

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Rodney Wood

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 19, 2020
AT CITY HALL, 550 N 800 WEST**

AGENDA:

7:30 pm Invocation/Thought – Rod Wood; Pledge of Allegiance – Mark Preece

1. Approve the Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Resolution 467-20 – A Resolution Appointing Dell Butterfield to the Emergency Preparedness Advisory Committee.
4. Request to Amend Plat for Swallow Haven Subdivision – Lot 126 Phase 1, Birnam Woods and Lot 40, Plat C, Hillwest Subdivision by the Nelsons and Johnsons.
5. Public Hearing – Petition for Disconnection Submitted by the Smith Family, owners of Real Property identified as Davis Co. Parcel #06-030-0047 and located at 1818 W 400 South, West Bountiful.
6. Petition for Disconnection Submitted by the Smith Family for Davis Co. Parcel # 06-030-0047.
7. Ordinance 422-20, An Ordinance Amending the West Bountiful City Zoning Map to Remove the Property Located at 788 N 800 West from the Historical Overlay District.
8. Ordinance 423-20, An Ordinance Amending WBMC 17.52 and 16.060.E for Off-Street Parking.
9. Ordinance 424-20, An Ordinance Amending WBMC Title 16 Subdivision Recording Deadlines.
10. Resolution 468-20, A Resolution Reaffirming Culinary Water Rates Until January 1, 2021
11. Discussion on Petition for Land Use Decision Related to Cannabis Production Establishment.
12. Minutes from City Council Meetings on April 21 and May 5, 2020.
13. Public Works Report.
14. Administrative Report.
15. Mayor/Council Reports.
16. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
17. Adjourn.

Those needing special accommodations can contact Cathy Brightwell at 801-292-4486 twenty-four hours 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 14, 2020.

WEST BOUNTIFUL CITY

RESOLUTION #467-20

A RESOLUTION APPOINTING DELL BUTTERFIELD TO THE EMERGENCY PREPAREDNESS ADVISORY COMMITTEE

WHEREAS, the West Bountiful City Council established the Emergency Preparedness Advisory Committee (“EmPAC”) by adoption of Ordinance #354-14; and

WHEREAS, pursuant to the above referenced Ordinance, the Mayor shall appoint five (5) voting members to serve staggered terms, with the advice and consent of the City Council; and,

WHEREAS, there currently exists a vacancy on the Committee.

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful that it consents to the Mayor’s appointment of following individual and respective term:

<u>Appointee</u>	<u>Office</u>	<u>Term Expires</u>
Dell Butterfield	EmPAC	December 31, 2024

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

Passed and approved by the City Council of West Bountiful City this 19th day of May 2020.

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 Wood	_____	_____

ATTEST:

Cathy Brightwell, City Recorder

MEMORANDUM



TO: Mayor and City Council

DATE: May 14, 2020

FROM: Duane Huffman, Cathy Brightwell

RE: Swallow Haven Plat Amendment

Summary

Tom & Lisa Nelson, the owners of Lot 126 , Phase 1, Birnam Woods Subdivision, at 2032 N 680 West and Marcus & Stacy Johnson, owners of Lot 40, Plat C, Hillwest Subdivision at 2033 N 600 West have requested to modify plat boundaries such that the Nelson's lot will become larger. As this adjustment affects the boundaries of both plats, a plat amendment is required.

Process

Utah State Code Section 10-9a-608 annotated outlines a process whereby a municipal land use authority may amend or vacate a subdivision plat. Per state code, staff has provided written notice to affected entities which includes utility companies, quasi-governmental agencies, and surrounding neighbors.

Analysis and Proposed Changes

1. No new lots are created with this amendment;
2. Each lot meets the minimum requirements for the R-1-10 zone;
3. The existing irrigation easement on the east side of the Nelson's current lot will remain in place until it can be relocated later in the year. This delay is necessary as it is owned by the federal Bureau of Reclamation and they estimate it will take some time to relocate.
4. The existing public utility easement between the two lots (highlighted in yellow on the plat) will remain in place until services can be relocated.

Staff is recommending approval of Swallow Haven Amended Plat as presented.



APPLICATION TO AMEND PLAT

West Bountiful City
PLANNING AND ZONING
550 N 800 West
West Bountiful, UT 84087
(801) 292-4486
www.WBCity.org

SUBDIVISION NAME(S): BIRNHAM WOODS PHASE 1 & HILLWEST PLAT C

NEW SUBDIVISION NAME (IF APPLICABLE): SWALLOW HAVEN

PARCEL NUMBER(S): 062220126 & 060160117

PROPOSED PLAT ATTACHED YES NO

Applicant Name(s): TOM & LISA NELSON Address: 2032 N 680 W

Primary phone: 801 615 9623 (USA) E-mail address: BOKBANDK@YAHOO.COM

Applicant Name(s): MARCUS & STACY JOHNSON Address: 2033 N 600 W

Primary phone: 801-809-5467 E-mail address: SPACEYJS@GMAIL.COM

Are Utility Easements Affected by the Request? Yes No

Release Letters: Comcast _____ Century Link _____ Rocky Mtn Power _____
Dominion X So. Davis Sewer _____ Weber Basin _____
Davis Co. _____ Other _____ Other _____

I hereby apply to vacate, alter or amend the subdivision plat(s) identified above in accordance with the provisions of Utah State Code 10-9a-608. I certify that the above information is true and correct to the best of my knowledge.

Date: 4/16/2020 Applicant Signature: [Signature]

Date: Apr 16, 2020 Applicant Signature: [Signature]

Date: 4/16/2020 Applicant Signature: [Signature]

Date: 4/16/2020 Applicant Signature: [Signature]

FOR OFFICIAL USE ONLY

Application Received Date: 4/17/20 FEE: \$100-no easements, \$150-relocate easements: \$100 ✓

Letters sent - affected entities/neighbors: 5/4/2020 Fees Paid Date: 4/21/2020 ✓

Public Hearing Date (if nec.): NA Planning Comm. Approval (if nec.): NA City Council Approval: _____

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NOTICE OF PUBLIC HEARING

A public hearing will be held by the West Bountiful City Council on Tuesday, May 19, 2020 at the City offices, 550 N 800 West, beginning at 7:30 p.m., or as soon thereafter as the agenda allows.

The purpose of the hearing is to receive public comment regarding a Request for Disconnection submitted by the owners of real property located at 1818 W 400 South, West Bountiful and identified as Davis County Parcel Number 06-030-0047.

A full copy of the Petition is attached and available for review at www.WBCity.org, the Utah Public Notice website www.utah.gov/pmn, or Snell & Wilmer Law Offices at 801-257-1900.

All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Mayor and City Council

DATE: 5-14-20

FROM: Duane Huffman

RE: **Petition to Disconnect – Parcel ID No. 06-030-0047**

This memo introduces the attached petition to disconnect a parcel of land from the city boundaries, as was received by the city on April 8, 2020.

Background – Disconnections

A disconnection is the legal term for essentially de-annexing property from the legal boundary of a city. It is a legislative decision governed by *Utah Code Ann.* § 10-2-501 et seq. (attached).

The state code establishes the process for a petition, adequate notice, a public hearing, and consideration by the governing body. After the public hearing set for May 19th, the City Council will have until no later than 45 days to determine whether to grant the request.

If the request is granted, an ordinance must be drafted and adopted. If the request is denied, the applicant may file a petition with the court challenging the decision.

If the petition goes to court, the petitioner must prove, by a preponderance of the evidence:

- (1) *the viability of the disconnection;*
- (2) *that justice and equity require that the territory be disconnected from the municipality;*
- (3) that the proposed disconnection will not:
 - a. *leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years;*
 - b. make it economically or practically unfeasible for the municipality to continue to function as a municipality; or
 - c. *leave or create one or more islands or peninsulas of unincorporated territory; and*
- (4) that the county in which the area proposed for disconnection is located is capable, in a cost-effective manner and without materially increasing the county's costs of providing municipal services, of providing to the area the services that the municipality will no longer provide to the area due to the disconnection.

In determining whether the burden of proof has been met with respect to material increases in municipal cost ((3)(a) and (b), above), the statute requires the court to consider all relevant factors, including the community as a whole, adjoining property owners, existing or projected streets, water and sewer mains and services, law enforcement, zoning, and other municipal services.

Background – Parcel ID No. 06-030-0047

The property in question appears to have been originally annexed into West Bountiful in 1999. At the time, it was part of a larger parcel owned by Security Investment LTD. The original petition for annexation includes the signature of Mary Hepworth as a representing partner of Security Investment LTD. Staff is not aware of any challenges to the annexation at the time or since.

While staff is not aware of any of the details involved, in 2008, it appears that a judge granted the Smith Family quiet title to the property in question, separating it from the larger Security Invest LTD property.

Petition

Attached with this memo is the formal petition for disconnection. It includes the owner's justification for disconnection. It does not appear to include any information on how the owners intend to use the property if it is disconnected from West Bountiful City.

Items for Council's Consideration

In considering the petition, staff recommends using the same criteria that the court would use per state code.

1. Viability. This property is currently within the Legacy Community Development Project Area. It's removal from the city would complicate this CDA, and would likely result in the loss of the relatively nominal tax increment currently being collected by the RDA. Staff is also aware of the Smith Family being in discussion with Woods Cross City for a large residential development on this property. Its inclusion in such a development could have impacts on city revenues, service levels, traffic, etc.
2. Justice and Equity. Is it just and equitable for the land to be disconnected from West Bountiful if it is to be used as part of a larger development? In other areas of the city, West Bountiful has worked with adjacent cities to include other municipal boundaries within a development rather than trying to adjust boundaries (e.g. The Commons, The Gateway).
3. Island or Peninsula of Unincorporated Territory. The property is adjacent to land within the city's annexation plan. If disconnected, it leaves what is currently a peninsula, and if it is later annexed into Woods Cross as part of the larger Smith Family property, an island to the north would be created.

In addition to these items, the council should consider the city's General Plan and the general goals of the B-U zone and the existing Community Development Area. Staff recommends that the council get a clear understanding from the applicants on the proposed use of the property, and if possible, discuss how West Bountiful City can be a partner rather than having the land disconnected.

Part 5

Restriction of Municipal Limits

10-2-501 Municipal disconnection -- Definitions -- Request for disconnection -- Requirements upon filing request.

- (1) As used in this part "petitioner" means:
- (a) one or more persons who:
 - (i) own title to real property within the area proposed for disconnection; and
 - (ii) sign a request for disconnection proposing to disconnect the area proposed for disconnection from the municipality; or
 - (b) the mayor of the municipality within which the area proposed for disconnection is located who signs a request for disconnection proposing to disconnect the area proposed for disconnection from the municipality.
- (2)
- (a) A petitioner proposing to disconnect an area within and lying on the borders of a municipality shall file with that municipality's legislative body a request for disconnection.
 - (b) Each request for disconnection shall:
 - (i) contain the names, addresses, and signatures of the owners of more than 50% of any private real property in the area proposed for disconnection;
 - (ii) give the reasons for the proposed disconnection;
 - (iii) include a map or plat of the territory proposed for disconnection; and
 - (iv) designate between one and five persons with authority to act on the petitioner's behalf in the proceedings.
- (3) Upon filing the request for disconnection, the petitioner shall publish notice of the request:
- (a)
 - (i) once a week for three consecutive weeks before the public hearing described in Section 10-2-502.5 in a newspaper of general circulation within the municipality;
 - (ii) if there is no newspaper of general circulation in the municipality, at least three weeks before the day of the public hearing described in Section 10-2-502.5, by posting one notice, and at least one additional notice per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to the residents within, and the owners of real property located within, the municipality, including the residents who live in the area proposed for disconnection; or
 - (iii) at least three weeks before the day of the public hearing described in Section 10-2-502.5, by mailing notice to each residence within, and each owner of real property located within, the municipality;
 - (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks before the day of the public hearing described in Section 10-2-502.5;
 - (c) in accordance with Section 45-1-101, for three weeks before the day of the public hearing described in Section 10-2-502.5;
 - (d) by mailing notice to each owner of real property located within the area proposed to be disconnected;
 - (e) by delivering a copy of the request to the legislative body of the county in which the area proposed for disconnection is located; and
 - (f) if the municipality has a website, on the municipality's website for three weeks before the day of the public hearing.

Amended by Chapter 255, 2019 General Session

10-2-502.5 Hearing on request for disconnection -- Determination by municipal legislative body -- Petition in district court.

- (1) No sooner than seven calendar days after, and no later than 30 calendar days after, the last day on which the petitioner publishes the notice required under Subsection 10-2-501(3)(a), the legislative body of the municipality in which the area proposed for disconnection is located shall hold a public hearing.
- (2) The municipal legislative body shall provide notice of the public hearing:
 - (a) at least seven days before the hearing date, in writing to the petitioner and to the legislative body of the county in which the area proposed for disconnection is located;
 - (b)
 - (i) at least seven days before the hearing date, by publishing notice in a newspaper of general circulation within the municipality;
 - (ii) if there is no newspaper of general circulation within the municipality, at least seven days before the hearing date, by posting one notice, and at least one additional notice per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to residents within, and the owners of real property located within, the municipality; or
 - (iii) at least 10 days before the hearing date, by mailing notice to each residence within, and each owner of real property located within, the municipality;
 - (c) on the Utah Public Notice Website created in Section 63F-1-701, for seven days before the hearing date;
 - (d) in accordance with Section 45-1-101, for seven days before the hearing date; and
 - (e) if the municipality has a website, on the municipality's website for seven days before the hearing date.
- (3) In the public hearing, any person may speak and submit documents regarding the disconnection proposal.
- (4) Within 45 calendar days of the hearing, the municipal legislative body shall:
 - (a) determine whether to grant the request for disconnection; and
 - (b) if the municipality determines to grant the request, adopt an ordinance approving disconnection of the area from the municipality.
- (5)
 - (a) A petition against the municipality challenging the municipal legislative body's determination under Subsection (4) may be filed in district court by:
 - (i) the petitioner; or
 - (ii) the county in which the area proposed for disconnection is located.
 - (b) Each petition under Subsection (5)(a) shall include a copy of the request for disconnection.

