

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Andrew Williams

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

City Recorder
Cathy Brightwell

City Engineer
Ben White

Public Works Director
Steve Maughan

CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS REGULAR MEETING AT
7:30 PM ON TUESDAY, MAY 7, 2019 AT CITY HALL, 550 N 800 WEST**

Invocation/Thought – Kelly Enquist; Pledge of Allegiance – James Ahlstrom

1. Approve the Agenda.
2. Recognition of Blake Anderson for Twenty Years' Service with West Bountiful City.
3. Introduce and Conduct Oath of Office for Police Officer Brennan Halliday.
4. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
5. Discussion Regarding Park Strip Trees at 789 W 1950 North.
6. Consider Request to Defer or Release the Responsibility to Construct Public Improvements at 560 W 1636 North as a Condition of a Building Permit
7. Consider Authorization of Application for Permanent Change of Water (Blackgate Investments).
8. Report on Youth City Council of 2018-2019 Term – Youth Mayor Maddie Stokes, Paul Maloy
9. Consider Resolution 451-19, A Resolution Appointing Michelle Hardman as YCC Advisor
10. Consider Resolution 452-19, A Resolution Adopting Changes to YCC Bylaws
11. Consider Ordinance 415-19, An Ordinance Modifying WBMC Title 17 to Comply with Federal and State Law Requiring Necessary and Reasonable Accommodation for Persons With a Disability
12. Consider Expense Approval for Rehabilitation of Stone Creek Well for \$33,932.
13. Consider Proclamation Declaring May 10, 2019 as Arbor Day in West Bountiful.
14. Presentation of Tentative Fiscal Year 2019-2020 Budget.
15. Consider Tentative Adoption and Setting Public Hearing for Fiscal Year 2019-2020 Budget.
16. Consider Approval of Minutes from the April 16, 2019 City Council Meeting.
17. Public Works/Engineering Report.
18. Mayor/Council Reports.
19. Executive Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
20. Adjourn.

Those needing special accommodations can contact Cathy Brightwell at 801-292-4486 24-hrs prior to the meeting.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on May 2, 2019.

MEMORANDUM



TO: Mayor and City Council

DATE: May 2, 2019

FROM: Duane Huffman

RE: **Park Strip Trees – 789 W 1950 N**

This memo summarizes the issue of recently planted trees in the park strip that fronts both sides of the corner lot at 789 W 1950 N. While the time for a formal appeal has passed, the issue of park strip trees is before the council out of deference to the resident. If the council wishes to consider changing the official tree list, staff will wait before removing the offending trees.

Official Tree List

West Bountiful Municipal Code 12.20.080 requires the city council to adopt an official tree planting list that designates which species may be planted in park strips. On January 20, 2009, the council adopted the attached list that designates trees allowed in residential zones, in areas with larger park strips, and those that are banned in any park strip. All species of catalpa trees are listed as banned in any park strip.

Catalpa Trees at 789 W 1950 N

City staff contacted Mr. Robert Luke, in the fall of 2018 and spring of 2019 regarding concerns with 9 new catalpa trees. After visiting the residence, multiple letters, and meeting with the owner at city hall, Mr. Luke was ultimately given formal notice on March 27th that if the trees were not removed by May 1st, the city would remove the trees and bill the owner for the cost (see attached notice).

Luke Response

Mr. Luke brought in the attached letter and materials on April 29th. In his letter he commits to taking better care of his older catalpa trees as well as making sure the new ones do not cause problems. He also provided two letters from horticulturists from the Utah State University Extension regarding catalpas, the approve tree list from Bountiful City that allows certain catalpas in park strips, and images of what the trees could look like.

Staff Recommendation.

Based on the catalpa trees throughout the city that cause problems with their low branches (affecting pedestrians, snowplows, garbage trucks, etc.) and that damage sidewalks and curbs, staff does not recommend changing the official tree list to allow this species. The three older catalpas in front of Mr. Luke's home are a good example of these problems (pictures attached).

WEST BOUNTIFUL APPROVED TREES

Authorized by City Council on January 20, 2009

Residential Zones - Park Strip Approved Planting List

Allowed tree plantings in 4'-6' park strip (Generally trees with 2"-3" caliper)

1. Cherry

- Canada Red Cherry/Shubert Chokecherry (*prunus virginiana* 'Shubert') - White spring flower
- Kwanzan (*prunus serrulata* 'Sekiyama') - Pink spring blossoms (double)
- Mt. Fuji Flowering Cherry (*prunus serrulata*)

2. Pear - (*pyrus calleryana*)

- Aristocrat Callery - White spring flower - fall color: red/purple
- Bradford Callery - White spring flower - fall color: red
- Capital Callery - White spring flower - fall color: red/purple
- Cleveland Select/Chanticleer Callery - White spring flower - fall color: orange to red
- Redspire Callery - White spring flower - (more profuse flowering)

3. Crabapple - (*malus*)

- Bechtel's - Pink spring flower - Double
- Prairifire - Pink spring flower - Deep pink
- Radiant - Pink spring flower
- Redbud (*malus x zumi* 'Calocarpa') - Pink spring flower then fading to white flower
- Snowdrift - Large white spring flower
- Spring Snow - White spring flower

4. Hawthorn

- Crimson Cloud English Hawthorn (*cragaegus laviigata*) - "Superba" tree form

5. Maple

- Rocky Mountain Glow Bigtooth Maple (*acer grandidentatum* 'Schmidt')
- Highland Park Bigtooth Maple (*acer grandidentatum* 'Hipazam')
- Amur Maple (*acer ginnala*) - tree form

Allowed tree plantings in 6' or larger park strip (Generally trees with 2"-3" caliper)

1. Eastern Redbud (*cercis canadensis*) - tree form - Spring flower - fall color: red/purple

2. Maple

- Autumn Flame Red Maple (*acer rubrum*) - "Autumn Flame"
- October Glory Red Maple (*acer rubrum*) - "PNI 0268"
- Red Sunset Red Maple (*acer rubrum*) - "Franksred"
- Autumn Blaze Freeman Maple (*acer x freemanii*) - "Jeffersred"

All Zones - Banned tree plantings in any park strip

1. All weeping varieties of any species of tree
2. All species of Ash (*fraxinus*)
3. All species of Birch (*betula*)
4. All species of bearing fruit or nut trees
5. All species of Catalpa (*catalpa*)
6. All upright growing Conifers and Evergreens – including Cedar, Spruce, Pine, Fir and Juniper (*pinaceae, taxodiaceae, cupressaceae, taxaceae*)
7. All species of Elm (*ulmus*)
8. All species of Linden (*tilia*)
9. All species of Locust (*robinia*)
10. All species of Mountain Ash (*sorbus*)
11. All species of Poplar (*populus*) including Cottonwood and Quaking Aspen trees
12. All species of Willow (*salix*)
13. Balm of Gilead trees
14. Box Elder trees (*acer negundo*)
15. Chinese Date trees
16. Flowering Plum trees (*prunus cerasifera*)
17. Gambel Oak trees
18. May Day trees
19. Russian Olive trees (*elaeagnus angustifolia*)
20. Saskatoon Serviceberry trees
21. Silk trees
22. Mimosa trees
23. Silver Maple trees (*acer saccharinum*)
24. Sycamore trees—also known as London Plane trees (*plantanus acerifolia*)

Mayor
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March 27, 2019

Robert Luke
789 W 1950 N
West Bountiful, UT 84087

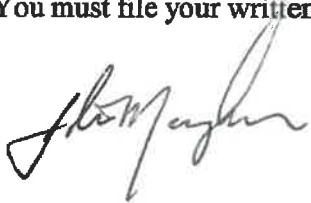
Dear Mr. Luke,

In accordance with West Bountiful Municipal Code (WBMC) 12.20.080, the city council adopted the enclosed Official Tree Planting List on January 20, 2009. The catalpa trees recently planted in the park strip abutting your property on 800 W and on 1950 N are listed as banned in any park strip.

Per the provisions of (WBMC) 2.20.070(A)(5) you are hereby required to remove all the newly planted catalpa trees abutting your property along 800 W and 1950 N. If the trees are not removed by May 1, 2019, the city public works department will remove the trees and you will be required to reimburse the city for the costs of labor and equipment.

If you wish to appeal this decision to the city council, you may do so according to WBMC 2.64 (enclosed). You must file your written notice of appeal within 10 days of this letter.

Sincerely,



Steve Maughan, Public Works Director

2.64 Appeals

2.64.010 Scope And Purpose

2.64.020 Procedure

2.64.010 Scope And Purpose

This chapter applies generally to any appeal from an administrative decision that is not otherwise provided for under the Municipal Code. It is intended to provide a procedure for the exhaustion of administrative remedies as required by applicable law where such procedure is not governed by other provisions of the Municipal Code, such as Titles 16 and 17. This chapter is not intended to create any rights of appeal or remedies that otherwise do not exist, or to affect any criminal proceeding.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

2.64.020 Procedure

A. Definitions. For purposes of this chapter:

"Administrative authority" means a person, board, commission, agency, or other body designated by the city council to interpret or enforce the Municipal Code or act upon applications filed under the Municipal Code.

"Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of an administrative authority.

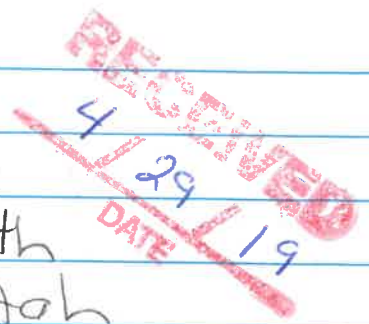
- B. Exclusive Procedure.** Except as otherwise provided in the Municipal Code, any appeal from the decision of an administrative authority administering or interpreting an ordinance, or from a fee charged under the Municipal Code, may be made only in accordance with the provisions of this section. Only those decisions in which an administrative authority has applied an ordinance to a particular application, person, business or parcel or property may be appealed to the appeal authority.
- C. Appeal Authority.** The city council will serve as appeal authority for purposes of any appeal from a written decision of an administrative authority under this chapter. The appeal authority will respect the due process rights of each of the participants in the appeal proceedings.
- D. Time of Appeal.** Any person adversely affected by an administrative authority's decision administering or interpreting an ordinance may file a written notice of appeal with the city recorder within ten (10) days after the administrative authority's written decision is issued. All appeal rights are waived if the notice of appeal is not filed within that time frame.
- E. Notice of Appeal—Contents.** The notice of appeal shall contain a brief statement of all alleged grounds for appeal, including every theory of relief the adversely affected party can raise in district court, together with any supporting documentation and legal argument. The appellant waives any ground, theory, or argument not raised in the notice of appeal. Unless the appeal authority orders otherwise for good cause, the appellant will be precluded from presenting as evidence at the appeal hearing any documents or other information that is not included in the notice of appeal.
- F. Response to Notice of Appeal.** At its option, the city or any party opposing the appeal may file a written brief, together with any supporting documentation, responding to the notice of appeal prior to the appeal hearing. Failure to file a responsive brief or supporting documentation will not preclude the party from responding to the notice of appeal at the appeal hearing.

