyHighway. James Bruhn seconded the Motion which passed.

The vote was recorded as follows:
- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Aye
- Debbie McKean – Aye
- Mark Preece – Aye
The meeting moved to agenda item 12, Executive Session.

12. Executive Session Pursuant to Utah Code Annotated 52-4-205(c), to Discuss Pending or Reasonably Imminent Litigation.

MOTION: James Ahlstrom moved to go into Executive Session Pursuant to Utah Code Annotated 52-4-205(c), to Discuss Pending or Reasonably Imminent Litigation, in the police training room. James Bruhn seconded the Motion which PASSED.

The vote was recorded as follows:
- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Nay
- Debbie McKean – Aye
- Mark Preece – Aye

MOTION: Mark Preece moved to close the Executive Session at 9:35 pm. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members.

8. Engineering/Planning Commission Report, including a discussion of Land Use Ordinances Related to Flag Lots.

Ben White reported that the restrooms are now open at the golf course and he is working with UTA on the path to the Prospector trail.
The sale of Pony Haven is expected to complete this week and the owner will select a developer.
I-15 update – the contractor is due to be finished by July 20th on the South Davis project, except the 400 North bridge which should be finished mid to late August. UDOT is working with the owners of the Chevron convenience store at 400 North and 500 West on eminent domain issues so that a southbound turn lane can be added from eastbound 400 North. Chevron wants to tear down the existing building and car wash and build a larger store with a Steak and Shake fast food restaurant inside. Their plan appears to conflict with some current city zoning regulations regarding landscape and signage. We may see them come in requesting changes to our ordinances in order to proceed with their plans. We expressed to them we want them to be successful and will work with them but have little flexibility with the existing regulations.
The Planning Commission discussed flag lots at their last meeting. Some commissioners like the existing regulations with the conditional use option and some don’t want them allowed at all.
The Planning Commission would like some direction to know what the city council would like.
Discussion followed about the criteria proposed ten years ago as a good starting point. A suggestion was made that flag lots be limited to the larger residential zones, or limitations be placed based on the size of a proposed subdivision. For example, they could be used in a subdivision with less than five lots as a way to fill in holes, but restrict them from being used in large subdivisions as a way to add more lots. The consensus was to have planning commission recommend proposed language to deal with flag lots. The basic structure will be to establish minimum criteria that must be met using
the old list as a starting point; use the conditional use process for eligible properties; and give the
planning commission some flexibility in the process.


Our new garbage provider, Ace Disposal, started yesterday. Overall we had good results, with some
hiccups as they figure out routes, etc.

We are preparing for the primary election and will be proofing written and audio ballots this week.
Early voting begins July 28 and runs through August 7.

10. Mayor/Council Reports.

James Ahlstrom reported that he has had a few neighbors complain about safety issues where
1000 North turns into 550 West. It is a blind corner with no sidewalk and there have been reports of
a lot of near misses. Duane Huffman acknowledged there is a problem and the city has been looking
at it. There are several problems, the sidewalk is on the wrong side of the road in both directions,
there are overgrown trees and shrubs, and the fence is a problem. There was discussion about
possible fixes. Council member Bruhn reminded them that money was added to the sidewalk budget
to deal with these kinds of issues. Duane Huffman pointed out that correcting the issues on this
corner would likely use all the money in that fund. There was discussion about getting volunteers to
help the resident remove/cut the trees and shrubs. Ben White added that public works restriped the
corner a couple years ago to move traffic farther away from corner which helped a little.

Mark Preece had distributed the South Davis Sewer district annual reports to each council
member and commented that they are doing well. He said they are moving forward with the
methane fuel reclamation. He also commented that the Safety fair went well from a CERT/EmPAC
perspective.

James Bruhn expressed his appreciation for all the hard work that went into the Independence
Day festivities. He heard good comments from lots of people and observed an increase in the size of
the crowds for both days of the event.

He asked about the Horrocks home on Pages Lane that had a history of drainage issues and
no money to fix it so the city fronted the money for curb, gutter and sidewalk. The house is now up
for sale. Wasn’t there an agreement for them to reimburse the city? Duane Huffman responded that
city council approved the agreement last fall, but the Horrocks never signed it. It was too late in
year to do it. There was a question of whether it was a condition of building the garage.

Debbie McKean thanked Council, the Mayor, staff, and everyone involved in making
Independence Day activities a success - it was awesome. She said the Safety fair was over the top.
Next year Leslie Leger will be the parade chair. She asked if there was a desire to make any changes
to the fireworks, and everyone thought they did a great job for a good price.

Kelly Enquist complimented everyone involved in Independence Day activities for a great
job. He said it was very nice.
11. Approval of Minutes from the June 16, 2015 City Council Meeting.

MOTION: James Bruhn moved to approve the minutes from the June 16, 2015 meeting as corrected. Debbie McKeen seconded the Motion which PASSED by unanimous vote of all members present.

12. (Moved to follow Item 7A above)

13. Adjourn

MOTION: James Ahlstrom moved to adjourn this meeting of the West Bountiful City Council at 10:15 p.m. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.

The foregoing was approved by the West Bountiful City Council on Tuesday, July 21, 2015.

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Cathy Brightwell (City Recorder)