Amended by Chapter 255, 2019 General Session

10-2-502.7 Court action.

- (1) After the filing of a petition under Section 10-2-502.5 and a response to the petition, the court shall, upon request of a party or upon its own motion, conduct a court hearing.
- (2) At the hearing, the court shall hear evidence regarding the viability of the disconnection proposal.
- (3) The burden of proof is on the petitioner to prove, by a preponderance of the evidence:
 - (a) the viability of the disconnection;
 - (b) that justice and equity require that the territory be disconnected from the municipality;

- (c) that the proposed disconnection will not:
 - (i) leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years;
 - (ii) make it economically or practically unfeasible for the municipality to continue to function as a municipality; or
 - (iii) leave or create one or more islands or peninsulas of unincorporated territory; and
- (d) that the county in which the area proposed for disconnection is located is capable, in a cost-effective manner and without materially increasing the county's costs of providing municipal services, of providing to the area the services that the municipality will no longer provide to the area due to the disconnection.
- (4) In determining whether the petitioner has met the petitioner's burden of proof with respect to Subsections (3)(c)(i) and (ii), the court shall consider all relevant factors, including the effect of the proposed disconnection on:
 - (a) the municipality or community as a whole;
 - (b) adjoining property owners;
 - (c) existing or projected streets or public ways;
 - (d) water mains and water services;
 - (e) sewer mains and sewer services;
 - (f) law enforcement;
 - (g) zoning; and
 - (h) other municipal services.
- (5) The court's order either ordering or rejecting disconnection shall be in writing with findings and reasons.

Amended by Chapter 406, 2016 General Session

10-2-506 Taxes to meet municipal obligations.

- (1) If the court orders a disconnection of territory from a municipality, the court shall also order the county legislative body to levy taxes on the property within the disconnected territory that may be required to pay the territory's proportionate share of the municipal obligations accrued while the territory was part of the municipality.
- (2) Any tax levy ordered by the court under Subsection (1) shall be collected by the county treasurer in the same manner as though the disconnected territory were a municipality.
- (3) The county treasurer shall pay to those entities named by the court the revenue received from that tax levy.

Amended by Chapter 132, 1996 General Session

10-2-507 Disconnection ordinance or decree -- Filing of notice and plat -- Recording requirements -- Effective date of disconnection -- Costs of disconnection.

- (1) As used in this section, "disconnection action" means:
 - (a) the municipal legislative body's adoption of an ordinance under Subsection 10-2-502.5(4)(b) approving disconnection; or
 - (b) the entry of a court order under Section 10-2-502.7 ordering disconnection.
- (2) The municipal legislative body shall:
 - (a) within 30 days after the disconnection action, file with the lieutenant governor:

- (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
- (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
- (b) upon the lieutenant governor's issuance of a certificate of disconnection under Section 67-1a-6.5:
 - (i) if the disconnected area is located within the boundary of a single county, submit to the recorder of that county:
 - (A) the original:
 - (I) notice of an impending boundary action;
 - (II) certificate of disconnection; and
 - (III) approved final local entity plat; and
 - (B) a certified copy of the ordinance approving the disconnection or court order ordering disconnection; or
 - (ii) if the disconnected area is located within the boundaries of more than a single county:
 - (A) submit to the recorder of one of those counties:
 - (I) the original of the documents listed in Subsections (2)(b)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of the ordinance approving the disconnection or the court order ordering disconnection; and
 - (B) submit to the recorder of each other county:
 - (I) a certified copy of the documents listed in Subsections (2)(b)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of the ordinance approving the disconnection or the court order ordering disconnection.
- (3) The disconnection is effective upon the lieutenant governor's issuance of a certificate of disconnection under Section 67-1a-6.5.
- (4)
 - (a) The effective date of a disconnection for purposes of assessing property within the disconnected territory is governed by Section 59-2-305.5.
 - (b) Until the documents listed in Subsection (2)(b) are recorded in the office of the recorder of each county in which the property is located, a county in which the disconnected territory is located may not:
 - (i) except as provided in Section 10-2-506, levy or collect a property tax on property within the disconnected territory unless the county was levying and collecting the tax immediately before disconnection;
 - (ii) levy or collect an assessment on property within the disconnected territory unless the county was levying and collecting the assessment immediately before disconnection; or
 - (iii) charge or collect a fee for service provided to property within the disconnected territory unless the county was charging and collecting the fee immediately before disconnection.
- (5) Any cost incurred by the municipality in complying with this section may be charged against the disconnected territory.

Amended by Chapter 350, 2009 General Session

10-2-509 Costs.

Each party to the court action for disconnection shall pay its own witnesses and the petitioner shall pay all other costs.

Amended by Chapter 406, 2016 General Session

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DENVER
LAS VEGAS
LOS ANGELES
LOS CABOS
ORANGE COUNTY
PHOENIX
RENO
SALT LAKE CITY
TUCSON

April 6, 2020

VIA FEDERAL EXPRESS

City of West Bountiful
Attn: Cathy Brightwell
550 North 800 West
West Bountiful, UT 84087

Re: Petition for Disconnection

Dear Ms. Brightwell:

Please find enclosed a fully executed original of a Petition for Disconnection. As a public hearing is required for this request under Utah Code Ann. 10-2-501, -502.5, we would like to coordinate the setting of that hearing. Once we know the hearing date, we will publish the notices required by Utah Code Ann. 10-2-501.

Should have any questions regarding this petition, please call me at the telephone number referenced above. Mark Smith is also identified in the petition as an individual authorized to act on behalf of the petitioners. Thank you in advance for your attention to this matter.

Very truly yours,

Snell & Wilmer



Wade Budge

WB:sdb
Encl.

cc. Stephen B. Doxey, Esq. <via email, steve@doxeylaw.com>
Mark Smith <via email, moabmark@gmail.com>

PETITION FOR DISCONNECTION

TO: THE CITY COUNCIL OF WEST BOUNTIFUL, UTAH:

The owners or authorized representatives of privately-owned real property consisting of 2.027 acres of unimproved land (the “**Property**”) lying in a contiguous area of land within the municipal limits of West Bountiful, Utah (the “**City**”) on the western border of the City adjacent to an unincorporated portion of Davis County (the “**County**”), Utah, hereby submit this Petition for Disconnection (“**Petition**”) and respectfully represent the following:

1. This Petition is made in accordance to the requirements of Utah Code § 10-2-501.
2. The Petitioners (as defined below) are all of the owners of the Property, namely:

Ludean A. Smith, as Trustee of The Smith Family Revocable Trust created under Trust Agreement dated March 10, 2000; Mack G. Smith and Carolyn Smith, as Trustees of The Mack G. and Carolyn Smith Revocable Trust created under Trust Agreement dated September 4, 1998; J. Lynn Smith, as Trustee of the J. Lynn Smith Living Trust, as amended and restated on November 8, 2017; and Cindy S. Hatch, an individual (collectively, the “**Petitioners**”).

The Petitioners collectively own the Property, which is identified by the Davis County Assessor as Parcel ID No. 06-030-0047 and by the street address of:

1818 West 400 South
West Bountiful, Utah 84087

3. The Petitioners hold title to the Property as tenants-in-common.
4. The signatures affixed hereto are that of the Petitioners and who, by so affixing their signature, state and confirm that this Petition is supported by the Petitioners owning all of the Property.
5. The Petitioners file this Petition, and request that it be granted, for the following pertinent reasons:
 - a. Petitioners own certain real property adjacent to the Property that is presently not within the municipal limits of the City and desire to have all of Petitioners’ owned real property, including the Property, be uniformly within the unincorporated area of the County;
 - b. The Property was mistakenly included within the municipal limits of the City by an entity without ownership of the same, *see Smith, et al v. Security Investment Ltd.* 2009 UT App 355;

- c. The City does not have any municipal services in the Property;
- d. The City does not provide any municipal services to the Property;
- e. The Property has no direct economic relationship with the City, and disconnection would only result in the loss of minimal property taxes;
- f. The proposed disconnection is viable;
- g. The proposed disconnection would not (i) leave the City an area within its boundaries which the costs, requirements or other burdens of providing municipal services would materially increase over previous years that would not otherwise would have; (ii) make it economically or practically unfeasible for the City to continue to function as a municipality; or (iii) leave or create an unincorporated island or peninsula; and
- h. The Petition should be granted as, due to the foregoing reasons, justice and equity require that the Property be disconnected.

6. The Property is more particularly described on Exhibit "A" attached hereto, and is accurately depicted on the attached hereto as Exhibit "B", as the accurate plat or map prepared by a licensed surveyor as required by Utah Code, and which is made a part hereof by such reference.

7. Wade Budge and Mark Smith are hereby designated to act on the Petitioners' behalf at any and all necessary proceedings.

8. Petitioners acknowledge and will abide by the notice requirements set forth in Utah Code § 10-2-501(3) in conjunction with this Petition.

WHEREFORE, Petitioners hereby request that this Petition be considered by the City's City Council at its next regular meeting after the final requisite notice is provided, or as soon thereafter as possible. Furthermore, that the City Council grant this Petition and take such steps as required by law to complete the disconnection requested herein.

[Signatures to Follow]

DATED this 16th day of April, 2020.

THE SMITH FAMILY REVOCABLE TRUST,
created under Trust Agreement dated March 10, 2000

By: _____
Name: Ludean A. Smith, Trustee

THE MACK G. AND CAROLYN SMITH REVOCABLE TRUST,
created under Trust Agreement dated September 4, 1998

By: Mack G. Smith
Name: Mack G. Smith, Trustee

By: Carolyn Smith
Name: Carolyn Smith, Trustee

THE J. LYNN SMITH AND LINDA SMITH TRUST
originally dated September 3, 1986, and amended and restated in total
on June 29, 2015 and further amended and restated in total on
November 8, 2017.

By: _____
Name: J. Lynn Smith, Trustee

By: _____
Name: Linda G. Smith, Trustee

CINDY S. HATCH,
in her individual capacity

By: Cindy S. Hatch
Name: Cindy S. Hatch

DATED this ____ day of _____, 2020.

THE SMITH FAMILY REVOCABLE TRUST,
created under Trust Agreement dated March 10, 2000

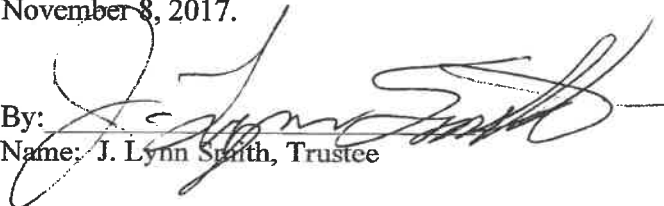
By: _____
Name: Ludean A. Smith, Trustee

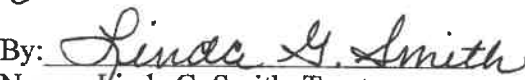
THE MACK G. AND CAROLYN SMITH REVOCABLE TRUST,
created under Trust Agreement dated September 4, 1998

By: _____
Name: Mack G. Smith, Trustee

By: _____
Name: Carolyn Smith, Trustee

THE J. LYNN SMITH AND LINDA SMITH TRUST
originally dated September 3, 1986, and amended and restated in total
on June 29, 2015 and further amended and restated in total on
November 8, 2017.

By: 
Name: J. Lynn Smith, Trustee

By: 
Name: Linda G. Smith, Trustee

CINDY S. HATCH,
in her individual capacity

By: _____
Name: Cindy S. Hatch

DATED this ____ day of _____, 2020.

THE SMITH FAMILY REVOCABLE TRUST,
created under Trust Agreement dated March 10, 2000

By: Ludean A. Smith
Name: Ludean A. Smith, Trustee

THE MACK G. AND CAROLYN SMITH REVOCABLE TRUST,
created under Trust Agreement dated September 4, 1998

By: _____
Name: Mack G. Smith, Trustee

By: _____
Name: Carolyn Smith, Trustee

THE J. LYNN SMITH AND LINDA SMITH TRUST
originally dated September 3, 1986, and amended and restated in total
on June 29, 2015 and further amended and restated in total on
November 8, 2017.