- G. Burden of Proof. The appellant bears the burden of proving by a preponderance of the evidence that the administrative authority erred.
- H. Standard of Review. The appeal authority shall determine the correctness of the administrative authority's decision interpreting or applying an ordinance. The appeal authority shall review the evidence and arguments on appeal de novo, without deference to any findings or conclusions of the administrative authority.
- I. Hearing on Appeal. The appeal authority will hear the appeal at a regular city council meeting, scheduled at the convenience of the council. The city will provide notice of the hearing to the appellant and any party that has filed a responsive brief. At the hearing, each party will be allowed a reasonable time, as determined by the appeal authority, to present evidence, by way of live testimony and documentary evidence (including affidavits), and arguments supporting the party's position. In the interest of fairness, the appeal authority, in its discretion, may continue the hearing to another city council meeting or allow the parties to file supplemental materials addressing any information raised at the hearing.
- J. Final Decision. Following the hearing the appeal authority may affirm, reverse, affirm in part and reverse in part, or modify the decision of the administrative authority; or the appeal authority may remand the matter to the administrative authority for further proceedings. The written decision of the appeal authority constitutes a final decision and will be binding on all parties when issued.
- K. Further Appeal. The city, a board or officer of the city, or any person adversely affected by the decision of the appeal authority may appeal to district court as provided by law.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

To: West Bountiful City
From: Robert P. Luke
789 West 1950 North
West Bountiful, Utah



I apologize for this problem with West Bountiful City. I have ~~Cat~~ ~~alpa~~ trees in my front yard and have not taken care of them the way I should of. So in seeing Umbrella Catalpa's on tree browser it gave me an incentive to take an interest in the tree's in my front yard. All of the tree's will be pruned every year in the fall to grow out into an umbrella in the spring. Aproximate size of the new tree's would be 6 or smaller feet around, so there would be no problem with garbage trucks, snow plows, postal trucks etc. I am changing watering system to a drip system and a pipe 6 feet in the ground to draw the roots deep in the ground which will eliminate sidewalk and curb problems. I have an appointment to have the older trees pruned shortly.

I paid 3,000 dollars with the intention of developing the park strip into a very enjoyable site with other plantings, ground cover and decorative shrubs. With the intention of making it an enjoyable place for the neighborhood. There are quite a few homes in my neighborhood that have gravel, cement, weeds and other hard surfaces that I feel are very unappealing.

I know that spending all of this time and money and time for the curbing that isn't even my property. I am wanting to do this to make my neighborhood the nicest in West Bountiful. I promise to fulfill my plan if you will give me a chance.

Sincerely, Robert P. Luke
801 903 3004

Attention West Bountiful City

To whom it may concern,

I am writing this letter on behalf of one of your residents who has been recently asked to remove his row of Catalpa, Umbrella trees growing in the park strip. This particular variety of Catalpa (*bignonioides* 'Nana') works well in park strips, as it is moderately tolerant to salt, drought, and does well in open areas. It grows to a maximum of 20 feet in height, so it shouldn't interfere with powerlines. I have not found any resources that indicate that Catalpa trees have a tendency to damage sidewalks. However, any tree has the potential to damage sidewalks if they are not properly planted, watered and maintained. For more information on Catalpa, Umbrella, visit our USU Tree Browser at <https://www.treebrowser.org/>.

Best Regards,

Helen Muntz

Horticulture Agent

Utah State University Weber & Morgan County Extension

1181 North Fairgrounds Drive | Ogden, UT | 84404

P: 801-399-8200 | F: 801-399-8205

Helen.muntz@usu.edu

EXTENSION 

UtahStateUniversity

24 April 2019

Dear Mr. Luke,

A recap of our phone conversation last week is as follows:

It is my understanding that you are a resident of West Bountiful City and have contacted USU Extension regarding the placement of Umbrella Catalpa trees in a park strip. To my knowledge, the tree in question is a very small tree, as long as it is maintained correctly, that many cities allow to be placed in park strips. The root zone of the tree is fairly small and non-aggressive, which is ideal when dealing with small spaces and sidewalks. My only concern with the Umbrella Catalpa is that it can block visibility due to the dense canopy. If placed and maintained correctly, this tree can be successfully placed in park strips and under power lines.

In our phone conversation, you were advised by myself to look up the tree on the treebrowser.org website and to meet with the city planner and city arborist for West Bountiful City. I advised you to voice your concerns civilly and to educate others about the trees that you have placed. Please understand that my professional opinion is my own and has no influence on West Bountiful City codes and ordinances. This is an issue that will need to be worked out between you and the city officials involved in such decisions.

I wish you the best of luck in this endeavor.

Sheriden Hansen
Assistant Professor, Horticulture

Bountiful City

Betulaplatyphilia Japonica	Japanese White Birch	1	2	-
Catalpa Bungii	Umbrella Catalpa	1	2	3
Celtis Occidentals	Common Hackberry	1	2	3
Cercis Canadensis	Eastern Redbud	1	2	-
Crataegus Lavellei	Carrier Hawthorn	1	2	3
Crataegus Phaenopyrum	Washington Hawthorne	1	2	3
Ginkgo Bilboa Autumn Gold	Autumn Gold Ginkgo	1	-	3
Gleditsia Triacanthos Imperial	Imperial Honeylocust	1	-	3
Gleditsia Triacanthos Shademaster	Shademaster Honeylocust	1	-	3
Gleditsia Triacanthos Skyline	Pyramidal Honeylocust	1	-	3
Koelreuteria Paniculata	Golden Raintree	1	2	3
Malus Almey	Almey Crabapple	1	2	-
Malus Variety American Beauty	American Beauty Crabapple	1	2	-
Malus Dolgo	Dolgo Crabapple	1	2	-
Malus Hopa	Hopa Crabapple	1	2	-
Malus Ioensis Klehms Improved	Klehms Bechtel Crabapple	1	2	-
Malus Oekonomierat Echtermeyer	Echtermeyer Weeping Crabapple	1	2	-
Malus Radiant	Radiant Crabapple	1	2	-
Malus Royalty	Royalty Crabapple	1	2	-
Malus Snowcloud	Snowcloud Crabapple	1	2	-
Malus Strathmore	Strathmore Crabapple	1	2	-
Plantanus Acerifolia	European Sycamore	1	-	-
Prunus Virginiana Melancarpa Shubert"	Canada Red Cherry	1	2	-



Atlas Tree Service

PO Box 65562 | Salt Lake City, Utah 84165
801-484-8733 | atlastrees.office@gmail.com | www.atlastrees.net

RECIPIENT:

Robert Luke

789 W. 1950 N.

West Bountiful, Utah 84087

Phone: 8019033004

Estimate #8074

Sent on

04/19/2019

Total

\$500.00

SERVICE / PRODUCT	DESCRIPTION	QTY.	UNIT COST	TOTAL
Pruning	3 - 20" DBH 15ft Catalpa trees in front parkstrip-pollard at 10ft	1	\$500.00	\$500.00*

* Non-taxable

This quote is valid for the next 30 days, after which values may be subject to change.

*Atlas Tree Service is not responsible for any sprinkler/irrigation damage due to stump grinding.

*All stump grinding debris will be left on job site unless previously arranged.

Subtotal	\$500.00
Sales Tax (7.25%)	\$0.00
Total	\$500.00



 alamy stock photo

XBWATD
www.alamy.com















MEMORANDUM

TO: Mayor and City Council

DATE: May 2, 2019

FROM: Ben White

RE: Request to Release or Defer the Responsibility to Construct Public Improvements at 560 W 1636 North as a Condition of a Building Permit

Mr. Ken Clyde is requesting that the council release or defer the responsibility to construct public improvements in conjunction with a building permit application for the property at 1636 N 560 W.

Background

Mr. Clyde now owns the house on the corner of 560 West and Pages where his father, the late Ken Clyde, lived for many years. The Clyde family has recently filed a building permit application to demolish the existing house and construct a new, larger house on the same property. City staff made the determination that WBMC 15.08.50 is applicable in this instance. The paragraph reads:

"The installation of curb, gutter, sidewalks, drainage culverts, and covered or fenced irrigation ditches of a type approved by the land use authority may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, sidewalks, drainage culverts, and safety features for irrigation ditches and canals may be required as a condition of building permit approval. "

The Clyde family is aware of the requirement to construct public improvements as a condition of a building permit. Their request is that the city council release or grant a deferment to install the required improvements or waive the requirement since there is not curb or sidewalk on any other part of 560 West.

In relation to public improvements *within subdivisions*, WBMC 16.20.020 grants the city council the authority to defer by agreement the construction of required improvements when it *"finds compelling reasons why the city's interests are better served by deferring the construction."* The code does not address the council's authority to release the owner for the responsibility of improvements.

Possible rational in favor of granting the deferment request:

1. There is not curb or sidewalk on any of 560 West.
2. Most of 560 West has homes already constructed on it. The likelihood of another property owner being required to install curb in the near future does not seem likely. The Clyde family would be the only property owner required to install curb.

3. The street may not look as attractive if there was only one house with curb and sidewalk
4. The drainage problem can be addressed without the installation of curb.
5. This is a very short cul-de-sac with very little vehicle and pedestrian traffic. Curb and sidewalk are not necessary to protect the safety of pedestrians.

Possible rational to deny the deferment request:

1. The city recently installed curb and sidewalk adjacent to this property on Pages Lane at no cost to the property owner. The installation here is a logical extension.
2. The city standard for residential streets includes curb and sidewalk.
3. There is one vacant lot north of this lot. When a building permit is submitted for that lot, curb and sidewalk would be a condition of its approval. The two lots together equal approximately twenty-five percent (25%) of the street frontage on the street.
4. As other properties on this street age, the home will eventually be re-built, and eventually the street improvements will be completed.

As noted above, there are many compelling arguments why curb and sidewalk should be constructed now and why it should be deferred into the future. Independent of the curb decision by the city council, staff is working with the builder to address a drainage issue that exists on the current road. What that solution will look like is somewhat dependent on whether curb is installed or not.

Site plan showing property dimensions and features:

- Property dimensions: 170' (width), 125' (depth), 68' (width of existing garage area), 20' (width of driveway area), 30' (width of parking area).
- Existing structures: EXISTING GARAGE, EXISTING CATCH BASIN.
- Proposed features: NEW CATCH BASIN, 6" DRAIN LINE.
- Other annotations: LINE OF ASPHALT, 560 WEST, 156M 09S.
- North arrow pointing towards the top right.

PAGES LANE



MEMORANDUM

TO: Mayor and City Council

DATE: May 2, 2019

FROM: Ben White, City Engineer

RE: Highgate Subdivision Water Right Change Application

The City Council previously approved the Highgate subdivision with the stipulation that the developer deed enough quantity of water to the City to satisfy the water right requirement. The Developer owns a water right that will more than meet the development requirements. However, the developer also owns additional land which will continue to benefit from the use of water in future.

The Developer has prepared an *Application for Permanent Change of Water* to convert some of their water right from an irrigation use to a municipal use. If the request is approved by the State Engineer as presented, the Developer could then deed the water right to the City to satisfy their requirement. The City's signature is required on the application because the water use is being converted to "municipal" use and moved to our well.

Staff has reviewed the application and is comfortable with its accuracy and recommends approval of the change request.

APPLICATION FOR PERMANENT CHANGE OF WATER

STATE OF UTAH

Rec. by _____

Fee Amt. \$150.00

Receipt # _____

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated 1953, as amended.

CHANGE APPLICATION NUMBER:

WATER RIGHT NUMBER: 31-5305

(c15972WKNIGHT)

This Change Application proposes to change the POINT(S) OF DIVERSION, PLACE OF USE, and NATURE OF USE.

