

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

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**City Recorder**  
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**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## PLANNING COMMISSION MEETING

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS  
REGULARLY SCHEDULED MEETING ON TUESDAY, **JULY 28, 2015**  
AT 7:30 PM AT THE CITY OFFICES AT 550 NORTH 800 WEST

### ***AGENDA AS FOLLOWS:***

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Discuss General Zoning.
3. Discuss Flag Lots.
4. Staff Report.
5. Consider Approval of July 14, 2015 Meeting Minutes.
6. 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 23, 2015**.*

# MEMORANDUM



**TO:** Planning Commission

**DATE:** July 23, 2015

**FROM:** Ben White, Cathy Brightwell

**RE:** Title 16 Subdivision – Flag Lots

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Staff has updated the proposed minimum criteria for flag lots based on the July 14 Planning Commission discussions. As drafted (and if adopted) the proposed criteria would be unilaterally applicable to flag lot applications in all zones.

A public hearing will be required prior to any official action taken by the Planning Commission on this item. The August 11<sup>th</sup> Planning Commission meeting has been cancelled due to Primary Elections being held that day so the fourth Tuesday in August or a meeting in September is as early as the public hearing could be held.

#### 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 staff of the lot shall not be less than twenty feet (20') and shall not exceed the design length requirements for a cul-de-sac.**
2. **The staff of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street.**
3. **The staff of the lot shall be owned, fee simple, as part of the lot.**
4. **The staff of the lot shall approach the public street at an angle of not less than eighty degrees (80°).**
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 four (4) lots cannot contain a flag lot.**

**10. The lot shall be graded so storm water runoff does not negatively impact neighboring properties.**

**11. All flag lots shall have the street address displayed in a prominent location where the staff fronts on the public street.**

**12. The flag lot may not be created which would negatively impact the future continuation of existing stub streets.**

**13. Requirements imposed by of the Conditional Use Permit to mitigate the potential negative impacts caused by the proposed use.**

- 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.
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1 **West Bountiful City**

**PENDING**

**July 14, 2015**

2 **Planning Commission**

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4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice  
5 website and the West Bountiful City website, and sent to Clipper Publishing Company on July  
6 10, 2015 per state statutory requirement.

7 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July**  
8 **14, 2015, at West Bountiful City Hall, Davis County, Utah.**

9

10 **Those in Attendance:**

11

12 **MEMBERS PRESENT:** Vice Chairman Terry Turner, Alan  
13 Malan, Laura Charchenko, Mike Cottle and Corey Sweat  
14 (Alternate), Councilmember Kelly Enquist.

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16 **MEMBERS EXCUSED:** Chairman Denis Hopkinson.

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18 **STAFF PRESENT:** Ben White (City Engineer), Cathy  
19 Brightwell (City Recorder), and Debbie McKean (Secretary)

20

21 **VISITORS:** Troop 219 (Zack Larsen, Drew Vanderstek, Max  
22 Staples, and Melanie Larsen)

23 The Planning Commission Meeting was called to order at 7:30 p.m. by Vice Chairman Terry  
24 Turner. Mike Cottle gave a prayer.

25 Zack Larsen led the pledge of allegiance; Drew Vanderstek recited the scout oath, law, and  
26 motto.

27 **I. Accept Agenda.**

28 Vice Chairman Terry Turner reviewed the agenda. Corey Sweat moved to accept the agenda  
29 tabling Item #2, General Zoning. Laura Charchenko seconded the motion. Voting was  
30 unanimous in favor among members present.

31

32 **Business Discussed:**

33 **II. Discuss General Zoning- Tabled**

34 This item was tabled due to the absence of Chairman Hopkinson and the need for some of the  
35 Commissioners that were absent from last meeting to have time to review the material given in  
36 last meeting's packet.

### 37 **III. Discuss Flag Lots.**

38 Commissioner's packets included a memorandum from Ben White and Cathy Brightwell dated  
39 July 10, 2015 regarding Title 16 Subdivision-Flag Lots with an attachment, City Code 16.12.060  
40 Lots, and a memorandum dated March 9, 2012 from Ben White/Cathy Brightwell regarding the  
41 Carbone Subdivision.

42 The July 10<sup>th</sup> memorandum included the following information regarding the concerns over  
43 application for flag lots within the city.

- 44 • City Council discussed flag lots during their July 7<sup>th</sup> meeting voicing their concerns and  
45 comments about the guidelines that have been used in the past to evaluate flag lots when  
46 they found they were not binding on the applicants.
- 47 • City Council would like some minimum mandatory criteria established for all flag lot  
48 applications with some additional criteria that maybe considered. These criteria could be  
49 waived or amended by the Planning Commission.

50 Ben White talked about the development of flag lots and spoke about some that have been done  
51 in our city in the past. He noted that City Council thought there were conditions and codes that  
52 had to be met, but there is nothing in our code for minimum criteria to be met. He discussed  
53 three sets of criteria that we may want to consider regarding flag lots: mandatory, optional, and  
54 minimum requirements for conditional use.