By: _____
Name: J. Lynn Smith, Trustee

By: _____
Name: Linda G. Smith, Trustee

CINDY S. HATCH,
in her individual capacity

By: _____
Name: Cindy S. Hatch

EXHIBIT "A"

Legal Description of the Property

The Property is legally described as follows:

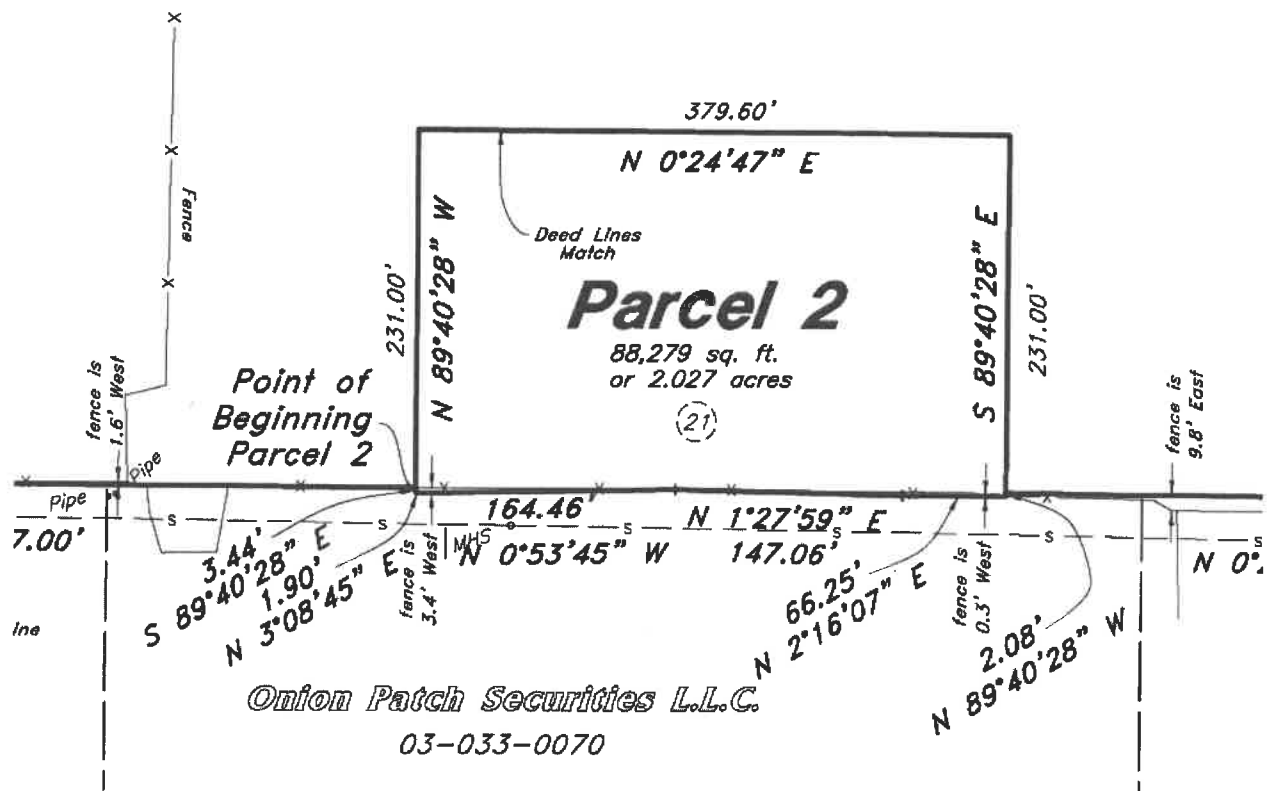
Beginning 940.40 feet North and East 3.44 feet from the Southwest corner of Section 23, Township 2 North, Range 1 West, Salt Lake Base and Meridian to an existing wire fence as described in paragraph 2 of Final Order, Judgment and Decree Quieting Title recorded September 11, 2008 as Entry No. 2391975 in Book 4613 at Page 801; thence along said existing wire fence the following four courses: North 02°49'13" East 1.90 feet and North 01°13'17" West 164.46 feet and North 01°08'27" East 147.06 feet and North 00°14'57" West 66.25 feet; thence West 231.00 feet; thence South 00°05'15" West 379.60 feet parallel to the section line; thence East 231.00 feet to the point of beginning.

EXHIBIT "B"

Survey of the Property

The Property is located in Davis County, Utah and more particularly described and shown as "Parcel 2" below:

Parcel 2:
Beginning 940.40 feet North and East 3.44 feet from the Southwest corner of Section 23, Township 2 North, Range 1 West, Salt Lake Base and Meridian to an existing wire fence as described in paragraph 2 of Final Order, Judgment and Decree Quieting Title recorded September 11, 2008 as Entry No. 2391975 in Book 4613 at Page 801; thence along said existing wire fence the following four courses: North 02°49'13" East 1.90 feet and North 01°13'17" West 164.46 feet and North 01°08'27" East 147.06 feet and North 00°14'57" West 66.25 feet; thence West 231.00 feet; thence South 00°05'15" West 379.60 feet parallel to the section line; thence East 231.00 feet to the point of beginning.



MEMORANDUM



TO: City Council

DATE: May 14, 2020

FROM: Cathy Brightwell, Duane Huffman

RE: Request to Rezone out of the Historical Overlay District – 788 N 800 W

Mr. Adam Winegar submitted a Request to Rezone his property at 788 N 800 West to remove it from the Historical Overlay District. Zone changes are legislative actions that are subject to the discretion of the city council.

Background – The Historic Overlay District

- 1994 – The Historic Preservation Commission (HPC) was established. The commission was comprised of volunteer West Bountiful residents who had an interest in preserving and protecting historic homes in the city. They were charged to survey and inventory community historic resources, review proposed nominations to the national register of historic places, establish a West Bountiful Historic Sites List, and to provide advice and information to city officials. **The HPC has not been active for about 10 years.** The HPC is created and outlined in West Bountiful Municipal Code 2.44
- 2007 - An ordinance re-establishes or codifies the historic preservation commission and the idea of historic districts with enforceable standards. This was done at least somewhat in conjunction with the Heritage Pointe subdivision.
- 2012 – The Historic Overlay District is added to the West Bountiful City Municipal Code as a land use ordinance. The ordinance mapped the district and created standards the architectural review board would use to review the appropriateness of construction in the district. Again, this was done to help address construction in the Heritage Pointe subdivision, but the district map included areas outside of the subdivision. The map and the architectural standards are attached with this memo.
- 2014 – At property owner's request, the Hopkinson property at 1277 N 800 W was removed when creating a new lot.
- 2016 – At property owner's request, the Jones property at 887 N 800 West removed Lot 15 of Heritage Pointe to facilitate an addition to an existing home that was not in the Historic District.
- 2017 – At property owner's request, the Manors at McKean Meadows subdivision removed the entire property at the time of development, except Lot 1 that fronts 800 West.

Winegar Request

On April 23, 2020, Adam Winegar submitted a Request to Rezone his property at 788 N 800 West to remove it from the Historical Overlay District. Mr. Winegar included a letter explaining and justifying his request, which is attached.

Mr. Winegar's property is in the middle of the district, and its removal would create an island.

Even beyond the historic district regulations, Mr. Winegar's initial plans will likely need to be modified to meet standard R-1-10 setback and accessory structure requirements.

Planning Commission Recommendation

The planning commission discussed the request at its April 28 meeting and scheduled a public hearing for May 12. The hearing was properly noticed in the Davis Clipper, city and state websites, letters to neighbors and a sign posted on the property.

At the hearing, one resident expressed concerns with properties easily leaving the district, questioning the point of having a district if it is voluntary on a property-by-property basis.

Planning commission members discussed concerns with the district's history, property rights, wanting to maintain the historic feel of the area, and looking at the district as a whole. While there was momentum to viewing the district as a whole, planning commission ultimately made a positive recommendation by a 4-1 vote (Dennis Vest, an alternate, also voted no), so as to allow the Winegars to move forward.

Possible discussion topics for consideration include the following:

1. How does this request fit within the city's General Plan? This question should be an overriding guideline as the other questions are considered.
2. Is there a continued need for the Historic Overlay District? If yes, should it be updated?
3. Is there a continued need for the architectural design standards within the district? If yes, should they be updated?
4. Would the removal of this property from the district be in the best interest of the community and property owner? If so, can both the community and private benefits be described?

An ordinance has been drafted to allow the council to move forward with the zone change if the body so chooses.



APPLICATION TO REZONE/CHANGE TEXT

West Bountiful City
PLANNING AND ZONING
550 N 800 W
West Bountiful, UT 84087
(801) 292-4486
www.WBCity.org

PROPERTY ADDRESS: 788 N. 800 W. DATE OF APPLICATION: 4-23-2020

PARCEL NUMBER: _____ CURRENT ZONE: R-1-10^{Historic} PROPOSED ZONE: _____

LEGAL DESCRIPTION ATTACHED: YES ☐ NO ☒

Applicant Name(s): Adam Winegar

Applicant Address (if different than above): _____

Primary phone: 801-604-9657 E-mail address: winegar12@yahoo.com

Describe in detail the request for which this application is being submitted and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.

See attached letter

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

Date: 4-23-2020

Applicant Signature: Adam Winegar

FOR OFFICIAL USE ONLY

Application & \$150 Fee Received Date: _____

Public Hearing Date: _____

Letters sent to affected neighbors: _____

Planning Commission Approval: _____

City Council Approval: _____

April 23, 2020

To Whom it May Concern-

Over the last year, I have been working towards building a new, safe garage for my home located at 788 North 800 West. I originally started by discussing my plans with the, then, West Bountiful City Engineer several different times to make sure that the location, structural size, and design would be to the satisfaction of West Bountiful city code. He assured me multiple times that it would be approved as designed and in the location. Since this time, I have had to have many back and forth conversations regarding the building of this garage on my property. Due to the requests of the historical committee and following city code, we are finding it impossible to get this garage built. As such, we are officially requesting to be removed from the historic district in West Bountiful. Below are the reasons, we feel that it will not only benefit our family, as long time residents of West Bountiful, but will benefit current and future residents.

The location of the new garage is in the ideal space for the location of the house. With putting the new structure on the new site plan it will allow us to provide a more ideal and safe backyard for our family. Due to the current garage set up, our "backyard" is made up of mostly side and front yard. Over the 97 years this home as been in existence, 800 West has become increasingly unsafe due to the busyness of the street and crime rates always increasing. As homes are constantly being built West of 800 West and traffic from the school, the street has a constant busy traffic flow. We have felt it unsafe to let our daughter and other children (many of whom are residents of West Bountiful) safely play in the yard without constant watch and fear for their safety. With the location of the new structure on the side of the house it will allow us to fully enclose a backyard and provide safety for our daughter and children around West Bountiful who have enjoyed coming to our home and playing with our daughter.

To make the new garage match the existing, historic home, we will be using the brick from the existing garage on the front of the new garage, which will match the house exactly. We will also be putting in double pane, white windows with white trim around it on the new garage; the same color and windows that the house has. The rest of the garage will have hardy siding put on it that will be painted to match the house. The garage door and fixtures will be standard roll up metal doors that meet today's building codes. The same that has been used in all the new builds in the subdivision across the street that are also in the historic district. This does not seem to meet the needs of the historic committee's desires, even though it complies with the majority of what they have been requesting. However, because their requests don't match up with city code requests, it is impossible for us to make both parties happy, while also being able to provide our home with a much needed, usable garage and storage space. In short, current city code does not comply with historic architectural design.

Please note, the current garage is a very unsafe structure. We have attempted to make it structural sound, with no luck. We are very concerned, especially if another earthquake occurs, that it will fall down. It is not a matter if it will, but when it will. The foundation for the structure is cracking and many cracks are beginning to run the wall. No matter what, for many safety reasons, the current garage

cannot be used much longer and needs to be replaced. The new structure will be much safer and usable as an actual garage.

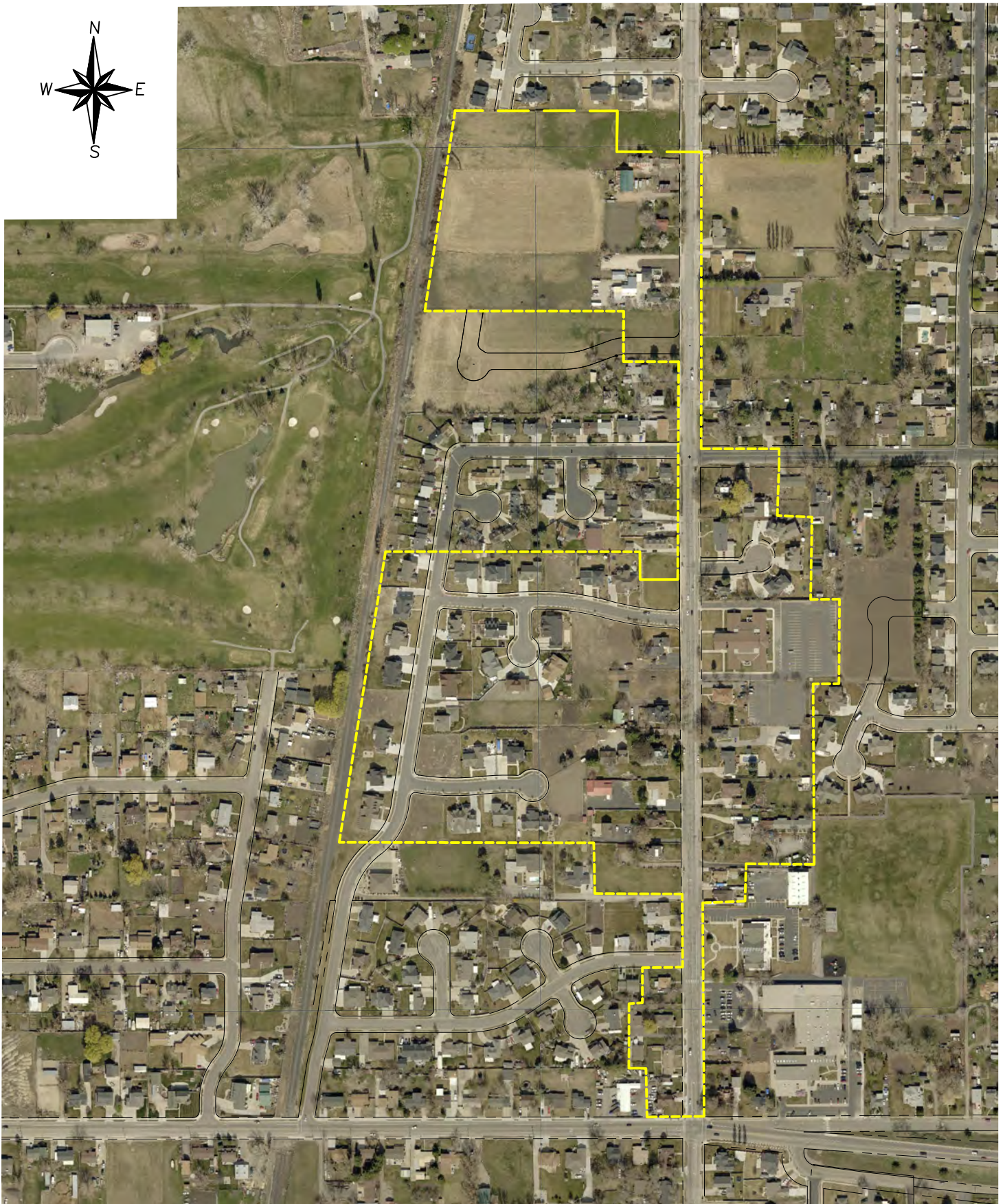
It is to my understanding that historic district boundaries have been altered or intentionally left out of historic buildings because of reasons I can only speculate. I will provide examples of what I am talking about. All of these examples are homes on 800 west, where you can see that the historic district boundaries conveniently go around the homes that should be considered in the historic district. The first one is at 780 West 400 North, where the home was built in 1899. It has a detached two story garage that does not meet historic requirements. Second, the home at 965 North 800 West is out of the boundaries for no reason that I can tell. Third, the home on 887 North 800 West was built in 1925. Over the years, the owner has purchased multiple lots next to him that were in the historic district. Because he wanted to add onto his house multiple times the boundaries of the historic district conveniently haven't applied to this individual. I find it interesting that the boundaries in the historic district conveniently go around homes, that otherwise should be in the boundaries and held to the same standard we are being held to. I did want to note that my current house was built in 1923 and we did not choose to have our house put into the historic boundaries.