1. OWNERSHIP INFORMATION.

A. NAME: Blackgate Investments LLC
ADDRESS: 66 East 1200 South
Bountiful UT 84010

NAME: West Bountiful City
ADDRESS: 550 North 800 West
Bountiful UT 84087
INTEREST: 0%
REMARKS: Interested Party

B. PRIORITY OF CHANGE:

FILING DATE:

C. EVIDENCED BY: 31-5305 (UGWC)

* DESCRIPTION OF CURRENT WATER RIGHT: *

2. SOURCE INFORMATION.

A. QUANTITY OF WATER: 0.0319 cfs

B. SOURCE: Underground Water Well

COUNTY: Davis

C. POINT(S) OF DIVERSION.

POINT OF DIVERSION -- UNDERGROUND:

(1) N 450 feet W 1,110 feet from SE corner, Section 23, T 2N, R 1W, SLBM
WELL DIAMETER: inches WELL DEPTH:

3. WATER USE INFORMATION.

IRRIGATION: from Apr 1 to Oct 31. Acres: 3.3750 Supplemental Acres: 35.1200.

STOCKWATERING: from Jan 1 to Dec 31. Sole Supply: 0.0000 Total Stock: 37.0000

4. PLACE OF USE.

(Which includes all or part of the following legal subdivisions:)

BASE	TOWN	RANG	SEC	NORTH-WEST¼				NORTH-EAST¼				SOUTH-WEST¼				SOUTH-EAST¼				
				NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
SL	2N	1W	23		X		***				***				X	***	X	X	X	X

-----*

* THE FOLLOWING CHANGES ARE PROPOSED: *

-----*

5. SOURCE INFORMATION.

A. QUANTITY OF WATER: 13.5 acre-feet

B. SOURCE: Underground Water Well (existing)

COUNTY: Davis

C. POINT(S) OF DIVERSION. Changed as Follows:

POINT OF DIVERSION -- UNDERGROUND:

(1) S 200 feet W 720 feet from NE corner, Section 24, T 2N, R 1W, SLBM

WELL DIAMETER: 16 inches

WELL DEPTH: 419 feet

D. COMMON DESCRIPTION: West Bountiful

6. WATER USE INFORMATION. Changed as Follows:

MUNICIPAL: from Jan 1 to Dec 31. West Bountiful.

7. PLACE OF USE. Changed as Follows:

The Service Area of West Bountiful

8. SIGNATURE OF APPLICANT(S).

The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein including maps and other documents attached, at the time of filing, rests with the applicant(s).



Blackgate Investments LLC

4/18/19

West Bountiful City

WEST BOUNTIFUL CITY

RESOLUTION #451-19

A RESOLUTION APPOINTING YOUTH CITY COUNCIL ADVISOR

WHEREAS, the West Bountiful City Council established the West Bountiful Youth City Council by adoption of Ordinance #403-18; and,

WHEREAS, pursuant to the above referenced Ordinance, the Mayor, with the advice and consent of the City Council, shall appoint youth advisors to assist with efforts of the Youth City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful City that it consents to the Mayor's appointment of Michelle Hardman as a Youth City Council Advisor with a term ending May 31, 2021.

EFFECTIVE DATE. This resolution shall take effect immediately upon passing.

Passed and approved by the City Council of West Bountiful City this 7th day of May, 2019.

Ken Romney, Mayor

Voting by the City Council:	<u>AYE</u>	<u>NAY</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Williams	_____	_____

ATTEST:

Cathy Brightwell, City Recorder

WEST BOUNTIFUL CITY

RESOLUTION #452-19

A RESOLUTION ADOPTING MODIFICATIONS TO THE BYLAWS OF THE WEST BOUNTIFUL YOUTH CITY COUNCIL

WHEREAS, the West Bountiful City Council wishes to encourage youth service in the community through the active involvement of the West Bountiful Youth City Council; and,

WHEREAS, the West Bountiful Youth City Council Bylaws establish member qualifications, roles and duties; and,

WHEREAS, periodic modifications to the Bylaws are appropriate to meet changing needs of the community; and

WHEREAS, the current Youth City Council has recommended changes.

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful that it adopts modifications to the Youth City Council Bylaws as shown in attached Exhibit A.

EFFECTIVE DATE. This resolution shall take effect immediately upon passing.

Passed and approved by the City Council of West Bountiful City this 7th day of May 2019.

Kenneth Romney, Mayor

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Williams	_____	_____
Councilmember Preece	_____	_____

ATTEST:

Cathy Brightwell, City Recorder

MEMORANDUM



TO: City Council

DATE: May 2, 2019

FROM: Duane Huffman

RE: Ordinance 415-19 – Title 17 Accommodations

This memo introduces a proposed re-drafting of the city's land use code in relation to accommodations to the city's land use code for persons with disabilities. This is a proactive effort, and not the result of any current or reasonably pending applications. After reviewing previous drafts, the planning commission recommended the attached ordinance at their meeting on April 23rd.

Background

Evolving case law and practices related to residential group living arrangements requires cities to regular review land use codes to ensure that they are not discriminatory. West Bountiful's code (17.84) currently sets many standards for residential facilities for persons with disabilities (e.g. no more than five residents, and full compliance with ADA), and it requires the planning commission to make determinations on reasonable accommodations. It also sets up standards for residential facilities for elderly persons, which is not necessarily something that is protected by federal law.

Recommendation

In conjunction with a legal consultant that works extensively on group home issues, staff, legal counsel, and the the planning commission recommend the attached ordinance that would replace the current section 17.84. This ordinance takes a new approach to determining accommodations to the city's land use code for persons with disabilities, as well as any necessary conditions. Instead of trying to define and regulate residential facilities for persons with disabilities, it defines a process whereby reasonable accommodations may be requested. Under appropriate applications, the city would appoint a qualified hearing officer to make a determination on accommodations.

WEST BOUNTIFUL CITY

ORDINANCE #415-19

AN ORDINANCE MODIFYING WBMC TITLE 17 TO COMPLY WITH FEDERAL AND STATE LAW REQUIRING NECESSARY AND REASONABLE ACCOMMODATION FOR PERSONS WITH A DISABILITY

WHEREAS, the City recognizes, through its observation, study and experience, as the United States Supreme Court recognized in *Village of Belle Terre v. Boraas*, 416 U.S. 1, 9, 94 S.Ct. 1536, 1541, 39 L.Ed.2d 797 (1974), that groups of unrelated persons living together in a single dwelling (“Group Living Arrangements”), including “[t]he regimes of boarding houses, fraternity houses, and the like present urban problems.” Among other things, “[m]ore people occupy a given space; more cars rather continuously pass by; more cars are parked; noise travels with crowds.” *Id.*; and

WHEREAS, the U.S. Supreme Court, in an attempt to help clarify the appropriate role of local government with respect to community planning, noted:

The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.

Berman v. Parker, 348 U.S. 26, 33, 75 S. Ct. 98, 102-03, 99 L.Ed. 27 (1954).

The Supreme Court subsequently further commented in *Boraas* with respect to the right of a community in the preservation of residential areas:

A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land use project addressed to family needs. The police power is not confined to elimination of filth, stench, and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people; and

WHEREAS, the United States Supreme Court and federal appellate courts continue to recognize that “[l]and use planning and the adoption of land use restrictions constitute some of the most important functions performed by local government.” *Bryant Woods Inn, Inc. v. Howard County*, 124 F.3d 597, 603 (4th Cir. 1997) (citing *FERC v. Mississippi*, 456 U.S. 742, 768 n. 30, 102 S.Ct. 2126, 2141 n. 30, 72 L.Ed.2d 532 (1982) (“regulation of land use is perhaps the quintessential state activity”)). These courts continue to recognize that local land use ordinances may legitimately be utilized “to preserve ‘the character of neighborhoods, securing “zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.””” *Id.* (quoting *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 732-33, 115 S.Ct. 1776, 1780, 131 L.Ed.2d 801 (1995) (quoting

Village of Belle Terre v. Boraas, 416 U.S. 1, 9, 94 S.Ct. 1536, 1541, 39 L.Ed.2d 797 (1974))); and

WHEREAS, according to the latest U.S. Census Bureau data for West Bountiful City, the average household size is 3.31 persons per household, 92.5% of housing is owner-occupied, and, for the years 2013-2017, 91.9% of individuals living in West Bountiful City lived in the same house for 1 year or more, representing a very low rate of resident transiency; and

WHEREAS, among, other things, Group Living Arrangements tend to introduce transiency, congestion, increased traffic, increased parking and other urban problems and challenges into communities; and

WHEREAS, regulation of Group Living Arrangements serves to preserve housing densities consistent with both reality (in terms of the average composition of single-family households in the City) and the goals and objectives of the General Plan. It also promotes permanence and stability in neighborhood composition, which promotes the general health and welfare of the City's residents; and

WHEREAS, regulating Group Living Arrangements is an essential aspect of fostering the goals of the General Plan and the City's zoning scheme, which seeks uncrowded, stable (non-transitory) single family neighborhoods. For example, the City's Community Vision Statement embodied in the General Plan states:

West Bountiful is primarily a residential community that is proud of its agricultural history and highly values its rural atmosphere.

....

The residents view the City as one where residents live together as a community and actively participate in the betterment of their neighborhoods. Residents insist on attractive and high-quality development, and clean, well-maintained neighborhoods and streets.

(General Plan, June 5, 2007, at p. 6, § 1.2 (Community Vision Statement, Land Use).)

Residents of West Bountiful City value the high quality of homes and residential lifestyle of their community. Residents also value the opportunity to remain in the City as lifetime residents.

(*Id.* at p. 7 (Housing).)

These values are stated throughout the General Plan, including Goal 3 of the Land Use Element, which includes the goal to "[p]rotect the quality of existing residential neighborhoods," (*id.* at p. 22 (GOAL 3)), and "maintain existing neighborhood densities, while allowing for flexibility for various dwelling sizes in appropriate places." (*Id.* (OBJECTIVE 2, POLICY 1)); and

WHEREAS, the City also recognizes the need, in certain demonstrable circumstances, for individuals with handicaps or disabilities to live in a Group Living Arrangements. The City has consulted experts in the field and recognizes the need to provide some type of

accommodation to them. However, there is tremendous variety in the type and nature of handicaps or disabilities that may need to be accommodated. There is also great variability in the scope and extent of required accommodations depending upon individual circumstances, the particular nature of the disability(ies) at issue, and other factors that are difficult to anticipate and predict through legislation. Additionally, the methods and means of treating or ameliorating those handicaps or disabilities is constantly changing and evolving. Therefore, the City has determined that the best method for accommodating individuals with handicaps or disabilities is to create a fair and reasonable process for making accommodations in those instances where an accommodation is demonstrably necessary and reasonable; and.

WHEREAS, In order to fulfill the purposes of the General Plan while accommodating the demonstrable needs of individuals with handicaps or disabilities to live in Group Living Arrangements, which are generally prohibited for individuals without disabilities or handicaps, the City desires to clarify its ordinances and define its practices and policies with regard to these issues.

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on April 23, 2019 and has recommended adoption of proposed amendments.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC SECTIONS 17.04, 17.16, 17.20, 17.24, 17.26 AND 17.84, BE MODIFIED AS SHOWN IN ATTACHED EXHIBITS A, A-1, AND A-2.

This ordinance will become effective upon signing and posting.

Adopted this 7th day of May 2019.