55 Staff has developed suggested language for our subdivision ordinance in an attempt to create  
56 mandatory requirements to start the process rolling. Ben White suggested flag lots be included  
57 in Title 16 – Subdivisions and reviewed the suggested language as follows:

- 58 1. *Flag lots may be considered as a conditional use where traditional lot development is not*  
59 *feasible.*
- 60 2. *The stem of the lot shall not be less than twenty feet (20') and shall not exceed two*  
61 *hundred and fifty feet (250').*
- 62 3. *The stem of the lot shall serve one lot only and shall have direct access to a dedicated*  
63 *and improved public street.*
- 64 4. *The stem of the lot shall be owned, fee simple, as part of the lot.*
- 65 5. *The stem of the lot shall be at nearly ninety (90) degrees from a public street.*
- 66 6. *Flag lots cannot extend from intersections, street corners, cul-de-sacs, or dead end*  
67 *streets.*
- 68 7. *The body of the lot shall meet the lot size and dimensional requirements of the applicable*  
69 *zone. The stem area shall not be used in computing lot size. Proposed buildings shall*  
70 *comply with the minimum setbacks required for the zone. Determinations as to which are*

71 *the front, side, and rear setbacks shall be made by the Zoning Administrator at the time*  
72 *of the subdivision application and shall be designated on the plat.*

73 8. *Flag lot must comply with fire code requirements including access width, driving surface,*  
74 *parking and fire hydrant placement.*

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

77 10. *Subdivisions which contain more than six (6) lots cannot contain a flag lot.*

78

79 Discussion took place regarding some of these suggested criteria and Mr. White pointed out  
80 some examples using existing flag lots in our city. He also explained that several of the items are  
81 arbitrary, for example the maximum length of 250 feet, and the commission will need to decide  
82 what numbers are best for the city.

83 Regarding size of a subdivision that would be allowed a flag lot (#10), Alan Malan believes that  
84 6 lots are too many; he felt that two or three lots would be more appropriate. Laura Charchenko  
85 would consider up to four lots.

86 There was discussion on #2 regarding the maximum length and it was suggested that it could  
87 match the existing requirements for cul-de-sacs.

88 In regards to #5 it was suggested that the language “nearly” be deleted and a more definite  
89 number be considered.

90 Mr. Malan had concerns with the way the Carbone Flag lot was allowed to be developed without  
91 considering the stub street that ends at their property and does not want to repeat that in the  
92 future.

93 Staff will clean up the language based on the discussion and bring it back for review at the next  
94 meeting. A public hearing will be set for August 25<sup>th</sup> since the August 11<sup>th</sup> meeting will be  
95 canceled due to the Primary Elections.

96 Some discussion took place regarding some optional requirements. Mr. Malan would like the  
97 requirements to have the street address displayed in a prominent location where the staff portion  
98 fronts the on the public street, and the site shall be graded so storm water runoff from the flag lot  
99 does not negatively impact neighboring properties, added to the mandatory list.

100 Councilmember Enquist would like the language to state “staff” instead of “stem.”

101 Vice Chairman Turner explained the responsibilities of the planning commission and city council  
102 so that the scouts in attendance can understand the duties and processes that take place in making  
103 laws, codes and ordinances.

#### 104 **IV. Annual Open Meeting Training**

105 Cathy Brightwell hosted the Open Meeting Training as required annually per UCA 52-4-104 for  
106 all city officials. Technology was down and so the training was presented from a handout. Ms.  
107 Brightwell explained that public transparency is vital to upholding the law and so all meetings  
108 are open to the public and recorded. She talked about what does and does not constitute a

109 meeting and explained how quorums are determined. She reviewed the packet regarding Utah  
110 Open & Public Meetings Act as the Commissioners followed along and asked questions.

111 Cathy Brightwell informed the Commissioners that staff looking into putting together a policy to  
112 be approved by the City Council regarding electronic communications.

### 113 **V. Staff Report**

114 Ben White reported:

- 115 • Urban Camping case last week regarding an individual who is working in the area and  
116 camping in front of different houses in a trailer. This has been a real concern to those  
117 who have him park in front of their home. It is not against the law and there are some  
118 cities that regulate this in their code. Mr. White feels this item needs to have some  
119 consideration.
- 120 • Completion of the 400 North Bridge is about a month out. It will not be August 1<sup>st</sup> but  
121 will be before school starts. By August 5<sup>th</sup> it may be accessible to bikers/pedestrian  
122 traffic only.
- 123 • 2600 South on/off ramp should be at its final configuration this weekend.
- 124 • Stringham Farm has hired legal counsel to challenge the walkway.
- 125 • Equestrian Center grading project is coming to an end so we expect truck traffic to stop.

126

### 127 **Cathy Brightwell reported:**

- 128 • The 400 North on-ramp to I-15 will be closed Saturday night at 10:00 p.m. until Monday  
129 morning at 6:00 am.
- 130 • Primary Election is very important so vote August 11<sup>th</sup>. Meet your candidate night will  
131 be held on Monday, July 20<sup>th</sup> at 7:00 p.m.
- 132 • Early voting is July 28<sup>th</sup> – August 7<sup>th</sup> with a schedule posted on the website.
- 133 • Long Drive at the Lakeside Golf Course will be this Friday and Saturday. A car show and  
134 Taste of the Town will begin at 5:30 pm on Saturday.

135

### 136 **VI. Approval of Minutes for June 23, 2015**

#### 137 **ACTION TAKEN:**

138 **Alan Malan moved to approve of the minutes dated June 23, 2015 as corrected. Corey**  
139 **Sweat seconded the motion and voting was unanimous in favor among those members**  
140 **present.**

141

142 **VII. Adjournment**

143 **ACTION TAKEN:**

144 **Alan Malan moved to adjourn the regular session of the Planning Commission meeting at**  
145 **8:50 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.**

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149 The foregoing was approved by the West Bountiful City Planning Commission on July 28, 2015, by  
150 unanimous vote of all members present.

151 \_\_\_\_\_

152 Cathy Brightwell - City Recorder

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