As long-term residents of West Bountiful City, we have always appreciated the small-town feel the city has. We love living here and look forward to continuing to raise our children here. We feel strongly that West Bountiful City should remove our home from the historical district, strictly based on safety concerns for our family and others in West Bountiful with our current garage and yard set up. Due to the complications between city code requests and requests from the historical committee, we do not see any other way than to be removed from the historic district. Due to our expanding family and the growth in West Bountiful, we need more space that is livable and "user friendly." Please note that when we are removed from the historic district, we will still ensure that the new garage will match the existing home by utilizing the plans discussed above. Thank you for your time.

Sincerely,

Adam Winegar
788 N 800 West

WEST BOUNTIFUL HISTORIC DISTRICT



WEST BOUNTIFUL CURRENT ZONING MAP

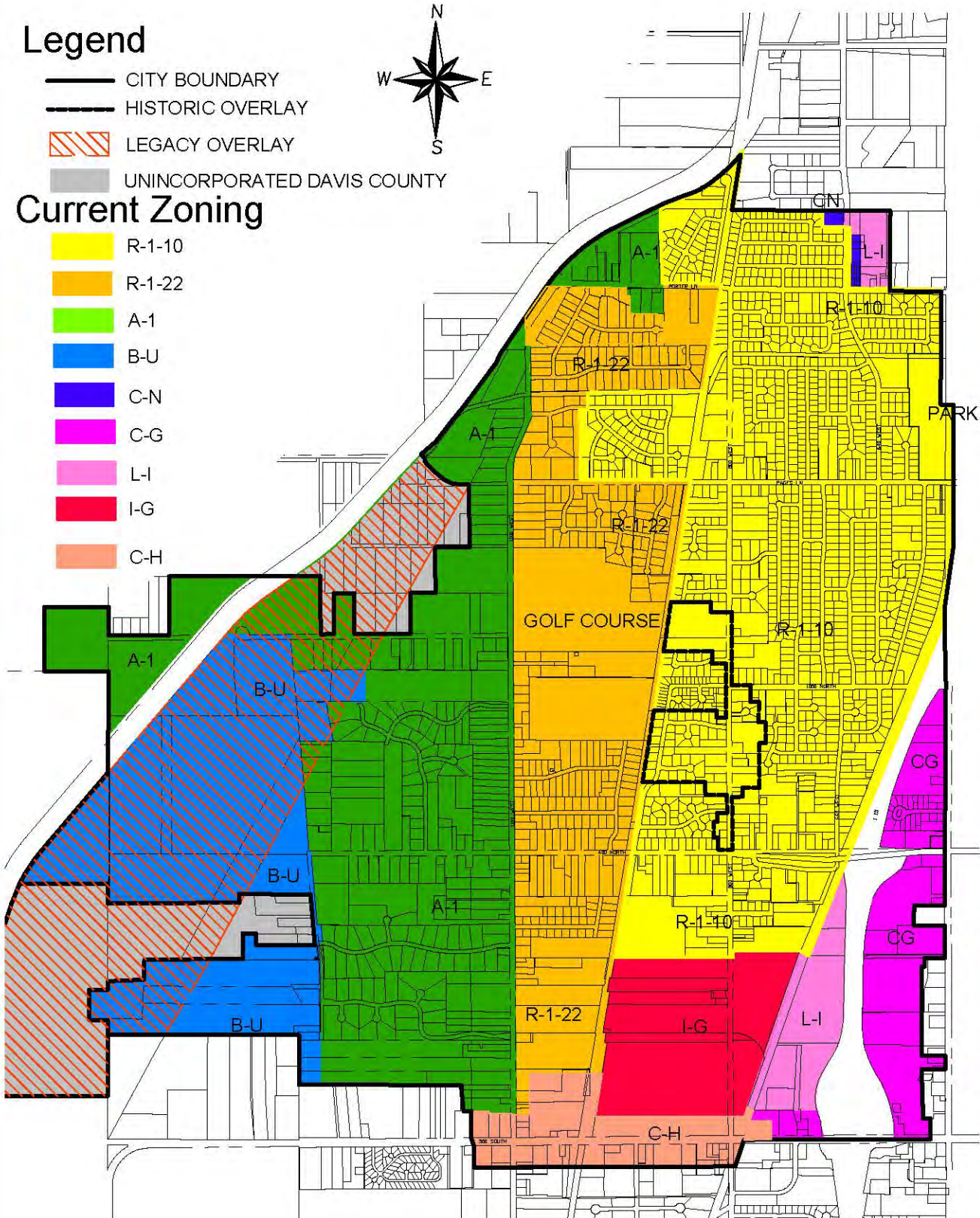
Legend

-  CITY BOUNDARY
-  HISTORIC OVERLAY
-  LEGACY OVERLAY
-  UNINCORPORATED DAVIS COUNTY



Current Zoning

-  R-1-10
-  R-1-22
-  A-1
-  B-U
-  C-N
-  C-G
-  L-I
-  I-G
-  C-H



17.24.110 Historical Overlay District

The city recognizes that the historical heritage of the West Bountiful community is among its most valued and important assets. It is therefore the intent of West Bountiful to preserve, protect and enhance historic areas and sites within the city. These historic areas, included in the R-1-10 district, are designated as the West Bountiful Historical Overlay District. (See the West Bountiful zoning map for details.)

No dwelling or other building shall be erected or extensively altered on any lot in the historical district without the review and favorable recommendation of the construction plans by the architectural review board, as provided below. An architectural review board consisting of a member of the city planning department, licensed architect who has experience with Utah historical design, and the chairman of the Historic Preservation Commission will be responsible for reviewing historical design. The purpose of this review is to ensure the preservation of historic properties to the greatest degree possible. This review applies only to exterior work which requires a building permit, sign permit, or demolition permit. The applicant will pay a historic architectural review fee, as set periodically by resolution of the City Council.

Unless expressly stated to the contrary in this chapter, all provisions of the West Bountiful City Building Code and Ordinances shall apply in addition to the provisions of the Historic Preservation Commission Ordinance (Chapter 2.44) and this section. In the case of any direct conflict between this section and other provisions of the West Bountiful City Code or Ordinances, the more restrictive provision shall apply.

For new construction within the historical district, the following process will be used.

1. The owner or developer will submit an application for a Certificate of Historic Appropriateness and design plans to the zoning administrator. All construction plans and specifications shall include a list of the proposed construction materials which will be in harmony with the requirements of this ordinance as well as the exterior design of the existing structures in the historical district.
2. Design Standards - To ensure historic appropriateness for new construction within the historical district, projects shall be compatible in design, character, size, and proportion to existing historic buildings in the district. New construction shall enhance the historic qualities and unique feeling of the historic areas of the city and shall not erode the character of the neighborhood and shall conform to the following standards:
 - a) Building Design. The West Bountiful historical district evolved over an approximate 100-year span and includes houses of many sizes and architectural styles. Lot sizes and setbacks are not consistent. These variations are part of the unique appeal of the area and should be respected and preserved as much as possible. New development in the historical district shall emulate this pattern by incorporating various size lots, various size houses, and various architectural designs appropriate to time period and area. There are fine architectural examples of Victorian, Prairie style, Craftsman, Bungalow, English, Temple/Greek Revival, and cottage styles in the historical district all of which are appropriate architectural styles for new construction. In addition, many other architectural home designs built in Utah between 1848 and 1940 may be appropriate, as determined by the architectural review board.

- b) Size. The size of the home shall correspond with the size of the lot. The house and all accessory buildings shall not cover more than 40% of the lot.
 - c) Height. One-story, one and one-half story (upper floor incorporated into the roof line), and two story homes (with an attic above the 2nd story) are appropriate. However, the height cannot be more than 35 feet above the curb level.
 - d) Exterior Facades. Brick is the predominant building material in the historical district. Therefore, the majority of houses should be brick with a fewer number of stone and clapboard homes. Appropriate materials for the outside walls of homes, garages, carriage houses and other outbuildings are brick, stone/cultured stone or wood/fiber-cement board (such as James Hardee). Contrasting materials may be used for pillars, lintels, quoins, keystones, trims, etc. but must receive positive recommendation by the architectural review board. Brick wainscot, vinyl siding, aluminum siding, and stucco panels will not be allowed. Walls, roof shapes, windows, doors, porches, and ornamental detail shall be historically correct for the home's architectural style and period of history.
 - e) Windows. Windows shall be appropriate in style and size for the home's period of architecture and must be uniform throughout the house. Windows must be recessed at least one inch from the outside of the exterior trim.
 - f) Colors - shall be historically appropriate to the home's architectural style and period of history.
 - g) **Garages and other outbuildings. All houses shall be constructed with a garage for not less than two (2) vehicles and not more than three (3) vehicles. Garages must be the same architectural style and color as the home and may be (1) detached and located toward the back of the lot, (2) attached and flush to the house or extend up to five feet in front of the house if the garage is built to appear as part of the house and has a side or back opening, or (3) attached with a front opening if the front of the garage is set back at least five feet from the front of the house. The garage and other outbuildings shall be subordinate to the house and shall conform to the architectural style of the home.**
 - h) Fences. No privacy fences are allowed from the front of the home to the street. However, low fences in wood/wood composite, ornamental iron, brick, rock, natural hedges, shrubs or any combination of the above may be used in the front yard as part of the landscaping. All fences shall comply with Section 17.24.100 of the West Bountiful Municipal Code, be appropriate to the style of the home and must receive positive recommendation by the architectural review board.
 - i) Driveways, sidewalks, steps, lighting, and landscaping shall be historically appropriate to the home's architectural style and period of history.
3. The architectural review board shall have 30 days to review the plans. Upon completion of the review, the board will either; (a) recommend the plans and specifications as submitted, or (b) notify the party making such request of any objections (such objections to be specifically stated). If objections are noted, the requesting party may resubmit a request for recommendation rectifying any such objections to the city. The architectural review board shall then have an additional 10 days after receipt of said revisions for

review. The recommendation or denial of submitted plans shall be in writing and returned to the party making a submission, together with a notation of recommendation or denial and the date affixed to one copy of such plans and specification.

4. Upon approval of a Certificate of Historic Appropriateness by the architectural review board the owner or developer may obtain a building permit from the City. Building inspections and/or occupancy approvals will be withheld if the structure is not in compliance with the historical design approved by the architectural review board. For homes in the historical district, a bond will be required to assure compliance with approved architectural design. The amount of the bond will be set periodically by the City Council.
5. An applicant who has been denied any permit based on the architectural review board's refusal to issue a Certificate of Historic Appropriateness may appeal denial to the planning commission, acting as the appeal authority, in accordance with the procedures provided in Chapter 17.08.
6. Enforcement. The provisions of this section are subject to the enforcement provisions established in the current building code adopted by West Bountiful City, the West Bountiful Municipal Code, and other applicable laws.

WEST BOUNTIFUL CITY

ORDINANCE #422-20

AN ORDINANCE AMENDING THE WEST BOUNTIFUL CITY ZONING MAP TO REMOVE THE PROPERTY LOCATED AT 788 N 800 W FROM THE HISTORICAL OVERLAY DISTRICT

WHEREAS, Utah Code Annotated § 10-9a-101 et seq., also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Zoning Maps and Subdivision Ordinances; and,

WHEREAS, the West Bountiful Planning Commission held a public hearing on May 12, 2020, to consider removing the property located at 788 N 800 West from the historical overlay district; and,

WHEREAS, following the public hearing, the West Bountiful Planning Commission voted to recommend to the City Council adoption of an amendment to the City’s Zoning Map that removes the property located at 788 N 800 West from the historical overlay district; and,

WHEREAS, the City Council finds that removal of this property from the historical overlay district is in the best interest of the City.

***NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL
THAT THE ZONING MAP IS AMENDED TO REMOVE THE PROPERTY LOCATED AT
788 N 800 WEST FROM THE HISTORICAL OVERLAY DISTRICT.***

This ordinance will become effective upon signing and posting.

Adopted this 19th day of May 2020.

By:

Ken Romney, Mayor

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

Attest:

Cathy Brightwell, City Recorder

MEMORANDUM



TO: Mayor & Council

DATE: May 14, 2020

FROM: Duane Huffman, Cathy Brightwell

RE: OFF STREET PARKING - WBMC 17.52 and 16.12.060.E

Planning Commission has been working with staff on updates to the city's off-street parking requirements for several months. One of the reasons for the review was that Staff was contacted by a group working on a refinance of the Commons development. They were struggling with parking compliance.

- a. The existing parking stall sizes do not meet code;
- b. According to code, there should be 300 more parking spaces available;
- c. It is difficult for staff to explain/determine compliance when there is no conditional use permit or other approval mechanism.

The comprehensive review of this ordinance addressed the following issues:

1. There are very few commercial parking lots in the city that have parking stalls the size required by current code. The city's required parking stall width exceeds those generally accepted in the industry (10 ft. vs. 9 ft.).
2. The current code does not address the required drive aisle width between parking stalls.
3. Conditional Use permits to establish appropriate conditions are difficult if no guidelines exist.
4. A need to clarify that there are different standards for residential and commercial properties.
5. Increasing drive approaches width from 32 ft. to 36 ft. to better match the width of triple car garages that are becoming more common.
6. Clarifying that driveways are allowed on 2 street frontages – front, and side or rear. This typically applies to corner lots but in a few rare instances can apply to front and rear.