By:

Kenneth Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Williams	_____	_____

Attest:

Cathy Brightwell, City Recorder

17.84 Group Living Arrangements (new)

17.84.010 Reasonable Accommodation

- A. **Purpose.** The purpose of this chapter is to comply with the federal Fair Housing Act, Title II of the Americans with Disabilities Act, the Rehabilitation Act, the Utah Fair Housing Act, and any other federal or state law requiring necessary and reasonable accommodation for persons with a disability.
- B. **Interpretation.** None of the requirements of this zoning ordinance shall be interpreted to limit any reasonable accommodation necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling as required by federal or state law. To the extent there is a conflict between the provisions of this zoning ordinance and federal or state law, the federal or state law shall govern.
- C. **Reasonable Accommodations Required.** The City shall make reasonable accommodations in its rules, policies, practices, or services, when such accommodations may be necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling.

17.84.020 Reasonable Accommodation Process

- A. **Application.** Any person or entity desiring an accommodation from any of the provisions of the zoning ordinance or any of the City's rules, policies, practices, or services shall make a written application to the zoning administrator. Each application shall specify, with supporting attachments and exhibits, the following:
 - 1. The name, mailing address, and phone number of the applicant(s);
 - 2. The address of the property to which the accommodation will be applied;
 - 3. The precise ordinance, rule, policy, practice or procedure from which the applicant seeks an accommodation;
 - 4. Evidence of the nature and extent of the disability;
 - 5. A description of the applicant's requested or proposed accommodation;
 - 6. Evidence demonstrating why the accommodation is necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling;
 - 7. Evidence demonstrating why the accommodation is reasonable; and
 - 8. All other evidence necessary for the findings set forth in Section 17.84.020.E.3.
- B. **Appointment of Hearing Officer.** Within ten (10) business days after the zoning administrator's receipt of the accommodation application, the city shall appoint a neutral hearing officer with demonstrated experience as a hearing officer and knowledge of the federal Fair Housing Act, Title II of the Americans with Disabilities Act, the Rehabilitation Act, and the Utah Fair Housing Act to review the request for accommodation.
- C. **City Response to Application.** Within ten (10) days after the hearing officer's appointment, the city shall transmit to the applicant and the hearing officer its written response to the accommodation application. The city's response shall include the city's position, if any, on the applicant's compliance with the accommodation application requirements and may include a staff report, discussion of any relevant provisions of law, and any other information or evidence relevant to the application and the findings set forth in Section 17.84.020.E.3.

D. **Applicant Reply.** Within five (5) days after receiving the city's response to the application under Section 17.84.020.C, the applicant may submit to the zoning administrator and the hearing officer a written reply, addressing any items or issues raised in the city's response to the application.

E. **Hearing Officer Review.**

1. Notice of hearing. Within five (5) days after receiving the applicant's reply or expiration of the reply period in Section 17.84.020.D, whichever occurs first, the hearing officer shall provide written notice to the applicant and the city of the date, time, and location of the informal hearing on the application, which hearing shall be held no later than fourteen (14) days from the date of such notice, unless otherwise mutually agreed by the applicant and city. The city shall ensure that notice of the hearing is provided to the public in compliance with the requirements for public meetings under the Utah Open and Public Meetings Act.
2. Hearing procedures. The hearing officer shall preside at the informal hearing. The hearing officer may direct the order and presentation of evidence and witnesses and determine all hearing procedures. The hearing shall give the applicant, the city and any other interested persons a reasonable opportunity to be heard on matters pertaining to the application. It is the applicant's burden to demonstrate that the accommodation is necessary and reasonable under the standards and definitions set forth in federal and state law, including federal and state case law.
3. Findings. Within fourteen (14) days after the final hearing, the hearing officer shall issue and serve the applicant and city with a written decision on the accommodation application. The hearing officer may either grant, grant with modifications or conditions, or deny a request for accommodation. The hearing officer may grant an accommodation only upon a finding that all of the following have been established:
 - a. The housing, which is the subject of the request for accommodation, will be used by a person with a disability.
 - b. The requested accommodation is necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.
 - c. The requested accommodation is reasonable, including the following:
 - i. The requested accommodation will not impose an undue financial or administrative burden on the city; and
 - ii. The requested accommodation will not (a) be a fundamental alteration in the nature of or departure from the city's land use, zoning or building programs and (b) be fundamentally incompatible with surrounding land uses or change the residential character of a neighborhood.
 - d. The requested accommodation will not result in a dwelling being made available to an individual whose occupancy would constitute a direct threat to the health or safety of other individuals or whose occupancy would result in substantial physical damage to the property of others.
4. Other considerations. The hearing officer may weigh and consider any other relevant considerations under federal or state law, impose any necessary or reasonable conditions upon the granting of an accommodation request as the circumstances dictate or allow, receive and consider evidence or written submissions from the public or any interested persons, require additional written submissions from the city or applicant, and reasonably extend or modify any of the deadlines contained in this chapter with the exception of the deadline for filing appeals, which shall not and may not be extended.

- F. **Other Laws/Effect of Decision.** While a request for accommodation is pending, all laws and regulations otherwise applicable to the applicant or the property that is the subject of the request shall remain in full force and effect. The written decision of the hearing officer shall constitute a final, appealable decision. Any reasonable accommodation shall be personal to the applicant, shall not be deemed a variance, and shall not run with the land.
- G. **Appeal.** Any person or party aggrieved or adversely affected by the decision of the hearing officer may appeal the hearing officer's decision by filing a petition for review of the decision with the district court within thirty (30) days after the date of the written decision. The review of all such appeals shall be based upon the record presented to the hearing officer and shall not be *de novo*.

17.04.030 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. The words "used" and "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used or occupied. Words used in this title but not defined herein shall have the meanings as defined in any other ordinances adopted by the city.

"Accessory use or building" means a use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building.

"Advisory body" means a body of selected members that:

1. Provides advice and makes recommendations to another person or entity that makes policy for the benefit of the general public;
2. Is created by and whose duties are provided by statute or by executive order; and
3. Performs its duties only under the supervision of another person or entity as provided by statute. (Definition derived from Utah Code Ann. § 68-3-12.)

"Agriculture" means the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business designed for the processing of raw food products by packaging, treating and/or intensive feeding.

"Alley" means a public access-way less than twenty-six (26) feet in width, which is designed to give secondary access to lots or abutting properties. An alley shall not be considered a street for the purpose of this code.

"Apiary" means a place where one or more colonies of bees are located.

"Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

"Average grade" means an expression of rise or fall in elevation along the land connecting the highest point of land to the lowest point of land within a lot or building area. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is one hundred (100) percent grade.

"Average slope" means an expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot or building area. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is one hundred (100) percent slope.

"Basement" means a story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than one-half of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purposes of side-yard determination.

"Bee" means the common honey bee, *apis mellifera*, at any stage of development.

"Beginning of construction" means the excavation or recontouring of the site.

"Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

"Block" means an area of land within a subdivision entirely bounded by streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision, or designated as a block on any recorded subdivision plat.

"Buildable area" means the portion of a lot remaining after excluding wetlands, streams, drainage conveyance facilities, easements, setbacks, and required yards.

"Building" means any structure used or intended to be used for the shelter, recreation, landscape enhancement or enclosure of persons, animals or property; includes all "structures."

Building, Accessory, or Structure, Accessory. **"Accessory building"** or **"accessory structure"** means any building or structure on a lot that is other than or ancillary to the main building or structure.

Building, Main, or Structure, Main. **"Main building"** or **"main structure"** means the principal or primary building or structure on a lot for purposes of the lot's principal use."

Building, Height of. **"Height of building"** means the vertical distance from the average, finished grade surface at the foundation, to the highest point of the building roof or coping.

"Building official" means the person designated as the building official for the city by the city council.

"Cellar" means a room or rooms having more than fifty (50) percent of the floor to ceiling height under the average level of the adjoining ground.

"Charter school" includes:

1. An operating charter school;
2. A charter school applicant that has its application approved by a chartering entity in accordance with Utah Code Annotated, Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
3. An entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

"Chief executive officer" means the:

1. Mayor in municipalities operating under all forms of municipal government except the council-manager form; or
2. City manager in municipalities operating under the council-manager form of municipal government.

"Church" means a building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship and religious instruction.

Clinic, dental or medical. **"Dental or medical clinic"** means a building in which a group of dentists, physicians and/or allied professionals in the healing arts are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

"Colony" means an aggregation of bees in any type of hive that includes queens, workers, drones, or brood.

"Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

"Condominium" means the ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property as provided by state law. A condominium development is comparable to a subdivision in that each development is characterized by multiple individual ownerships in a single development; in a condominium development the multiple individual ownerships are in structures, whereas in subdivisions such ownerships are in land. For regulation purposes the development of a condominium project is treated by Utah State law and by this title as a subdivision, and condominium developments must comply with the subdivision regulations of this title.

"Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

1. Fifth or Fourteenth Amendment of the Constitution of the United States; or
2. Utah Constitution Article I, Section 22.

"Crosswalk" (also "walkway" or "pedestrian way") means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian-way may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic.

"Cul-de-sac" means a street which is designed to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround. For purposes of this title, the length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to a point at the center of the cul-de-sac.

"Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

"Culinary water facilities" means water supply lines, pumps, springs, wells and/or any other physical facilities necessary to provide a supply of culinary water to a use in sufficient quantity and of approved quality to meet the standards of this title.

"Day care center" or **"child nursery"** means an establishment for the care and/or the instruction of five or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

"Density" is a measure of the number of lots per acre of area. It shall be expressed as lots per acre (lots/acre). The permitted density is calculated by dividing the total number of lots meeting the minimum requirements for the zone by the total area of land.

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" includes a handicap or disability as defined by the federal Fair Housing Act, Title II of the Americans with Disabilities Act, the Rehabilitation Act, and the Utah Fair Housing Act. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. § 802, as amended.

"District" (also **"zone"** or **"zoning district"**) means a portion of the territory of the city established as a zoning district by this title, within which certain uniform regulations and requirements or various combinations thereof apply.

"Driveway" means a private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the roadway is located.

"Dwelling" means any building or portion thereof designed or used for residential purposes, but not including a hotel, motel, hospital, or nursing home.

“Dwelling unit” means one or more rooms within a dwelling, physically arranged with separate bathroom, cooking, and sleeping facilities used as an independent housekeeping unit.

“E-cigarette” means any device, other than a cigarette or cigar, intended to deliver vapor containing nicotine into a person’s respiratory system, including electronic cigarettes, personal vaporizers, and e-liquids.

“Easement” means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use on, under or above the lot or lots.

“Elderly person” means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

“Exaction” means a condition, often in the form of impact fees, restrictive covenants or land dedication, imposed at the time of obtaining a building or other development permit used to aid the city in providing public services. Conditional requirements should comply with the standards established in Section 17.44.230 of this code.

“Family” means one or more persons related by blood, marriage, adoption or guardianship or a group of not more than four unrelated persons, living together as a single housekeeping unit.

“Farm Animal” means any domesticated animal typically found on a farm that is not a dog or cat, such as horses, cattle, pigs, goats, sheep, poultry and fowl. For purposes of this Section, honeybees kept to collect honey and beeswax, pollinate crops, or produce bees to other beekeepers are included in this category.

“Final plat” means a plat map prepared in accordance with the provisions of this title, which is designed to be placed on record in the office of the county recorder.

“Flag lot” means a lot with the buildable area at a distance from a public street, with access to that area provided by means of a narrow corridor or extension which connects the lot to a public street.

“Flood hazard” means a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

“Flood plains” means areas adjoining any streams, ponds or lakes which are subject to one hundred (100) year-recurrence-interval floods on maps prepared by the Federal Emergency Management Agency (FEMA), or a study conducted by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines.