A public hearing was held on January 14, 2020. Legal counsel has reviewed the attached draft which is being recommended for approval by the planning commission.

WEST BOUNTIFUL CITY

ORDINANCE #423-20

AN ORDINANCE AMENDING WEST BOUNTIFUL MUNICIPAL CODE TO ADDRESS REGULATIONS FOR OFF STREET PARKING

WHEREAS, Utah Code Annotated §10-9a-101 et seq., also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Land Use Ordinances; and

WHEREAS, the West Bountiful Planning Commission is reviewing the City’s Municipal Code for compliance with current federal and state laws, adding clarification, and updating where appropriate; and

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on January 14, 2020 to consider appropriate modifications; and,

WHEREAS, the West Bountiful Planning Commission has recommended adoption of proposed amendments to WBMC 17.52 for off street parking.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC CHAPTER 17.52 AND 16.12.060.E BE MODIFIED AS SHOWN IN ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

Adopted this 19th day of May 2020.

By:

Ken Romney, Mayor

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

Attest:

Cathy Brightwell, City Recorder

17.52 OFF-STREET PARKING

May 14, 2020 – CLEAN

17.52.010 Off-Street Parking Required; Purpose

The purpose of this chapter is to set a minimum standard for off-street parking to ensure that ample parking for the generated demand of each land use will be available.

Sufficient parking should be provided to assure maximum utilization of the facilities on site will not unduly impose on neighbors in the vicinity or create an unsafe environment.

Off-street parking is required for residential, commercial, industrial and retail buildings and structures based on current use, size and capacity in accordance with the requirements of this chapter.

17.52.020 Size

The dimensions of each off-street parking space, exclusive of access drives or aisles, shall be at least nine (9) feet by twenty (20) feet for diagonal and ninety (90) degree spaces, and ten (10) feet by twenty-four (24) feet for parallel spaces. Drive aisle widths shall be a minimum of twenty-two (22) feet for ninety (90) degree and parallel parking and sixteen (16) feet for angled parking.

17.52.030 Access to Individual Parking Space

Except for residential dwellings, direct access to each parking space shall be from a private driveway and not from a public street. All parking spaces shall have independent access not blocked by another parking space or other obstacle.

17.52.040 Number of Parking Spaces Required

An adequate number of off-street parking spaces shall be provided for all uses as follows. In no case, however, shall parking provided be less than one space for each employee projected for the highest employment shift plus additional parking for vehicles used in conducting the business and customer parking.

- A. Business or professional offices: one parking space for each two hundred (200) square feet of floor area.
- B. Churches with fixed seating: one parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater.
- C. Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, reception centers, meeting halls: one parking space for each three seats of seating capacity.
- D. Residential dwellings: two parking spaces for each dwelling unit including garages and driveways.
- E. Furniture and appliance stores: one parking space for each six hundred (600) square feet of retail floor area.
- F. Hospitals: two parking spaces for each bed.
- G. Hotels and motels: one space for each living or sleeping unit.
- H. Residential health care facilities: one parking space for each five beds.
- I. Restaurants, taverns, private clubs, and all other similar dining or drinking establishments (except for fast food dining or drinking establishments): one parking space for each 3.5 seats or one parking space for each one hundred (100) square feet of floor area (excluding kitchen and storage), whichever is greater.
- J. Retail stores (except as provided in subsections E and P of this section): one parking space for each one hundred (100) square feet of retail floor space.

- K. Wholesale establishments, warehouses, manufacturing establishments and all industrial uses: as determined by the zoning administrator.
- L. Shopping center or other groups of uses not listed above: one parking space for each two hundred (200) square feet of total floor space.
- M. Medical/Dental office: one parking space for each 200 square feet of gross floor area or five spaces per doctor/dentist, whichever is greater.
- N. Fast food dining or drinking establishments: one parking space for each 75 square feet of floor area with a minimum of 5 spaces, plus 3 stacking spaces per drive-through lane.
- O. Auto dealer: one parking space for each 200 square feet of sales office area plus one space for every ten vehicles displayed, or five spaces, whichever is greater. Separate storage area for vehicles for sale or under repair shall be provided.
- P. Grocery store: one parking space for every 200 square feet of retail floor area.
- Q. All other uses not listed above: as determined by the zoning administrator. All required determinations of the zoning administrator under this section shall be based on the nearest comparable use standards.

17.52.050 Access Requirements

Adequate ingress and egress to and from all uses shall be provided as follows:

1. Residential Lots. Each residential lot may have not more than two drive approaches on each of two street frontages. Each drive approach shall be a minimum of twelve (12) feet and a maximum of thirty-six (36) feet wide at the property line, with a separation island of a minimum width of twelve (12) feet. The maximum combined drive approach width on any single street frontage is thirty-six (36) feet. The drive approach flare entrance shall be no closer than four feet (4') to the abutting property line, or as approved by the City Engineer. On a corner lot, no driveway shall be closer than twenty (20) feet from the point of intersection of the front lot line and street side lot line.
2. Non-Residential Lots. Access shall be provided to meet the following requirements:
 1. Not more than two driveways shall be used for each one hundred (100) feet of frontage on any street;
 2. No two of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three feet;
 3. Each driveway shall be not more than thirty-six (36) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way;
 4. No driveway shall be closer than twenty (20) feet from the point of intersection of the front lot line and street side lot line at any corner, and no driveway shall extend across such extended property line; and
 5. On a street where there are no curbs or gutters, all driveways shall be well marked and street frontage and pedestrian access protection provided the entire length of the frontage exclusive of the driveways as per approved plans.

17.52.060 Maintenance of Parking Lots

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

1. Surfacing. Each off-street parking lot shall be surfaced with gravel, asphaltic or Portland cement or other binder pavement and permanently maintained to provide a dustless surface. The parking area shall be designed and maintained consistent with WBMC 13.30, Storm Water Management.

2. Screening. The sides and rear of any off-street parking lot which adjoins an area that is primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.
3. Landscaping. Each parking lot shall provide along the entire frontage of the property (except for any drive approach) a minimum depth of ten (10) feet of permanently maintained landscaping.
4. Lighting. Lighting used to illuminate any parking lot shall be directed downward and arranged to reflect the light away from adjoining residential uses and from street traffic.
5. All surfacing, screening, landscaping, lighting, and any other parking area elements shall be continually and properly maintained.

17.52.070 Location of Off-Street Parking

Off-street parking in non-residential districts is allowed in the front setback, as long as the parking area is set back, and the frontage of the property is permanently landscaped, in accordance with Section 17.52.060.3.

16.12.060 Lots

- E. Interior lots having frontage on two streets shall be prohibited except when exceptional circumstances, as determined by the planning commission, would make such lots functionally acceptable. In all instances when such lots are permitted, the subdivider shall record deed restrictions in perpetuity for those lots, limiting access from those lots to one street only so that all adjacent interior lots have front yards on the same street. Such deed restrictions shall not prohibit access to the rear yard from another street.

17.52 OFF-STREET PARKING

May 12, 2020 - Redline

17.52.010 Off-Street Parking -Required; Purpose

The purpose of this chapter is to set a minimum standard for off-street parking to ensure that ample parking for the generated demand of each land use will be available on site to avoid the necessity of parking on the street, except in certain areas designated by the City where off-street parking requirements cannot be met and where other programs are in effect to mitigate the parking problem.

Sufficient parking should be provided to assure maximum utilization of the facilities on site will not unduly impose on neighbors in the vicinity or create an unsafe environment., and any reasonable future use will have adequate parking

Off-street parking is required for residential, commercial, industrial and retail buildings and structures based on current use, size and capacity in accordance with the following requirements of this chapter.

At the time any commercial, industrial or retail use building or structure is erected or enlarged or increased in capacity or any use is established, off-street parking spaces shall be provided for automobiles in accordance with the following requirements, or as otherwise required by conditional use permit.

17.52.020 Size

The dimensions of each off-street parking space, exclusive of access drives or aisles, shall be at least ~~ten~~ nine (10) feet by twenty (20) feet for diagonal and ninety (90) degree spaces, and ten (10) feet by ~~twenty-two~~ four (22) feet for parallel spaces. However, in parking lots of not less than twenty (20) parking spaces, upon site plan approval by the planning commission, up to forty (40) percent of such spaces may be seven and one-half feet by fifteen (15) feet if marked and used for compact automobiles only. Drive aisle widths shall be a minimum of twenty-two (22) feet ~~behind~~ for ninety (90) degree and parallel parking and sixteen (16) feet for angled parking.

17.52.030 Access ~~To~~ Individual Parking Space

Except for ~~single-family and two-family residential~~ dwellings, direct access to each parking space shall be from a private driveway and not from a public street. All parking spaces shall have independent access not blocked by another parking space or other obstacle.

17.52.040 Number ~~Of~~ Parking Spaces Required

An adequate number of off-street parking spaces shall be provided for all uses as follows. In no case, however, shall parking provided be less than one space for each employee projected for the highest employment shift plus additional parking for vehicles used in conducting the business and adequate customer ~~employee~~ parking. (moved from Q below)

- A. Business or professional offices: one parking space for each two hundred (200) square feet of floor area.
- B. Churches with fixed seating: one parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater.
- ~~C.~~ Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, reception centers, meeting halls ~~rooms~~: one parking space for each three seats of maximum seating capacity.
- ~~D.~~ C. ~~Residential~~ D dwellings: two parking spaces for each dwelling unit including garages and hard surface ~~driveways~~.
- ~~E.~~ D. Furniture and appliance stores: one parking space for each six hundred (600) square feet of retail floor area.
- ~~F.~~ E. Hospitals: two parking spaces for each bed.

- ~~H.G.~~ H.G. Hotels and motels: one space for each living or sleeping unit, plus parking space for all accessory uses as herein specified ~~vehicles used in conducting the business including~~ and one space for each employee parking at the highest shift.
- ~~I.H. Nursing homes~~ Residential Health Care Facilities: ~~four parking spaces, plus one parking space for each five beds, plus one parking space for each employee at the highest shift.~~
- ~~J.I.~~ J.I. Restaurants, taverns, private clubs, and all other similar dining ~~and/or~~ drinking establishments (except for fast food dining or drinking establishments): one parking space for each 3.5 seats or one parking space for each one hundred (100) square feet of floor area (excluding kitchen; and storage; ~~etc.~~), whichever is greater.
- ~~K.J.~~ K.J. Retail stores (except as provided in subsections E and P of this section): one parking space for each one hundred (100) square feet of retail floor space.
- ~~L.K.~~ L.K. Wholesale establishments, warehouses, manufacturing establishments and all industrial uses: as determined by ~~conditional use permit or by planned unit development requirements if applicable, or by the planning commission~~ the zoning administrator, but in no case less than one space for each employee projected for the highest employment shift plus additional parking for vehicles used in conducting the business and customer parking.
- L. Shopping center or other groups of uses not listed above: one parking space for each ~~two~~ one hundred ~~fifty (150)~~ 200 square feet of total floor space; ~~or as determined by conditional use permit.~~
- M. Medical/Dental office: one parking space for each 200 square feet of gross floor area or five spaces per doctor/dentist, whichever is greater.
- N. ~~Fast Food dining or drinking establishments:~~ one parking space for each 75 square feet of floor area with a minimum of 5 spaces, plus 3 stacking spaces per drive-through lane.
- O. ~~Auto Dealer:~~ one parking space for each 200 square feet of sales office area plus one space for every ten vehicles displayed, or five spaces, whichever is greater. Separate storage area for vehicles for sale or under repair shall be provided.
- ~~M.P.~~ M.P. Grocery ~~Store:~~ one parking space per every 200 square feet of retail floor area.
- Q. All other uses not listed above: as determined by ~~conditional use permit~~ the zoning administrator. All required determinations of the zoning administrator under this section shall be based on the nearest comparable use standards. In no case, however, shall parking provided be less than one space for each employee projected for the highest employment shift plus additional parking for vehicles used in conducting the business and adequate customer parking ~~MOVE TO BEGINNING OF SECTION SO THAT IT APPLIES TO ALL.~~

17.52.050 Access Requirements

Adequate ingress and egress to and from all uses shall be provided as follows:

1. Residential Lots. ~~For each R-1-10, R-1-22, and A-1 residential lot, can may have~~ not more than two drive approaches which shall be a minimum of twelve (12) feet each and a maximum of thirty-two (32) feet wide at the property line, with a separation island of a minimum width of twelve (12) feet; and maximum combined drive approach width of thirty-two (32) feet on any single street frontage. The drive approach flare entrance shall be no closer than four feet (4') to the abutting property line, or as approved by the City Engineer. On a corner lot, No driveway shall be closer than twenty (20) feet to from the point of intersection of two property lines at any street corner as measured along the property lines the front lot line and street side lot line.
2. ~~Non-residential lots~~ Other Than Residential Lots. Access shall be provided to meet the following requirements:
 1. Not more than two driveways shall be used for each one hundred (100) feet of frontage on any street;
 2. No two of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three feet;

3. Each driveway shall be not more than thirty-five six (3536) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way;
4. No driveway shall be closer than twentyen (2040) feet fromto the point of intersection of the front lot line and street side lot line at any corner, two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line; and
5. On a street where there are no curbs or gutters, all driveways shall be well marked and street frontage and pedestrian access protection provided the entire length of the frontage exclusive of the driveways as per approved plans.

17.52.060 Maintenance Of Parking Lots

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

1. Surfacing. Each off-street parking lot shall be surfaced with gravel, an asphaltic or Portland cement or other binder pavement and permanently maintained so as to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water designed and maintained consistent with WBMC 13.30, Storm Water Management. The planning commission may grant some industrial uses the ability to utilize dustless gravel for parking and outside storage areas through the site plan review process, provided there is a detention area in the parking lot. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.
2. Screening. The sides and rear of any off-street parking lot which adjoins an area which that is to remain primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.
3. Landscaping. Each parking lot shall provide along the entire frontage of the property (except for any drive approach) a minimum depth of ten (10) feet of irrigated and permanently maintained landscaping. be adequately landscaped to comply with a plan approved by the planning commission and such landscaping shall be permanently maintained.
4. Lighting. Lighting used to illuminate any parking lot shall be directed downward be and arranged to reflect the light away from adjoining residential premises uses and from street traffic.
- 4.5. All surfacing, screening, landscaping, lighting, and any other parking area elements shall be continually and properly maintained in good working condition.

17.52.070 Location Of Off-Street Parking

Off-street parking shall not be allowed in required front yard setbacks except by conditional use permit and in areas where the character of the street and general landscaping will not be adversely affected. Off-street parking in non-residential districts is allowed in the front setback, provided that as long as the parking area is set back, a minimum ten (10) feet from the front property line, and the balance of the front yard setback along the entire and the frontage of the property is permanently landscaped, in accordance with Section 17.52.060.3.

16.12.060 Lots

- E. Interior lots having frontage on two streets shall be prohibited except when exceptional circumstances, as determined by the planning commission, would make such lots functionally acceptable. In all instances when such lots are permitted, the subdivider shall record deed restrictions in perpetuity for those lots, limiting access from frontage on those lots to one street only so that all adjacent interior lots have access to front yards on the same street. Such deed restrictions shall also not prohibit construction (except for fencing as allowed under Title 17) within that space adjacent to the street, from which access is prohibited, to a depth of thirty (30) feet. Access to the rear yard from another street.

MEMORANDUM



TO: Mayor & Council

DATE: May 14, 2020

FROM: Duane Huffman, Cathy Brightwell

RE: Subdivision Recording Deadlines

Extending deadlines for subdividers to record a final plat has been discussed by planning commission for several months after staff discovered that the language adopted in 2015 did not say what it was intended to say. Subdividers are given twelve months to record a plat after approval by city council. The intent was to allow a subdivider an opportunity to request an extension to record a subdivision prior to the expiration of the 12-month period. The language that was adopted required a request for extension to be filed before the end of the first 6 months which in some cases could be before the subdivider even knew an extension would be necessary.

The proposed changes below have been reviewed by Mr. Doxey and allow two six-month extensions when petitioned in writing at least 45 days prior to each deadline. A public hearing was held on May 12, 2020 and the planning commission is recommending approval of the proposed changes below.

Title 16 – Subdivisions

5/14/2020 - Redline

16.16.030 Final Plat

O. Expiration of Final Approval. If the final plat is not recorded within twelve (12) months from the date of city council approval, such approval shall be null and void. This time period may be extended by the city council for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for this extension forty-five (45) days prior to the expiration of the original ~~six~~ twelve (12) months period. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

16.28.070 Drainage Plan

E. If the final plat is not recorded within twelve (12) months from the date of city council approval, the drainage plan approval will be null and void. This time period may be extended by the city council pursuant to Section 16.16.030 of this Title, for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six (6) months. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

WEST BOUNTIFUL CITY

ORDINANCE #424-20

AN ORDINANCE AMENDING WBMC TITLE 16 SUBDIVISION RECORDING DEADLINES

WHEREAS, Utah Code Annotated §10-9a-101 et seq., also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Land Use Ordinances; and

WHEREAS, the West Bountiful Planning Commission is reviewing the City’s Municipal Code for compliance with current federal and state laws, adding clarification, and updating where appropriate; and

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on May 12, 2020 to consider appropriate modifications to Title 16 regarding subdivision recording deadlines; and,

WHEREAS, the West Bountiful Planning Commission has recommended adoption of proposed amendments to WBMC 16.030 and 16.28.070.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC SECTIONS 16.16.030 AND 16.28.070 BE MODIFIED AS SHOWN IN BELOW.

16.16.030 Final Plat

- O. Expiration of Final Approval. If the final plat is not recorded within twelve (12) months from the date of city council approval, such approval shall be null and void. This time period may be extended by the city council for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for this extension ~~forty-five (45) days~~ prior to the expiration of the original ~~six twelve (12) months period~~. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

16.28.070 Drainage Plan

- E. If the final plat is not recorded within twelve (12) months from the date of city council approval, the drainage plan approval will be null and void. This time period may be extended by the city council ~~pursuant to Section 16.16.030 of this Title. for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six (6) months. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition~~

~~of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.~~

This ordinance will become effective upon signing and posting.

Adopted this 19th day of May 2020.

By:

Ken Romney, Mayor

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

Attest:

Cathy Brightwell, City Recorder

MEMORANDUM



TO: Mayor and City Council

DATE: May 14, 2020

FROM: Duane Huffman

RE: Culinary Water Rates

This memo makes the recommendation that current culinary water rates be extended until January 1, 2021.

Background

To adequately fund the culinary water system and prevent deferral of needed maintenance, West Bountiful City has built the utility base rate from three fundamental needs: 1. Operations, 2. Debt Service, and 3. Additional Capital Needs.

The capital needs portion of the rate (\$10.00/month/per connection) has regularly included expiration dates as checkpoints for the city council to determine its necessity and level. It is currently set to expire July 1, 2020 unless the council takes action to extend it.

Traditionally, city staff would conduct a rate analysis that would include projected capital needs, projected available resources, etc. With the loss of a full-time city engineer and the economic uncertainties from the Covid-19 pandemic, staff is not currently able to perform the analysis to an acceptable standard in time for the council to give it due consideration by July 1.

Proposal

Staff recommends extending current rates until January 1, 2021 (6 months), to allow for more time to perform the study.

The study will eventually include capital needs, operational needs, other utility needs (waste collection and storm water), and rate structures related to large users. Current debt payments are due to fulfill in 2029.

WEST BOUNTIFUL CITY

RESOLUTION #468-20

A RESOLUTION REAFFIRMING CULINARY WATER RATES UNTIL JANUARY 1, 2021

WHEREAS, West Bountiful City owns and operates a culinary water system, and;

WHEREAS, Section 10-8-22 of Utah Code authorizes the city to set rates to be paid for use of water furnished by the city; and

WHEREAS, per Resolution #440-18, the Capital Improvement portion of the culinary water rate expires June 30, 2020, unless renewed by the City Council, and;

WHEREAS, the current Covid-19 pandemic has created increased economic uncertainty and strains on the city's ability to adequately forecast needs within the water system, with more time being necessary for staff to make recommendations of any rate changes, and;

WHEREAS, there is value to residents and businesses to have stable and predictable utility rates:

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful, Utah that Consolidated Fee Schedule be adopted as follows for culinary water rates:

WATER BASE RATE	Current Monthly	Renewed Monthly
First 8,000 gallons	\$22.00	\$22.00
Bond Repayment	\$18.00	\$18.00
Capital Improvement ¹	\$10.00	\$10.00
Monthly Residential Base Rate²	\$50.00	\$50.00

¹ The Capital Improvement portion of the rate expires **January 1, 2021**, unless renewed by the City Council.

² There is no change to monthly overages. These will be billed separately, per the attached fee schedule.

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

Passed and approved by the City Council of West Bountiful City this 19th day of May 2020.

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

Ken Romney, Mayor

ATTEST:

Cathy Brightwell, Recorder

MEMORANDUM



TO: City Council

DATE: May 8, 2020

FROM: Duane Huffman

RE: **Petition for Land Use Code Text Change For Cannabis Production Establishment**

This memo is an updated from a memo recently sent to the planning commission. As the recently filed petition comes with a tight timeline, staff beleieves that the council should begin considering issues and providing direction to staff and the planning commission as soon as possible. This memo:

- 1) Introduces a petition filed by *Wholesome Therapy (Cannabis Cultivation) & Canyon 100 N Bountiful, L.C.* for a change to the city's land use code adding "Cannabis Production Establishments" as a permitted or conditional use to certain zones within the city;
- 2) Reviews applicable requirements as found in state regulations related to cannabis;
- 3) Provides the planning commission with a list of items to contemplate as the petition is considered.

Petition Filed By Wholesome Therapy

An application to change the city's land use code text was submitted by Wholesome Therapy on May 1, 2020. As part of the application, Wholesome Therapy invoked the timeline requirements related to petitions involving cannabis production facilities as found in UCA § 10-9a-528(3)(b). The full request is attached with this memo.

The proposed text change would:

- a. Add "Cannabis Production Establishment [as defined by Utah Code]" as a permitted use to the A-1 and L-I zones.
- b. Add "Cannabis Production Establishment [as defined by Utah Code]" as a conditional use to the C-G zone.
- c. Add "Medical Cannabis Pharmacy [as defined by Utah Code]" as part of the already included permitted use of "Drug Store" in the C-G zone.

Included in the justification for the text change, the applicant states that the change is intended to make possible a cannabis production establishment at 580 W 100 N (known as the Carr Building), along with a medical cannabis pharmacy at the same location. It appears that the applicant would cultivate, process, and retail the product all on site, which would require three separate licenses from the state.

The application includes explanations as to why Wholesome Therapy believes that the referenced location and existing building are suitable for the requested uses.

Utah Regulations – Cannabis

Statewide requirements related to cannabis are found in the Utah Code. The following is a summary of applicable regulations on this matter:

- A. UCA § 10-9a-528(3)(b) requires that the city act within 45 days after a petition is made to “prepare and adopt a land use regulation, development agreement, or land use decision” that conforms with state code.
 - i. This means that West Bountiful City has until June 15, 2020 to either enact an ordinance that regulates cannabis production establishments or make a land use decision on the application consistent with current state code.
- B. UCA § 4-41a-102 defines Cannabis Production Establishments as meaning “a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.” This definition is a combination of three separately defined and separately state licensed types of entities.
 - i. Under the current request, all three uses would be permitted uses within the A-1 and L-I zones, and a conditional use within the C-G zone.
- C. UCA § 4-41a-406 reviews local control over all three types of cannabis production establishments. Because it is so applicable to the current request, the code is attached in whole to this memo.
 - i. Unless West Bountiful otherwise designates by ordinance before June 15, 2020, all three types of cannabis production establishments will be permitted uses within each industrial zone (L-I and I-G). The city may designate just one of these zones if it so chooses.
 - ii. Unless West Bountiful otherwise designates by ordinance by June 15, 2020, all three types of cannabis production establishments will be permitted uses within any agricultural zone in the city (currently, only the A-1 zone). To avoid this result, the city would need to create a new agricultural zone, clarify that the current A-1 zone is not an agricultural zone, or both.
 - iii. It is important to note that state code does not require that a city allow cannabis production establishments within a commercial zone.
- D. UCA § 26-61a-507 reviews local control over a medical cannabis pharmacy. It is also attached to this memo.
 - i. Such pharmacies are a permitted use “in any zone, overlay, or district within the municipality except for a primarily residential zone.”
 - ii. A municipality may enact an ordinance that governs the time, place, or manner of medical cannabis pharmacy operations in the municipality (as long as it doesn’t conflict with the state code).

- iii. Under this language, a medical cannabis pharmacy is likely already a permitted use in all zones except the R-1-10 and R-22-zones. It will be allowed at the Carr Building. The proposed text change would essentially clarify that West Bountiful is not enacting any additional “time, place, or manner” regulations.

Items for City Council/Planning Commission Consideration

- 1) Timing – As state code provides minimal timing for a decision to be made, a public hearing is planned for the May 26th meeting. As you know, a public hearing is required for any text amendment or zone change. The planning commission should do whatever is necessary to have a recommendation for the city council at that meeting. Staff is working to prepare a proposed medical cannabis ordinance for consideration at the same meeting.
- 2) Agricultural and Industrial Zones – Should actions be taken to limit cannabis production establishments to one of the city’s industrial zones, or are they appropriate for both zones? **Should any modifications be made to the number or type of agricultural zones or to the current areas considered “agricultural” to limit the areas wherein these facilities may locate?** For example, should the city create an “R-1-43” zone in which agriculture is a permitted use, but the primary purpose of the zone is large lot (1 acre) residential?
- 3) Pharmacies – Is there any interest in enacting time, place or manner regulations on medical cannabis pharmacies? It should be noted that state regulations currently include a significant number of these types of regulations (signage, operations, etc.).
- 4) Commercial Zone – Would allowing cannabis production facilities within the C-G zone be in the best interest of the community? Does it fit within the principals of the general plan? Does it fit within the stated purpose of the C-G zone? **Would it negatively affect neighboring businesses due to issues like odor?** It is important to note that if the use is inserted within the C-G zone, it would be permitted throughout the zone, and not just in the Carr Building.
- 5) The Carr Building – If the planning commission is concerned with allowing cannabis production facilities within the full C-G zone, but believes that the Carr Building property may be suitable, would it consider changing the zone of the Carr Building to an industrial zone **or the Commercial-Highway zone?** Given the very limited commercial space within the city, is it in the community’s best interest to make this kind of change?
- 6) Proximity Regulations—State law prohibits the location of a cannabis production establishment within 1,000 feet of a community location, which is defined as including a public or private school. Does the planning commission consider the Kumon Center a private school?

Finally, to be prepared for a final decision on the application by June 15, what additional information does the council need

Effective 9/23/2019

4-41a-406 Local control.

(1) As used in this section:

- (a) "Land use decision" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.
- (b) "Land use permit" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.
- (c) "Land use regulation" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.

(2)

- (a) If a municipality's or county's zoning ordinances provide for an industrial zone, the operation of a cannabis production establishment shall be a permitted industrial use in any industrial zone unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one industrial zone in which the operation of a cannabis production establishment is a permitted use.
- (b) If a municipality's or county's zoning ordinances provide for an agricultural zone, the operation of a cannabis production establishment shall be a permitted agricultural use in any agricultural zone unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one agricultural zone in which the operation of a cannabis production establishment is a permitted use.
- (c) The operation of a cannabis production establishment shall be a permitted use on land that the municipality or county has not zoned.