“Floodplain soils” means areas subject to periodic flooding and listed in the soil survey prepared by the Federal Emergency Management Agency (FEMA) which encompasses the city as being on the floodplain or subject to flooding.

“Floor area” means the sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this title, or any such floor space intended and designed for accessory heating and ventilating equipment.

“Floor area ratio” means the ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area.

"Frontage" means all property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts, or that common line between a lot and a public street. Street lines across which access is denied or cannot be had because of topography or for other reasons shall not constitute frontage for purposes of this title.

Frontage, Lot. **"Lot frontage"** means the lineal measurement of the front lot line.

"General Plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

"Geologic hazard" means a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure or shifting of the earth. Geologic hazards include but are not limited to, rockfills, slide areas, floodplains, fault lines, high water tables, and groundwater problems, such as liquefaction, etc.

"Grade" (also "lot grade" or "finished grade") means:

1. For buildings adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
2. For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets;
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building;
4. Any wall parallel or nearly parallel to and not more than five feet from a street line is to be considered as adjoining the street.

"Home occupation" means an occupation of a person which is carried on by that person and/or others within the same family entirely within the dwelling unit in which the person or persons reside and which occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or of the neighborhood. The home occupation shall not involve the use of any accessory building, either attached or detached, or yard space or activity outside the main building or use of more floor area than the equivalent of fifteen (15) percent of the main floor area of the dwelling unit, nor shall it involve the installation in the dwelling of special equipment and/or fixtures, and plumbing or electrical wiring or such special fixtures or equipment which are not ordinarily or customarily used in a dwelling; provided, however, that outside private swimming pools may be used for swimming instruction if the instruction is given only by members of the family related by blood, marriage or adoption who are residing within the dwelling. Neither shall a home occupation involve the use of any part of a dwelling for which, by reason of any state, federal or local law or ordinance, special or extra entrances or exits, or special rooms are required as a prerequisite condition to the operation of such use or for which such laws or ordinance require a license or permit. The planning commission may impose additional conditions pursuant to a conditional use permit.

"Hospital" means an institution ~~providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.~~ licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care or operates on a twenty-four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to operate a hospital.

"Hotel" means a building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are lodged for compensation, with or without meals.

"Identical plans" means building plans submitted to a municipality that are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality and describe a building that is:

1. Located on land zoned the same as the land on which the building described in the previously approved plans is located; and
2. Subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

"Impervious surface" means surfaces that do not absorb rain including all buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt. Other areas determined by the local engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

"Impervious surface ratio" means a measure of the intensity of land use determined by dividing the total area of all impervious surfaces within the site by the base site area.

"Improvement" means work, objects, devices, facilities or utilities required to be constructed or installed in a land development. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by this title, subdivision regulations, or by the planning commission and/or city council for the necessary proper development of the proposed land development.

"Improvements agreement" means an agreement between the city and a developer, wherein the developer agrees to install improvements required by this title, subdivision regulations, or by the planning commission and/or city council for the necessary proper development of the proposed land development.

"Junk" means old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, junked, dismantled, or wrecked automobiles or their parts, and iron, steel and other old or scrap ferrous or nonferrous material.

"Junk dealer" means all persons, firms or corporations engaged in the business of purchasing or selling secondhand, or castoff material of any kind, such as old iron, copper, brass, lead, zinc, tin, steel, aluminum and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper and other like materials.

"Junkyard" means any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard. "Junkyard" includes a salvage yard, war surplus yard, garbage dump, recycling facility, garbage processing facility and sanitary land fill.

"Kennel" means any premises where three or more dogs older than four months are kept, except that more than three of such dogs may be kept as accessory uses to a use allowed in the district.

Land, Agricultural. **"Agricultural land"** means land used or projected for agricultural use by the general plan or the zoning ordinance adopted by the city, but not including legally existing nonconforming uses located in areas so projected.

Land, Commercial. **"Commercial land"** means land used or projected for commercial use by the general plan or the zoning ordinance adopted by the city, except legally existing nonconforming uses in areas designated commercial in such ordinance.

Land, Industrial. "**Industrial land**" means land used or projected for industrial use by the general plan or the zoning ordinance adopted by the city, except legally existing non-conforming uses in areas designated industrial in such ordinance.

"**Land use intensity**" means the degree to which land is used by man ranging from no use to unremitting, continual and concentrated use of the land. Land use intensity is normally measured by:

1. Type of use, i.e., agricultural, residential, commercial or industrial;
2. Period of use in average hours per day;
3. Numbers of humans, associated animals, and machines which occupy the land during the average hours of use; and
4. The percent of the land covered by manmade structures.

"**Land use application**" means an application required by the city's land use ordinance.

"**Land use authority**" means a person, board, commission, agency, or other body designated by the city council to act upon a land use application.

"**Land use ordinance**" means a planning, zoning, development, or subdivision ordinance of the city, but does not include the general plan.

"**Land use permit**" means a permit issued by a land use authority.

"**Legislative body**" means the city council.

"**Lot**" means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"**Lot area**" means the area contained within the property lines of the individual parcels of land as shown on a subdivision plat or required by this title, excluding any area within an existing street right-of-way, or any area required as open space under this title, and including the area of any easements.

Lot Area per Dwelling Unit, Average. "**Average lot area per dwelling unit**" means the average lot area for all dwelling units of a single type. Individual lots may be smaller or larger than the average, provided that the average size is maintained and that all other standards of this title are met.

Lot, Corner. "**Corner lot**" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

"**Lot depth**" means the horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

"**Lot frontage**" means the length, in feet, of the front lot line which is co-terminus with the front street line.

Lot, Interior. "**Interior lot**" means a lot other than a corner lot.

"**Lot line**" means a property boundary line, whether straight or otherwise, on a lot.

"**Lot line adjustment**" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

Lot Line, Front. "**Front lot line**" means for an interior lot, the lot line adjoining the street; for a corner lot or through lot, the front lot line is the lot line adjoining a street that most nearly faces the front of the main

building on the lot. In cases where this designation is ambiguous, the zoning administrator shall designate the front lot line.

Lot Line, Rear. "**Rear lot line**" means, ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where this definition is ambiguous, the zoning administrator shall designate the rear lot line.

Lot Line, Side. "**Side lot line**" means any lot boundary line not a front or rear lot line. However, this does not apply to any yard fronting on a street, which is by definition a front yard line.

Lot line, Street Side. "**Street Side lot line**" means the lot line adjoining a street that is not designated as the front or rear lot line.

Lot, Restricted. "**Restricted lot**" means a lot having an average slope of twenty-five (25) percent or more; a lot which does not contain at least seventy-five (75) feet by one hundred (100) feet, with an average slope of less than fifteen (15) percent; and/or a lot which has vehicular ingress to the main building or structure which, upon completion of construction on the site, has a slope of fifteen (15) percent or greater; or a lot subject to geologic hazards.

Lot, Unrestricted. "**Unrestricted lot**" means a lot having an average slope of less than twenty-five (25) percent and containing a buildable area of at least seventy-five (75) feet by one hundred (100) feet, with an average slope of less than fifteen (15) percent, which buildable area is designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than fifteen (15) percent.

"**Lot width**" means the horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

"**Merchandise**" means any tangible personal property displayed, held or offered for sale by a merchant in the city.

"**Mobile home**" means a detached single-family dwelling of not less than thirty (30) feet in length, designed for long-term occupancy, and to be transported on its own wheels or on flatbed or other trailers or detachable wheels; and which has not been demonstrated to conform to the building code for other residences adopted by the city. In determining if such a dwelling is designed for long-term occupancy, the following criteria shall be used: Such a dwelling contains a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, which is ready for occupancy except for connections to utilities and other minor work.

"**Mobile home lot**" means a space designed and approved by the city for occupancy by mobile homes, and meeting all requirements of this title.

"**Mobile home park**" means a parcel of land that has been planned and improved for the placement of mobile homes for non-transient use and consisting of two or more mobile home spaces, when the entire project is to be under single ownership or management and meets all of the requirements of this title for mobile home parks.

"**Mobile home space**" means a space within a mobile home park designed and to be used for the accommodation of one mobile home.

"**Mobile home subdivision**" means a subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes.

“Moderate income housing” means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in Davis County.

"Modular home" means a permanent dwelling structure built in prefabricated units which are assembled and erected on the site or at another location and brought as a unit to the site. Such a home is classed as a mobile home until it is placed on a permanent foundation.

“Nominal fee” means a fee that reasonably reimburses the city only for time spent and expenses incurred in:

1. Verifying that building plans are identical plans; and
2. Reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

“Non-complying structure” means a structure that:

1. Legally existed before its current land use designation; and
2. Because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

"Nonconforming use" means a use of land that:

1. Legally existed before its current land use designation;
2. Has been maintained continuously since the time the land use ordinance governing the land changed; and
3. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

~~**"Nursing home"** (also **"rest home"** or **"convalescent home"**) means a home for the aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.~~

“Official map” means a map drawn by municipal authorities and recorded in a county recorder’s office that:

1. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
2. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
3. Has been adopted as an element of the municipality’s general plan.

"Open space" means land used for recreation, agriculture, resource protection, amenity or buffers which is freely accessible to all residents of the development, except in the case of agricultural lands where access may be restricted. Open space does not include land occupied by non-recreational buildings, roads, or road rights-of-way; nor does it include the yards or lots of single or multiple-family dwelling units or parking areas as required by the provisions of this title. Open space should be left in a natural state, except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

"Open space ratio" means a measure of the intensity of land use. It is arrived at by dividing total amount of open space within the site by the base site area.

"Outdoor merchandising" means displaying, holding or offering any tangible personal property for sale by a merchant in the open areas of the lot.

"Outdoor storage" means the use of open areas of the lot for storage of items used for non-retail or industrial uses and the storage of bulk materials such as sand, gravel and other building materials. "Outdoor storage" also includes contractor's yards and salvage or recycling areas. "Outdoor storage" does not mean tangible personal property displayed, held or offered for sale by a merchant in the open areas of the lot.

"Parking facility" (also **"parking lots"** or **"parking structures"**) means a building or open area, other than a street, used for the parking of more than four automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

"Permanent monument" means any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the city for permanent monuments.

"Permitted use" means a use of land which is allowed within a particular district without the necessity of obtaining a conditional use permit.

"Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

"Planned unit development (PUD)" means an integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned unit development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the planned unit development. Thus planned unit development regulations can be subdivision regulations which may be chosen by the developer as an alternative to specifically designated subdivision regulations of this title, to become effective only through the planned unit development approval process.

"Plan for moderate income housing" means a written document adopted by the city council that includes:

1. An estimate of the existing supply of moderate income housing located within the city;
2. An estimate of the need for moderate income housing in the city for the next five years as revised biennially;
3. A survey of total residential land use;
4. An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
5. A description of the city's program to encourage an adequate supply of moderate income housing.

"Principal use" means any use which is named and listed in the use regulation provisions of this title, except those uses specifically designated as accessory uses; any use which is or may be conducted on a lot independently; any use on the lot not incidental or accessory to any other use on the lot; any use which establishes the primary activity on a lot.

“Public hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

“Public meeting” means a meeting that is required to be open to the public under Utah Code Annotated, Title 52, Chapter 4, Public and Open Meetings Act.