(3) A municipality or county may not:

- (a) on the sole basis that the applicant or cannabis production establishment violates federal law regarding the legal status of cannabis, deny or revoke:
 - (i) a land use permit to operate a cannabis production facility; or
 - (ii) a business license to operate a cannabis production facility;
- (b) require a certain distance between a cannabis production establishment and:
 - (i) another cannabis production establishment;
 - (ii) a medical cannabis pharmacy;
 - (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or
 - (iv) an outlet, as that term is defined in Section 32B-1-202; or
- (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use regulation against a cannabis production establishment that was not in effect on the day on which the cannabis production establishment submitted a complete land use application.

(4) An applicant for a land use permit to operate a cannabis production establishment shall comply with the land use requirements and application process described in:

- (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, including Section 10-9a-528; and
- (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act, including Section 17-27a-525.

Amended by Chapter 5, 2019 Special Session 1

Effective 9/23/2019

26-61a-507 Local control.

- (1) The operation of a medical cannabis pharmacy:
 - (a) shall be a permitted use:
 - (i) in any zone, overlay, or district within the municipality or county except for a primarily residential zone; and
 - (ii) on land that the municipality or county has not zoned; and
 - (b) is subject to the land use regulations, as defined in Sections 10-9a-103 and 17-27a-103, that apply in the underlying zone.
- (2) A municipality or county may not:
 - (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal law regarding the legal status of cannabis, deny or revoke:
 - (i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to operate a medical cannabis pharmacy; or
 - (ii) a business license to operate a medical cannabis pharmacy;
 - (b) require a certain distance between a medical cannabis pharmacy and:
 - (i) another medical cannabis pharmacy;
 - (ii) a cannabis production establishment;
 - (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or
 - (iv) an outlet, as that term is defined in Section 32B-1-202; or
 - (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use regulation against a medical cannabis pharmacy that was not in effect on the day on which the medical cannabis pharmacy submitted a complete land use application.
- (3) A municipality or county may enact an ordinance that:
 - (a) is not in conflict with this chapter; and
 - (b) governs the time, place, or manner of medical cannabis pharmacy operations in the municipality or county.
- (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall comply with the land use requirements and application process described in:
 - (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, including Section 10-9a-528; and
 - (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act, including Section 17-27a-525.

Amended by Chapter 5, 2019 Special Session 1



APPLICATION
TO
REZONE/CHANGE TEXT

West Bountiful City

PLANNING AND ZONING

West Bountiful, UT 550 N 800 W 84087

(801) 292-4486

www.WBCity.org

PROPERTY ADDRESS: 580 W. 100 N., West Bountiful, UT. 84010 **DATE OF APPLICATION:** 4/30/20

PARCEL NUMBER: 06-039-0128 **CURRENT ZONE:** C-G **PROPOSED ZONE:** C-G Conditional Use

LEGAL DESCRIPTION ATTACHED: YES NO

Applicant Name(s): Wholesome Therapy (Cannabis Cultivation) & Canyon 100 N Bountiful L.C.

Applicant Address (if different than above): 476 Heritage Park Blvd, Layton, UT. 84031

Primary phone: (404) 556-1111 **E-mail address:** smaxski@mac.com

Primary phone: (801-776-8111 **E-mail address:** dino@urbanogroup.com

Describe in detail the request for which this application is being submitted and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.

(SEE ATTACHED)

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

Date:

5/1/20

Applicant Signature:

Dino Pasquale

FOR OFFICIAL USE ONLY

Application & \$150 Fee Received Date: May 1, 2020

Public Hearing Date: May 26, 2020

Letters sent to affected neighbors: _____

Planning Commission Approval: _____

City Council Approval: _____

PROPOSED TEXT CHANGE/AMENDMENT

The "Applicant," Wholesome Therapy, would like to propose the following text change/amendment to the [West Bountiful Municipal Code §17.16.020](#) (Agricultural District, A-1, Permitted Uses); [§17.32.020, 030](#) (Commercial General District, C-G, Permitted and Conditional Uses); and [§17.36.020](#) (Light Industrial District, L-I, Permitted Uses):

§17.16.020 – Agricultural District, A-1, Permitted Uses:

"F. Cannabis Production Establishment as defined by Utah Code Ann. §4-41a-102 and permitted under Title 4, Utah Agricultural Code, Chapter 41a, Cannabis Production Establishments.

§17.32.020 – Commercial General District, C-G, Permitted Uses:

"B. Drug Store, including Medical Cannabis Pharmacy as defined by Utah Code Ann. §4-41a-102;

§17.32.030 – Commercial General District, C-G, Conditional Uses:

"N. Cannabis Production Establishment as defined by Utah Code Ann. §4-41a-102 and permitted under Title 4, Utah Agricultural Code, Chapter 41a, Cannabis Production Establishments.

§17.36.020 – Light Industrial District, L-I, Permitted Uses:

"J. Cannabis Production Establishment as defined by Utah Code Ann. §4-41a-102 and permitted under Title 4, Utah Agricultural Code, Chapter 41a, Cannabis Production Establishments.

NOTICE: This application for a text change shall also constitute a "**petition**" as described in [Utah Code Ann. \("UCA"\) § 10-9a-528\(b\)\(i\)](#), which states:

"(3)(a) Within the time period described in Subsection (3)(b), a municipality shall prepare and adopt a land use regulation, development agreement, or land use decision in accordance with this title and:

- (i) regarding a cannabis production establishment, **Section 4-41a-406**; or
- (ii) regarding a medical cannabis pharmacy, **Section 26-61a-507**.

(b) A municipality shall take the action described in Subsection (3)(a):

- (i) before January 1, 2021, **within 45 days** after the day on which the municipality receives a **petition** for the action; and
- (ii) after January 1, 2021, in accordance with Subsection 10-9a-509.5(2)."

Id. (emphasis added); *see also* UT St §17-27a-525.

REASONS THE PROPOSED TEXT CHANGE/AMENDMENT IS APPROPRIATE AND NECESSARY

Utah recently adopted the *Hemp and Cannabinoid Act* ("**HCA**"; UCA §4-41, *et seq.*, effective 5/14/2019) as well as *Cannabis Production Establishments* ("**CPE**"; UCA §4-41a, *et seq.*, effective 12/3/18) providing for the cultivation, processing and sale of medical cannabis statewide.

Pursuant to HCA §10-9a-528(b)(i), as cited above, West Bountiful City has yet to adopt/amend its zoning regulations to comply with CPE §4-41a-406. Consequently, this application will also serve as a “**petition**” to West Bountiful City to amend/adopt the appropriate zoning regulations to comply with the HCA and CPE, as proposed above. It also serves the dual purpose of qualifying the Applicant, Wholesome Therapy, for the necessary permitted and conditional use permit under West Bountiful City Code §17.32.030 as proposed above—permitted use for the Medical Cannabis Pharmacy and conditional use for the Cannabis Production Establishment under the proposed C-G amendments above.

Wholesome Therapy has been approved by the State’s Department of Agriculture to open and operate a Medical Cannabis Pharmacy as defined by the HCA and CPE. In order to operate its pharmacy efficiently and economically, the Applicant needs approximately 18,400sqft to also operate as a Cannabis Production Establishment, as defined by Utah Code Ann. §4-41a-102. Cannabis Production Establishments are defined by the CPE to permit “cultivation” and “processing” of cannabis for medicinal purposes. See [Utah Code Ann. §4-41a-102\(7\)](#).

The location of this cannabis production is being proposed in the back of the same building as the Medical Cannabis Pharmacy which shall be located at 580 W 100 N, West Bountiful City (The “Carr Printing Building” or “Carr Building”). This would allow them to occupy 18,400sqft of currently unusable space in the back of this building for cannabis cultivation and processing for the very limited purpose of supporting their Medical Cannabis Pharmacy. Both the pharmacy and production establishment would be heavily regulated by the State. The Applicant would follow all state mandated protocols, which are very robust. The location would be highly secure and the public would not even know it was there. There are no windows and only two doors that would access this area at the back of the building.

The Carr Building is currently in the C-G zone, however. Consequently, the proposed text amendment to that zone’s conditional uses is necessary to allow the Applicant’s production establishment to operate in the back of the building.

By way of background, Carr Printing, LC, has operated out of the Carr Building for decades—long before the current zoning map was enacted. The Carr Building was originally zoned as Light Industrial (L-I). The permitted uses of which would have allowed for Cannabis Production Establishments under the HCA and CPE today had it remained L-I. Point being that allowing the Applicant’s Cannabis Production Establishment to operate in the back of the Carr Building is not far afield from the Carr Building’s original zoned purpose and current uses. Carr Printing’s printing business is technically Light Industrial but was grandfathered in after the building was rezoned to C-G. Carr Printing still operates there today under a non-conforming use permit. Being that the Carr Building always has been and is currently used by Carr Printing for L-I services, there doesn’t appear much, if any, additional harm, risk or danger in allowing Applicant’s Cannabis Production Establishments—another L-I permitted use according to the CPE—as a conditional use under C-G.

Another reason to adopt the proposed language and grant the requested conditional use is that the 60,000sqft Carr Building cannot support parking for 60,000sqft of retail business. By rezoning it to C-G, the City unintentionally made it impossible to comply with the City’s parking space requirements for retail (§17.52.040). Retail space requires anywhere from 1:100 to 1:200 stalls/sqft, which would require between 300 to 600 stalls. The Carr Building, which was built decades ago in an L-I zone, only has 100 stalls. In other words, current C-G parking requirements could only ever allow for 10,000 to 20,000sqft of retail space, or up to a third of the building. In order to satisfy C-G parking requirements, the building

would have to be torn down and rebuilt to either reduce its square footage or to provide enough parking. That is simply not an option. There is another solution, however. Adopting the proposed text changes and granting the Applicant a conditional use permit to use 18,400sqft of space as a Cannabis Production Establishment as a supplement/support space for its permitted retail space would largely eradicate this issue since the Applicant's Cannabis Production Establishment would not require much, if any, additional parking stalls while occupying nearly a third of the building. Applicant will already have enough parking for its employees and customers as a part of its Medical Cannabis Pharmacy.

Not only are the proposed text changes necessary to comply with the HCA and CPE but granting the Applicants petition will also provide an efficient, simple solution to the parking issue created when the City rezoned the Carr Building, all without increasing the burdens or risks to the community at large.

Furthermore, granting the Applicant's petition allows the City to keep the building in the C-G zone and bring more retail to the area, increasing revenue for the City. It also allows the building owner to make great use of an unusable portion of the building.

Granting this petition/text change is a win-win for the City, its residents and for the Applicant, Wholesome Therapy as an excellent solution to the unique issues surrounding the Carr Building. We hope you will adopt the proposed text change language above and also issue the C-G Conditional Use Permit Application submitted on April 15th by Wholesome Therapy.

NOTE: Cannabis cultivation, processing and medical cannabis pharmacies are highly regulated by requiring secure facilities—no windows—with preferred out of sight and fully enclosed premises. The Carr Building is a near perfect fit and a rarity in what otherwise is an accommodating retail property.

WEST BOUNTIFUL CURRENT ZONING MAP

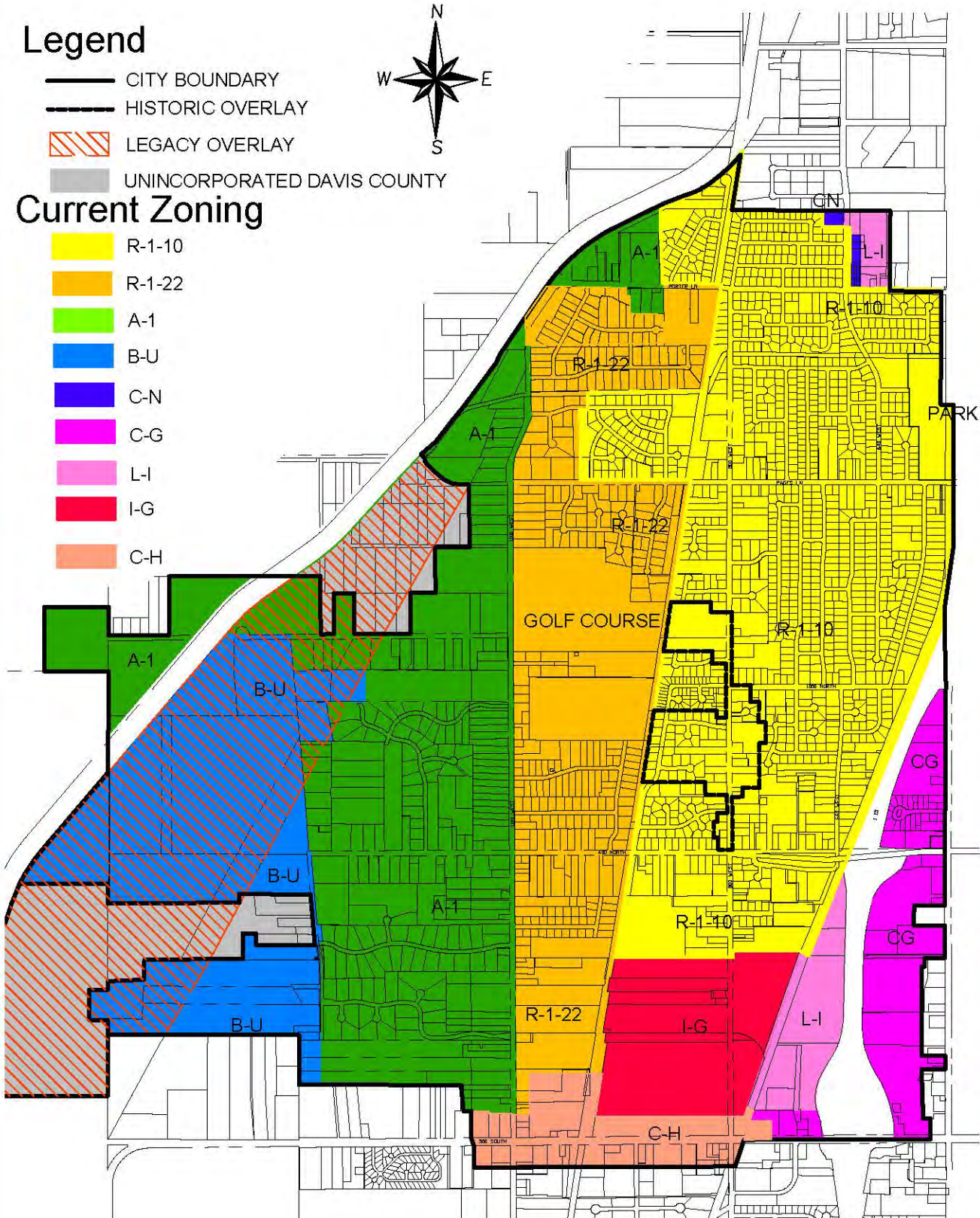
Legend

-  CITY BOUNDARY
-  HISTORIC OVERLAY
-  LEGACY OVERLAY
-  UNINCORPORATED DAVIS COUNTY



Current Zoning

-  R-1-10
-  R-1-22
-  A-1
-  B-U
-  C-N
-  C-G
-  L-I
-  I-G
-  C-H



PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on **Tuesday, April 21, 2020**, at West Bountiful City Hall, 550 N 800 West, West Bountiful, Davis County, Utah. This meeting was held electronically via Zoom.