~~“Residential facility for disabled family member” means a separate dwelling unit within a single-family dwelling that provides independent living arrangements for a person with a disability who is related by blood, marriage, adoption or guardianship to the family occupying the single-family dwelling. A dwelling housing a residential facility for disabled family member must appear from its exterior to be a single-family dwelling, and its interior must provide for access between the separate dwelling units. O more than two separate residential facilities for disabled family member shall, in addition to the primary single-family dwelling unit, shall be allowed in any single-family dwelling. A conditional use permit for a residential facility for disabled family member may be issued for a period of two years. The permit may be renewed for successive two-year periods upon submission to the city of a report identifying the facility’s occupants, and certifying the disability of one or more of the occupants as well as compliance with the zoning ordinance.~~

~~“Residential facility for elderly persons” means a single-family or multiple-family dwelling unit that meets the requirements of Utah Code Ann. § 10-9a-516, but does not include a health care facility as defined by Utah Code Ann. § 26-21-2.~~

~~“Residential facility for persons with a disability” means a residence:~~

- ~~1. In which more than one person with a disability resides; and~~
- ~~2. Is licensed or certified by the Department of Human Services under Utah Code Annotated, Title 62A, Chapter 2, Licensure of Programs and Facilities or is licensed or certified by the Department of Health under Utah Code Annotated, Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.~~
- ~~3. Which meets the requirements of Utah Code Ann. § 10-9-605, as amended.~~

~~“Residential health care facility” means a facility providing assistance with activities of daily living and social care of two or more residents who require protected living arrangements. Residents shall meet the following criteria before being admitted:-~~

- ~~1. Be ambulatory or mobile and be capable of taking life-saving action in an emergency;~~
- ~~2. Have stable health and:-~~
 - ~~1. require no assistance or only minimal assistance from facility staff in the activities of daily living;~~
 - ~~2. be capable of managing their own medication;~~
 - ~~3. be able to manage their personal hygiene;~~
- ~~3. A physician shall provide a written statement that the resident is capable of functioning in a residential care facility with minimal assistance.~~

“Retail e-cigarette specialty business” means a commercial establishment in which (i) the sale of e-cigarettes and accessories accounts for more than 35% of the total annual gross receipts for the establishment; (ii) the sale of food and beverage products accounts for less than 45% of the total annual gross receipts for the establishment; (iii) the establishment is licensed by the City as a retail tobacco specialty business under *Utah Code Ann.* § 10-8-41.6, as amended; and (iv) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

“Retail tobacco specialty business” means a retail tobacco specialty business as defined in *Utah Code Ann.* § 10-8-41.6, as amended, except for a retail e-cigarette specialty business.

"Right-of-way" means that portion of land dedicated to public use for street and/or utility purposes or maintained in private use for similar purposes.

"Roadway width" means the street measurement taken from curb to curb; in instances where there is battered or roll curb, this measurement is taken to the back of curbs.

“Sanitary sewer authority” means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

"Scrap metal processor" means any person who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap, not including precious metals, for sale for re-melting purposes.

"Setback" means the distance between a lot line and a structure on the lot. Setbacks are measured from the lot line to the nearest foundation or column. For a main structure in any residential district, a maximum two-foot cantilever that does not extend to the ground, such as a bay window or chimney, is allowed in the setback area.

"Sign" means a presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid; also, any lighting systems, attachments, ornaments or other features used to draw the attention of observers.

"Sign area" means the entire background area of a sign upon which copy could be placed. In computing area of a sign background, only the face or faces which can be seen from one direction at one time shall be counted. The supporting incidental structure of the sign shall not be used in computing sign area.

Sign, Height of. **"Height of sign"** means the vertical distance measured from the nearest finished grade to the top of the sign, excluding any superficial trim. In the case of a roof sign, the maximum height shall be measured from the roof line or the parapet level, if applicable, at the location of such sign.

Sign, Off-Premise. **"Off-premise sign"** means a sign which advertises a product or service not available on the premises where the sign is located.

"Site" means a parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

"Site area" means all land area within the site as defined in the deed. Area shall be from an actual survey rather than from a deed description.

"Site plan" means a scaled drawing of and information pertaining to a proposed development site.

"Storage" means keeping or retaining tangible personal property in the city for any purpose including the storage of tangible personal property used for non-retail or industrial trade. "Storage" does not include keeping or retaining tangible personal property held for sale in the regular course of business.

"Streets" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way. Streets may be public or private. Public streets are those streets which have been dedicated or abandoned to the public and then accepted by proper public authority. All other streets are private streets. Streets may also be classified as to ability to channel traffic. A minor (or local) street is thus a street, existing or proposed, which serves or is intended to serve the local needs of a neighborhood and is of limited continuity. A collector street is a

street, existing or proposed, which is a primary means of access to major streets. A major street, on the other hand, is a street, existing or proposed which serves or is intended to serve as a primary traffic artery. Streets are generally identified as to their traffic-carrying role by so designating each street on the master street plan of the city.

Street, Frontage. "**Frontage Street**" means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

"Structure" means anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, including "buildings."

"Subdivider" means any person, firm, corporation, partnership or association who causes land to be divided into a subdivision.

"Subdivision" means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, of offer, sale, lease or development either on an installment plan or upon any and all other plans, terms and conditions; see section 16.04.020 for more information regarding "subdivisions".

"Tangible personal property" means:

1. All goods, wares, merchandise, produce and commodities;
2. All tangible or corporeal things and substances which are dealt in or capable of being possessed or exchanged;
3. Water in bottles, tanks or other containers;
4. All other physically existing articles or things, including property severed from real estate.

"Unincorporated" means the area outside of the incorporated area of a city or town.

"Wetlands" means areas known as marshes, swamps or wetlands, including areas where standing water is retained for a portion of the year and unique vegetation has adapted to the area, or those areas specifically so designed by the Army Corps of Engineers.

"Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front. "**Front yard**" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear. "**Rear yard**" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot; provided that in a corner lot, the rear yard extends only from the side lot line to the street side yard.. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. "**Side yard**" means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

Yard, Street Side. "**Street side yard**" means the space on the same lot with a building, between the side line of the building and the street side lot line and extending from the front yard to the rear lot line. The "width" of the street side yard is the minimum distance between the street side lot line and the side line of the building.

"Zoning administrator" means the building inspector or other person designated by the city council to enforce the regulations of this title.

"Zoning map" means a map, adopted as part of a land use ordinance, which depicts land use zones, overlays, or districts.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 389-17 on 3/1/2017

PERMITTED, CONDITIONAL AND PROHIBITED USES – TITLE 17

17.16.020 Permitted Uses (A-1)

The following are permitted in the agricultural districts A-1:

1. Agricultural;
2. Single family dwelling;
3. Farm Animals;
4. Home Occupations; and
- ~~5. Residential facility for persons with a disability.~~

17.16.030 Conditional Uses

The following uses are conditional in the agricultural district A-1:

1. Equestrian facilities, commercial stables;
2. Public or quasi-public uses;
3. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
4. Flag lots;
5. Natural resource extraction;
- ~~6. Residential facility for elderly persons;~~
- ~~7-6. Kennels;~~
- ~~8. Residential facility for Elderly Persons;~~
- ~~9-7. Restricted Lots (see definitions, Section 17.04.030); and~~
- ~~10-8. Accessory Dwelling Units (ADU).~~

17.20.020 Permitted Uses (R-1-22)

The following uses are permitted in the residential district R-1-22:

1. Agricultural;
2. Single-family dwellings;
3. Home Occupations;
4. Farm animals; and
- ~~5. Residential facility for persons with a disability.~~

17.20.030 Conditional Uses

The following uses are conditional in the residential district R-1-22:

1. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
2. Flag lot;
3. Public, quasi-public uses;
- ~~4. Residential facility for elderly persons;~~
- ~~5-4. Accessory Dwelling Units (ADU); and~~
- ~~6-5. Restricted lots (see Definitions - Section 17.04.030).~~

17.24.020 Permitted Uses (R-1-10)

The following uses are permitted in the residential district R-1-10:

1. Agricultural;
2. Single Family Dwellings;
3. Farm animals;
- ~~4. Residential facility for persons with a disability; and~~
- ~~5.4.~~ Home occupations.

17.24.030 Conditional Uses

The following uses are conditional in the residential district R-1-10:

1. Public, quasi-public uses;
- ~~2. Residential facility for elderly persons;~~
- ~~3.2.~~ Accessory Dwelling Units (ADU);
- ~~4.3.~~ Restricted lots, (see Definitions (Section 17.04.030));
- ~~5.4.~~ Flag lots; and
- ~~6.5.~~ Child day care or nursery (pursuant to Chapter 5.28 Home Occupations).

17.26.030 Uses Within Blended Use (B-U) Zone

E. To ensure compatibility of uses, the following uses shall not be permitted in the B-U zone

1. Any business with outdoor storage or storage containers (this includes storage parking, storage dismantling, and storage repair activities).
2. Any business with indoor storage units.
3. Any business with drive-through window service, except any such service that is determined to be an integral feature of a non-food service industry that will provide a desirable service to the community within the B-U zone. This determination will be made by the city council upon recommendation by the planning commission.
4. Car wash.
5. Convenience store, gas station, service station, auto lube and oil centers.
6. Manufacturing uses determined by the city council to be akin to industrial uses or otherwise use-intensive so as to be out of character with the overall design and purpose of the B-U zone.
7. Motor vehicle or motor recreational vehicle sales or display (whether wholesale or retail, and whether indoor or outdoor).
8. Motor vehicle repair, service, warehousing, salvage, or storage (whether indoor or outdoor).
9. Private clubs/taverns/cabarets.
10. Recycling centers/recycling collection areas.
- ~~11. Rehabilitation/treatment centers, transitional housing, residential facilities for elderly persons, residential facilities for persons with a disability, boarding homes, and any other facility subject to the regulations of Chapter 17.84 of this title.~~
12. Correctional facilities or facilities with similar uses.

MEMORANDUM



TO: Mayor and City Council

DATE: May 2, 2019

FROM: Duane Huffman

RE: **Expenditure Approval**

The city's procurement code requires that certain expenditures of \$10,000 or more first be approved by the city council. Approval is requested for the following:

1. Stone Creek Well Rehabilitation

As previously discussed at the council meeting on April 16, the Stone Creek Well is currently out of service. The attached quote for a total of \$33,932 for rehabilitation is from the contractor on site that performed the initial investigative work, and staff believes that competitive bidding in the case would be counterproductive. Staff believes that this work will bring the well back into operation until a new well can be brought on-line.

2019

PROPOSAL



Owner: Dee Evans
 Water Wells, Pumps, Sales & Service
 44 West Lund Lane
 Farmington, Utah 84025
 Ph: 801-641-8674 Fax: 801-451-7804



CUSTOMER: West Bountiful City
 ADDRESS: 550 N 800 W
 West Bountiful Utah 84087

DATE: 3/20/2019
 JOB LOCATION 550 W 1100 N
 CONTACT Steve
 CUSTOMER PHONE: 801-292-4486
 CUSTOMER CELL: 801-381-1870
 CUSTOMER FAX:
 EMAIL: SMaughan@WBCity.org

	QTY	UNIT	TOTAL
Quote to brush and bail well then do a chemical treatment over the course of several day brushing in different intervals to remove growth and iron in well while watching the PH to keep it in the best range for the best outcome possible, then we will nutralize the wells water as removed from well. Then sample test different screened areas. I think this should give you the best result, We have had great success doing this process..	L.S.		18,206.00
Camera inspection of well in color, Placed on flash drive and or CD	L.S.		1,950.00
Pump needs wear rings and shaft which is refered to as light rebuild	L.S.		1,596.00

TOTAL ESTIMATE

21,752.00

Water Wells, Pumps, Sales & Service
44 West Lund Lane
Farmington, Utah 84025
Ph: 801-641-8674 Fax: 801-451-7804



DATE: 3/14/2019
JOB LOCATION 850 W 1100 N
CONTACT Steve
CUSTOMER PHONE: 801-292-4486
CUSTOMER CELL: 801-381-1870
CUSTOMER FAX:
EMAIL: SMaughan@WBCity.org

	QTY	UNIT	TOTAL
Additional work and materials for jobsite at 1000 N well is as follows:			
4 each. 4" GALV. Pipe 21' long each to replace bad ones in bottom near pump.	L.S.		2,244.00
Camera inspection of well in color, Placed on flash drive and or CD	L.S.		1,950.00
Still inspecting pump for damage, Though we may need to proceed with Video inspection of the well. Fell free to call me anytime.			

TOTAL ESTIMATE

4,194.00

PROPOSAL



Owner: Dee Evans
Water Wells, Pumps, Sales & Service
44 West Lund Lane
Farmington, Utah 84025
Ph: 801-641-8674 Fax: 801-451-7804



CUSTOMER: West Bountiful City
ADDRESS: 550 N 800 W
West Bountiful Utah 84087

DATE: 2/24/2019
JOB LOCATION 850 W 1100 N
CONTACT Steve
CUSTOMER PHONE: 801-292-4486
CUSTOMER CELL: 801-381-1870
CUSTOMER FAX:
EMAIL: SMaughan@WBCity.org

	QTY	UNIT	TOTAL
Quote to pull 30 HP 460 volt 3 phase pump that checks out as bad motor We will start by pulling transducer out of 1" flush joint PVC, then pull the two 1" tremmy tubes. Then we will pull existing 30 hp 460 volt pump out of well, spooling the wire, laying joints of pipe on timbers, We will then inspect pipe, motor, and pump, the best we can and replace motor with new 30 hp 460 volt, spliced to wire. Any thing else that needs to be replaced we will wait for City's approval before doing so. We can move rig on site within a couple of days of notification, We will keep job site clean and free of any garbage			
TOTAL COST TO DO JOB AS DISCUSSED	L.S.		7,986.00

TOTAL ESTIMATE

7,986.00



West Bountiful City

Proclamation

A PROCLAMATION OF THE WEST BOUNTIFUL CITY COUNCIL DECLARING MAY 10, 2019 AS ARBOR DAY IN WEST BOUNTIFUL CITY.

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs by moderating the temperature, produce oxygen and clean the air, and provide habitat for wildlife, and

WHEREAS, trees, properly planted and cared for, are a source of community environment that assist in mental and peaceful renewal, and

WHEREAS, having beautiful trees planted in our community is an important matter to our citizens.

NOW THEREFORE, BE IT PROCLAIMED by the City Council of West Bountiful, that May 10, 2019 is Arbor Day in West Bountiful City and all citizens are urged to support efforts to protect our trees and woodlands, and further, we encourage all citizens to plant trees and promote the well being of present and future generations.

Dated this 7th day of May 2019.

Mayor Kenneth L Romney

Attest:

Cathy Brightwell, City Recorder

**West Bountiful City
Planning Commission Meeting**

April 23, 2019

PENDING- Not Yet Approved

Posting of Agenda - *The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on April 19, 2019 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 23, 2019 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Alan Malan (Vice Chairman), Laura Charchenko (arrived at 7:37pm), Corey Sweat, Mike Cottle, Dee Vest (alternate)

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

EXCUSED: Chairman Denis Hopkinson, Council member Enquist

VISITORS:

The Planning Commission Meeting was called to order at 7:30 pm by Vice Chairman Malan. Mike Cottle offered a prayer.

1. Accept Agenda

Vice Chairman Malan reviewed the agenda. Mike Cottle moved to accept the agenda as presented and Dee Vest seconded the motion. Voting was unanimous in favor among all members present.

2. Public Hearing for Proposed Modifications to WBMC Title 17 Regarding Group Living Arrangements

Ben White introduced the proposed changes/modifications to the West Bountiful Municipal Code Title 17 regarding Group Living Arrangements to the public for their consideration and comments. He noted the reason for the changes/modifications was that our current code does not currently comply with the State and Federal law.

ACTION TAKEN:

Corey Sweat moved to open the public hearing for proposed modifications to WBMC Title 17 Group Living Arrangements at 7:34 pm for public comment. Mike Cottle Seconded the motion and voting was unanimous in favor.

Public Comment:

No Public Comment

ACTION TAKEN:

Dee Vest moved to close the public hearing for proposed modifications to WBMC Title 17 Group Living Arrangements at 7:35 pm for public comment. Mike Cottle seconded the motion and voting was unanimous in favor.

3. Consider Modifications to WBMC Title Regarding Group Living Arrangements

Commissioner's packet included a memorandum dated April 19, 2019 from Ben White and Cathy Brightwell regarding Group Living Arrangement Code along with a copy of the Code and the suggested changes as discussed at last Commission meeting.

The memorandum included the following information:

- This memo is a follow-up to the discussion on group living arrangements from the March 26th and April 9th planning commission meetings. A new draft has been created to address the issues raised by the Commission and to meet the common West Bountiful format for Ordinance adoption.
- At the last meeting, Commissioner Malan suggested the proposed text in WBMC 17.84.020.A.4 be more specific about what kind of evidence is required to accompany an application for Reasonable Accommodation. Mr. Huffman advised that the proposed language is the standard used for this purpose. Federal law is clear that persons requesting an accommodation have a duty to prove that they have a valid disability. This can be as simple as a doctor's note stating what the disability is.
- Pending discussion and any additional questions following the April 23rd public hearing, staff recommends the commission consider providing a recommendation to the city council on this draft code.

Ben White explained that the language has been broken out as an Ordinance with the Whereas's and actual language to be included in Code. He informed them once again that the Federal Law trumps anything in our City Ordinances. He noted that in the case of needing a hearing officer, it would likely be an attorney assigned from within our State that is familiar with this type of situation. All appeals will go directly to a court situation. Mr. White reviewed the redlined changes in the document.

Alan Malan suggested that the word "ordinance" should be plural in the language found in 17.84.020 Reasonable Accommodation Process under A. Application.

ACTION TAKEN:

Dee Vest moved to accept the changes/modifications for the Group Living Arrangements Code with a positive recommendation. Corey Sweat seconded the motion and voting was unanimous in favor among those present.

4. Discuss Updates to General Plan

Included in the Commissioner packets was a redlined copy of Section I - Introduction and Section II - Land Use sections of the General Plan.

Ben White informed the Commission that much of the language included in the Introduction section was duplicated in the other sections. Staff intends to eliminate most of the duplicated language.

Section 1- Introduction

Commissioner Comments:

- **Alan Malan** would like to include in the "Whereas" Section the verbiage "family values" Page 1 Ordinance 415-19 in the last paragraph.

- **Dee Vest** asked if we want to leave language in that may not ever happen in our City. It was decided to include it just in case it would happen. Some discussion took place regarding the Socioeconomics section and the Housing Section.

Section 2- Land Use

Ben White referred to a city map provided in the Commissioner packets that outlined city boundaries. There was discussion about incorporated and unincorporated areas. He informed them that a lot of outdated and unnecessary information was cut out of this section.

Commissioner's Comments:

- **Alan Malan**- Under Goal 1- would like to include in the policies to allow animals in our zones. He feels he wants it conveyed in the General Plan as it is a very important part of our community. He suggested we strike TDR's (Transfer of Development Rights). Ben gave an example of what TDRs are and Commissioner's felt this is not something we want in our General Plan.
- **Corey Sweat** asked about the changes in Table 2.1. Some discussion took place and it was decided that there was no reason to add another Zoning District (A-5).
- **Dee Vest**- Under Goal 5, Promote and Protect West Bountiful City's Heritage and Historic Areas, Page 4, Objective 2, Policy 2- would like to consider removing the reference to 1100 West from the language as it is not a historic area. He asked about closing 800 West. Ben White explained some discussion that have taken place in the past and gave two scenarios that could occur in the future. There was some discussion regarding the last sentence on page 8 under agriculture to see if clarification is necessary. It was decided to change "Suburban" to "Residential" and strike the last sentence in the paragraph.

Mr. White said the Parks, Trails, and Open Space Master Plan study results completed last year will be included in the General Plan in its entirety as it would be very difficult to summarize. He reminded them that this is not a binding document and informed them that they will bring them more sections for their review in the upcoming meetings.

5. Staff Report

Ben White

- Woods Cross held another meeting on its Front Runner Station Area Study. They have hired a consultant to see how they can make better use of the area around the Front Runner Station. Ben gave a briefing of some of the highlights of the meeting. Dee Vest also attended and stated that they presented what is good, best, and better use of the land and it is just in the beginning stages of planning.
- Chevron has not notified the City yet about their plans for the Chevron on the south side of 400 North after purchasing the station to the north.

6. Consider Approval of Minutes from April 9, 2019 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the April 9, 2019 meeting as corrected. Laura Charchenko seconded the motion and voting was unanimous in favor.

7. Adjournment

ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 8:24 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on May 14, 2019 by unanimous vote of all members present.

Cathy Brightwell – City Recorder

PENDING – Not Yet Approved

Minutes of the West Bountiful City Council meeting held on **Tuesday, April 16, 2019** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members, James Bruhn, Kelly Enquist, Mark Preece, Andy Williams, and James Ahlstrom (by phone)

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Todd Hixson (Chief of Police), Ben White (City Engineer), Steve Maughan (Public Works Director), Cathy Brightwell (City Recorder), Dallas Green (Director of Golf), Josh Virostko (Golf Superintendent)

VISITORS: Gary Jacketta, Alan Malan, Justin Begnell, Roger Alexander

Mayor Romney called the regular meeting to order at 6:38 pm. Andy Williams provided a thought; Kelly Enquist led the Pledge of Allegiance.

1. Approve Agenda

MOTION: *James Bruhn made a Motion to approve the agenda moving item 8 (Executive Session) to the beginning and holding item 3 until representatives of Highgate Estates arrive. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

8. Executive Session for the Purpose of Discussing the Purchase, Exchange or Lease of Real Property Pursuant to UCA 52-4-205(1)(d).

MOTION: *Mark Preece made a Motion to Move into Executive Session at 6:40 pm in the Police Training Room for the purpose of discussing pending or reasonably imminent litigation as well as the purchase, exchange, or lease of real property. Andy Williams seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

MOTION: *James Bruhn made a Motion to close the Executive Session. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

2. **Public Comment - Two minutes per person, or five minutes if speaking on behalf of a group.**

None

3. **Consider Amendments to the Declaration of Covenants, Conditions, and Restrictions (CCRs) for Highgate Estates.**

The owners of Highgate Estates desire to amend their CCRs to relax some of the restrictions that are currently included. As the city is listed as a party to the CCRs due to the maintenance of the landscaping associated with street right of ways, the Council must consent to the change.

The proposed changes are related to restrictions for farm animals, size of structures, landscaping and a preferred building contractor. To staff's knowledge, none of these changes conflict with city land use code so staff has no objection to the requested changes and would like to see the number of lots changed from twenty-three to twenty-five to reflect the current number of lots.

After discussion, it is suggested that this be identified as the First Amendment in case more amendments are requested in the future.

MOTION: *James Ahlstrom made a Motion to Approve the First Amendment to the CCRs for Highgate Estates including correcting the number of lots. Any future amendments can be approved by staff if zoning deviations are not included. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

4. **Consider Award of Park Restrooms/Concession Building to B Logic for \$334,959.**

After council input, staff recently completed a design and issued a request for bids for a building to replace the current concession/restroom facility on the north end of city park with construction to begin after July 4th. In addition to the formal bid process, local contractors were contacted asking them to participate. In the end, we received two bids: B Logic for \$334,959 and England Construction for \$404,000.

Duane Huffman commented that the price is higher than staff had hoped, and several options were discussed, including waiting another year. However, the unit price for construction is somewhat comparable to what the city paid for the golf course restroom, and it is unknown if pricing will ever improve. He added that the project will be paid for from park impact fees, a previous developer contribution of \$161k, and RAP.

MOTION: *Mark Preece made a Motion to Award the Park Restrooms/Concessions Project to B Logic for \$334,959. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

5. Consider Award of City Hall Parking Lot Repair/Reconstruction to Wind River Construction for \$37,587.

The asphalt parking area in front of city hall is beginning to fail, primarily as the result of poor drainage. Staff is proposing a redesign which will eliminate the valley gutter by sloping the asphalt so that the water better drains to the north. The construction includes the replacement of the asphalt in the parking area and the sidewalk and curb immediately adjacent to the parking, with the addition of wheel stops. The project is expected to take six weeks to complete and will begin as soon as the school year ends so the City can utilize the school parking lot. The FY-19 budget included \$34,500 for this project.

Ben White explained that he solicited bids from three companies. Wind River is contracted to do the new school and came in with the lowest bid.

MOTION: *Andy Williams made a Motion to award the City Hall parking lot repair/reconstruction project to Wind River for \$37,587. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

6. Consider Purchase Approvals for City Park Top Dressing and Golf Course Cart Path.

The city's procurement code requires that certain purchases of \$10,000 or more first be approved by the city council.

The FY-19 budget included up to \$30k for the first year of applying sand to the turf at city park (top dressing) to begin leveling and smoothing the surface. Through the golf course, the public works staff found a contractor that performs this work. The estimate is \$11,500.

The FY-19 budget also includes \$8k for a new cart path for the 18th tee. Staff solicited quotes for this project, and the best quote is \$12,000 from C&S paving. Staff believes that the additional

amount needed above the current budgeted figure can be found through reductions to other line items in the maintenance budget, and staff recommends moving forward with this quote.

There was discussion about how much sand will be needed for the park top dressing. Steve Maughan explained that the first application will only be about 1/8 inch and we will need to continue for a couple of years before we see any results. He added that the special aeration goes 8 inches deep instead of 2 inches. Mayor Romney suggested that if we find we need more sand we should get it as the price appears to be reasonable. Duane Huffman recommended approval for the unit price rather than a total so the amount can be adjusted, if necessary.

MOTION: *Kelly Enquist made a Motion to approve top dressing for city park, based on the unit price for sand of \$68.50/ton, and a new golf course cart path. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

7. Consider Approval of Minutes from the March 19, 2019 City Council Meeting.

MOTION: *James Bruhn made a Motion to approve the City Council meeting minutes as presented for March 5, 2019. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

8. Moved up to follow Item 1

9. Public Works/Engineering Report

Ben White

- UTA is soliciting a survey on its website to find out what changes the public would like to see with bus service; more riders per mile or broaden service area even if ridership is low.
- Front runner station meeting tomorrow night at Woods Cross City Hall – suggested that someone from council attend.

Steve Maughan

- Storm drain drop boxes and ditches are being cleaned to avoid flooding.
- Will begin pot-holing as soon as weather permits.
- Roadside mowing begins this week (weather permitting).
- Altitude valve on water tank will not shut off so we had to shut it down. Hoping to get it repaired tomorrow.

10. Mayor/Council Reports

Kelly Enquist – Mosquito Abatement is still looking for two night-sprayers. City Park looks good!

Andy Williams – YCC is ready for the Easter Egg Scramble on Saturday. They have drafted modifications to their bylaws and will be presenting them for city council approval. Applications for the next term are due the end of the month. Michelle Hardman has volunteered to help Paul Maloy as YCC advisor. She will be contacted to begin her background check. He has received compliments on how nice our park is.

James Bruhn – Wasatch Integrated – the landfill is getting recycling going and bonds have been approved.

Mark Preece – Sewer District - the anerobic digester project is taking in more and more food waste. They still haven't identified the cause of the algae problem in the North Salt Lake plant.

James Ahlstrom – Prospector trail – Is drainage from McKean Meadows going under the trail to the golf course? Noticed a lot of water. Josh Virostko and Steve Maughan explained that water drains north to the Steed property then goes underground. It is flowing, just backed up a little bit. We may need to pipe it in the future, or it will continue to be a wet corner.

Mayor Romney – We have been asked if we want to enter a float in the Handcart Days parade this year. He passed the request on to the Arts Council. Maybe the City can put up some funds if anyone is interested to build a nicer float that can be used in our parade as well.

There was a short break as the meeting moved to work session format at 8:07 pm.

11. Work Session – Fiscal Year 2019/2020 Budget

Duane Huffman presented the first draft of the FY 2019/20 Budget. The base assumptions are to operate at the same level of service or better; departments able to justify each line item; make the best long-term choices; keep General Fund balance close to 25% cap; and capital needs are priorities.

General Fund summary for 1st draft:

- FY 2019 ending balance: \$1,275,000 (25%)
- FY 2020 ending balance: \$1,140,000 (24%)

Franchise Fees:

- Original franchise fees for power and gas lines changed from fees to Municipal Energy Tax at 6% in the 1990s. In FY 18 the city received \$322k. The majority comes from residential use, and may be as high as 75%, but there is no way to figure out exactly how much residents pay. If we want to change it can be done via ordinance. (refinery is exempt.)
- Telecom tax of 3.5% applies to all landline and cellphones - not cable or internet. In FY18 we received \$54k compared to \$72k in FY 16. There are fewer landlines and cheaper cell plans.
- Cable Franchise Fee is not covered by state law. West Bountiful charges Comcast a 5% fee which was \$37k in FY 18. This revenue source is mostly residential.

- 213 - Internet pays nothing for use of ROW. There was discussion about whether this is something we
214 should change.
215
- 216 Projected Capital Projects:
- 217 - 800 West Phase 1 (400 N – 1000N) = \$1.1M, proposed to include new street, new water line, fill-
218 in curb and sidewalk, improve storm drain.
- 219 - Porter Lane (640 W – 800 W) = \$310k, will include street repair.
- 220 - Public Works West Yard – Still waiting on costs. FY 20 beginning balance of \$1.8m plus a FY 20
221 transfer of \$375k for a total of \$2.1m.
- 222 There was discussion to move \$300k to the 800 W project.
- 223 - Water Projects:
- 224 o 800 W;
- 225 o 400 N well (no numbers yet);
- 226 o Stone Creek well – currently shut down; it will need significant rehabilitation - \$34k, new
227 motor, rebuild pump, acid wash. Reviewed last several years' expenses. It will always be
228 an expensive well but investment in maintaining our water rights. Makes sense to spend
229 now to get us through a couple more years while we wait on 400 North.
- 230 - Parks – FY 20 available \$555,600 includes Impact fees and RAP
- 231 o Charnel Park? \$30k – \$100k depending on where you want to be. Options - add bowery,
232 remove retaining wall, get new toys. Discussion that more families are moving into the area
233 with younger children so worthwhile to get new toys for younger ages, will probably be
234 around \$50k.
- 235 o City Park zip line. There is high demand and an interest in adding a second. May need to
236 rebuild if expanded, will get some ideas from vendor.
- 237 o Golf Improvements
- 238 ▪ Tee boxes - \$10k
- 239 ▪ Sand Storage - \$15k
- 240 ▪ Cart paths/staging area - \$9k
- 241 o Pickleball/School Bowery - \$200-400k
- 242 - Equipment – Public Works
- 243 o Loader - \$164 k with a guaranteed sell of \$173,500, split 50/50
- 244 o Excavator– \$78k , split 50/50 water/streets. CAT 305.5 with 3 attachments is the largest we
245 can tow and more versatile than a backhoe.
- 246 o 2 trucks – replace Blake's 2015 (water) and Jake's 2015 (water/streets) - \$40k – should be
247 able to sell for \$30k so the net cost is estimated at \$10k each
- 248 - Equipment - Police - Net \$147,500
- 249 o Need 5 vehicles – 3 coming off lease, 1 additional reserve, 1 to dispose. Prefer not to lease
250 any more. Will buy: 1 new at \$51,400 with equipment, 2 new with no equipment at \$38k
251 each, and buy 2 used from our lease (2017) for \$14k each. Buy vs lease is a win-win for us
252 in the long run.
- 253 - Personnel
- 254 o Pay scale inflation (includes Council)
- 255 ▪ Every 1% costs \$20k across all Funds

- 256 ▪ Social security: 2.8%
- 257 ▪ Consumer price index March-March: 1.9%
- 258 ▪ Proposing 2%; last year was 1.5%
- 259 o Health Insurance
- 260 ▪ Worst case: 7% -
- 261 ▪ \$25,300 across all Funds
- 262 o Police – looking to add more officers – more discussion to come, has not yet been include in
- 263 Budget.
- 264 ▪ 11th Officer (patrol) - \$143,800 for the 1st year
- 265 ▪ 12th Officer (Sergeant) - \$167,900 for the 1st year

- 266
- 267 General Fund - Miscellaneous
- 268 - Admin training (ICMA) - \$2.3k
- 269 - Aerial Image - \$2k
- 270 - Engineer computer - \$5k
- 271 - Elections - \$14k
- 272 - Historical work - \$1k
- 273 - Phone System – \$10k (not final)
- 274 - City-wide software - \$1.3k
- 275 - Police Server software \$22k
- 276 - Police Operations \$17.2k
- 277 - Parks Maintenance \$3.7k
- 278 - Speed/LED signs (?) - \$9k
- 279 - July 4th - \$9k
- 280 - Golf transfer (operations) - \$50k
- 281 - Misc. Golf – less than \$10k
- 282 - Solid waste – we are ok with rate increase. Will RFP in 2020 to include potential changes in
- 283 recycling

- 284
- 285 Duane asked if there was anything else to consider for the budget.
- 286 - Council member Bruhn would like to see some city boards get a stipend similar to other cities,
- 287 e.g. Arts council, YCC advisor.
- 288 - Council member Ahlstrom asked if the city was considering a study regarding a name change and
- 289 if it was possible to get a unique zip code. There is currently no plans to study a name change,
- 290 and Duane is working with the Post Office on the zip code issue.

- 291
- 292 The proposed schedule for Budget approval:
- 293 - May 7 - Work session (?), Tentative budget
- 294 - June 4 - Public Hearing
- 295 - June 4 or June18 - Final adoption

296

297 **12. Adjourn Meeting.**

298 **MOTION:** *James Bruhn made a Motion to adjourn this meeting of the West Bountiful City*
299 *Council at 9:35 pm. Andy Williams seconded the Motion which PASSED by*
300 *unanimous vote of all members present.*
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306 *The foregoing was approved by the West Bountiful City Council on May 7, 2019 by unanimous vote*
307 *of all members present.*
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311 _____
312 Cathy Brightwell (City Recorder)