Those in attendance:

MEMBERS: Mayor Ken Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece and Rod Wood

STAFF: Duane Huffman-City Administrator (on-site), Steve Doxey-City Attorney, Todd Hixson-Police Chief, Patrice Twitchell-Finance Specialist, and Cathy Brightwell-Recorder

VISITORS: Alan Malan, Jay Gough, Roger Timmerman

Mayor Romney called the regular meeting to order at 7:32 pm. James Bruhn offered a Thought.

1. Approve Agenda

MOTION: *Kelly Enquist made a Motion to approve the agenda as proposed. Rod Wood seconded the Motion which PASSED by a unanimous vote of all members present.*

2. Public Comment – None

3. Public Hearings:

a. FY19/20 Budget Amendments

MOTION: *Mark Preece made a Motion to open the public hearing. James Bruhn seconded the Motion which PASSED by a unanimous vote of all members present.*

No public comments were offered.

MOTION: *Mark Preece made a Motion to close the public hearing. Rod Wood seconded the Motion which PASSED by a unanimous vote of all members present.*

b. Vacate Easement – 1392 N 700 West

The property owner has requested the south easement be vacated so he can build a garage. There are no utilities in the easement and release letters have been received from all major utilities.

MOTION: *Rod Wood made a Motion to open the public hearing. James Bruhn seconded the Motion which PASSED by a unanimous vote of all members present.*

No public comments were offered.

MOTION: *James Bruhn made a Motion to close the public hearing. Mark Preece seconded the Motion which PASSED by a unanimous vote of all members present.*

c. Vacate Easement – Highgate Estates Lots 9/10

The property owners have requested the easement between these lots be vacated in anticipation of a future lot line adjustment to accommodate a large home to be built. There are no utilities in the easement and release letters have been received from all major utilities.

MOTION: *Kelly Enquist made a Motion to open the public hearing. James Bruhn seconded the Motion which PASSED by a unanimous vote of all members present.*

No public comments were offered.

MOTION: *Mark Preece made a Motion to close the public hearing. Rod Wood seconded the Motion which PASSED by a unanimous vote of all members present.*

d. Vacate Easement – Willey Lot 6A/Highgate 7

The request to vacate this easement is tied to the Hangar House plat amendment also to be considered this evening. The property owner plans to build a large home so the lot lines are being moved to accommodate the necessary larger build space. There are no utilities in the easement and release letters have been received from all major utilities.

MOTION: *James Bruhn made a Motion to open the public hearing. Kelly Enquist seconded the Motion which PASSED by a unanimous vote of all members present.*

No public comments were offered.

MOTION: *James Bruhn made a Motion to close the public hearing. Rod Wood seconded the Motion which PASSED by a unanimous vote of all members present.*

4. Resolution #463-20 – A Resolution to Vacate South Easement at 1392 N 700 W.

MOTION: *James Bruhn made a Motion to approve Resolution 463-20. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Rod Wood – Aye
Kelly Enquist – Aye	

5. Resolution #464-20 – A Resolution to Vacate Easement between Lots 9 & 10 of Highgate Estates.

MOTION: *Kelly Enquist made a Motion to approve Resolution 464-20. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Rod Wood – Aye
Kelly Enquist – Aye	

6. Resolution #465-20 – A Resolution to Vacate Easement between Lot 6A of Willey Subdivision and Lot 7 of Highgate Estates.

MOTION: *James Bruhn made a Motion to approve Resolution 465-20. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Rod Wood – Aye
Kelly Enquist – Aye	

7. Plat Amendment for Hangar House Subdivision combining Lot 6A of Willey Subdivision and Lot 7 of Highgate Estates.

The subdivision owners of Highgate Estates and Willey Subdivision have requested to modify plat boundaries so that Lot 7 of Highgate Estates will become larger to accommodate placement of a larger home. Adjusting the lot line of Lot 6A of Willey subdivision affects the boundary of the plat, so a plat amendment is required. Lot 6A will continue to meet all size regulations for the A-1 zone.

MOTION: *Rod Wood made a Motion to approve the Hangar House Plat Amendment. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Rod Wood – Aye
Kelly Enquist – Aye	

8. Extension with Ace Recycling & Disposal for Collection Services.

The City's five-year solid waste collection service agreement with Ace Disposal is scheduled to expire June 30, 2020. Due to the impacts of the COVID-19 pandemic, Ace was asked to present a proposal to extend the Agreement.

Ace's proposal includes a \$0.50 increase per residential mixed recycle cart and maintains all other rates at the current level. The increase in recycle pricing reflects the massive changes in the national recycle market. The same pricing proposal applies to a one-year and three-year option and will not include a COLA adjustment in future years.

There was discussion about the advantages of locking in the rates for three years given the uncertain economy.

MOTION: *James Ahlstrom made a Motion to approve the proposed three-year contract extension with Ace Recycling & Disposal contingent on the 2020 proposed recycling rate staying the same throughout the contract period. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Rod Wood – Aye
Kelly Enquist – Aye	

9. Memorandum of Understanding with Utah Telecommunication Open Infrastructure Agency (UTOPIA).

Utopia recently approached the City for permission to use street right-of-way to install fiber optic cable to serve the newly re-built elementary school. Use of the right-of-way is generally handled through a franchise agreement; however, staff and UTOPIA (as well as other internet providers) have a lot of work to do to determine how to use a fair systems to place fees on the use of the right-of-way.

Due to time constraints related to opening the new school, both staff and UTOPIA recommend this Memorandum of Understanding as a compromise until a full franchise or licensing agreement can be negotiated and executed. The Memorandum of Understanding provides UTOPIA with the limited ability to serve the new school, using right-of-way along 400 North, and it provides the city with standard protections related to the use of the right-of-way.

There was discussion about the conduit's relative vicinity to city waterlines on 660 West and the need to keep an eye on it. The fiber line mostly be 24 inches deep. The waterline is due to be rebuilt soon. The Memorandum states that if the fiber line is in the way of a city project, UTOPIA is responsible to move the line.

Steve Doxey added that the Memorandum contains the essence of this limited use of our right-of-way and if more requirements are necessary, our general agreement will have more provisions.

MOTION: *James Ahlstrom made a Motion to approve the Memorandum of Understanding with Utah Telecommunication Open Infrastructure Agency. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Rod Wood – Aye
Kelly Enquist – Aye	

10. Request to Extend Recording Deadline for Tailgate Acres Subdivision.

Mr. Jack Williams submitted a request to extend the deadline for recording his final plat by the current maximum period of six months. He is not planning to build or sell lots in the near future, and he is attempting to construct the public improvement within the subdivision on his own as he can afford it.

MOTION: *James Bruhn made a Motion to Extend the Recording Deadline for Tailgate Acres subdivision. Kelly Enquist seconded the Motion which passed by unanimous vote of all members present.*

11. Resolution 466-20 – FY 2019/2020 Budget Amendments.

Duane Huffman went over proposed changes to the Fiscal Year 2020 budget. As the economic situation has changed since the budget amendment was first introduced in January, the updated proposal includes the following additional shifts and reductions in revenues and expenditures.

- Recognize performance bond money from Ovation (lights, defective concrete). Any money left over will be refunded after improvements and staff time, then the warranty period starts. (\$185,300)
- Recognize increase in revenues for building permits. (\$50,000)
- Grants associated with police department. (\$19,400)
- Eliminate fund transfer to Golf Fund in line with belt tightening. We expect them to have a better spring and early summer than last year. (\$50,000)

MOTION: *James Ahlstrom made a Motion to approve Resolution 466-20 Adopting the FY2019/2020 Budget Amendments. Kelly Enquist seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Rod Wood – Aye
Kelly Enquist – Aye	

12. Proclamation Declaring April 24, 2020 as Arbor Day for West Bountiful City.

MOTION: *James Ahlstrom made a Motion Declaring April 24, 2020 as Arbor Day in West Bountiful. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Rod Wood – Aye
Kelly Enquist – Aye	

13. Meeting Minutes from February 24, March 17, and April 7, 2020.

MOTION: *Mark Preece made a Motion to approve the city council meeting minutes from February 24, March 17 and April 7, 2020. James Bruhn seconded the Motion which PASSED by a unanimous vote of all members present.*

14. Police Report (Chief Hixson).

- Mischelle is celebrating her eight-year anniversary with the city.
- Administrative part-time help is not working until further notice and reserve officers' working time has been limited due to the pandemic.
- We are seeing a different kind of work – people are feeling frustrated and we are seeing more domestic issues. Mayor Romney commended them for working through this tough time.
- Council member Bruhn reported that a lot of people are running stop signs at Pages and 1100 West and asked for extra patrols.

15. Public Works/Engineering Report. (Steve Maughan)

- 800 West update – the new waterline is complete from Pages to 1165 N. The new main is connected to side streets Knighton Crt, 1450 N and 1400 N and all the houses from Pages to 1320 N are also connected to the new line.
- As soon as the water system is complete north of 1000 N, crews will begin working on the water and storm drain lines going south.
- Post Asphalt will begin excavating and rebuilding 800 W at Pages Lane next week. After the road has been rebuilt and graded the new curb and drive approaches will be poured. If the weather cooperates and all goes well, we will have the section north of 1000 N paved sometime in June.
- Atwater Estates is prepping for the sidewalks in the cul-de-sac and 800 West. The road will be closed Monday and Tuesday as they pave.
- 1450 W – running the second waterline from Millbridge to 400 N. The Highgate intersection will pave early next week.
- Ovation – concrete repairs are going well with work expected to be finished middle of next week.
- City hall irrigation system has been repaired. We were on same service line as the two houses to the north. Now we are up and running with a 2-inch line.
- Fiber wood chips have been installed in the playground at city park.
- We are lucky to have two seasonal employees return from last year

279
280 **16. Administrative Report. (Duane Huffman)**

- 281 • He reported that he brought to the planning commission the city council's request to
282 begin working on a zone that would allow for more multi-family residences in
283 accordance with the General Plan. They requested a work session with the council to
284 get more information. The council discussed such a meeting with planning commission
285 when it can be done in-person.
- 286 • Received a formal petition for disconnection from the Smith family. They claim the
287 land at issue was annexed into the city several years ago by mistake. A public hearing
288 will be held on May 19.
- 289 • Wholesome Therapy has been issued a building permit to remodel a portion of the Carr
290 building for a cannabis dispensary. They also filed for a conditional use permit for a
291 cannabis production establishment in the Carr building.
- 292 • Mr. Doxey sent a letter to the Equestrian Partner's in response to their letter about the
293 city's moderate-income housing and General Plan.
- 294 • The tentative budget will be ready for review at the next meeting. Given our current
295 situation, it will be very slim.
- 296 • The school district has in place a new contractor - Nicholson. They have lost 2-5
297 months and are working on a new schedule. They still hope to have it open by August
298 but not sure what grounds will look like.
- 299 • COVID 19 update – UT Leads 2.0 goes over the transitional phases. We are now in
300 high-risk but moving to moderate as early as tomorrow. These changes affect public
301 recreation. Restaurants are expected to open but their capacity will be less, and
302 employees will wear masks.

303
304 **17. Mayor/Council Reports.**

305
306 Kelly Enquist – Thanked Steve and Duane for their hard work. The Park looks
307 phenomenal this year.

308
309 James Bruhn – Wasatch Integrated is getting bids for hauling waste to the new landfill in
310 Salt Lake County. A decision will be made tomorrow at a special meeting.

311
312 James Ahlstrom – no report.

313
314 Mark Preece – Sewer board meeting was last week. They have been cited for being over on
315 nutrients for several months in a row at the south plant that creates a lot more because of
316 the food waste. Once the algae project is up and running things should improve; just need
317 more time.

318
319 Rod Wood – asked for status of the well bid documents. He was told they will be ready in
320 May but we may want to wait a little to see what construction costs are.

321
322 Mayor Romney – Working on budgets for South Davis Fire board. Trying to figure out
323 options for the Rec center. They are basically closed so trying to get some maintenance
324 work done during this slow time. Continue to look for ways to open things up to get things
325 going with economy but important to do it as we promote social distancing with neighbors.

326
327 **18. Closed Session for the purpose of Discussing Items Allowed Pursuant to UCA § 52-4-**
328 **205.**

329
330 No closed session was held.

331
332 **19. Adjourn.**

333
334 **MOTION:** *James Ahlstrom made a Motion to adjourn the meeting at 9:28 pm. Rod*
335 *Wood seconded the Motion which PASSED by a unanimous vote of all members present.*

336
337 -----
338
339
340 This document constitutes the official minutes for the West Bountiful City Council meeting held
341 on Tuesday, April 21, 2020, and approved May 19, 2020 by a unanimous vote of all members
342 present.

343
344
345
346

Cathy Brightwell (City Recorder)

PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held **Tuesday, May 5, 2020**, at West Bountiful City Hall, 550 N 800 West, West Bountiful, Davis County, Utah. This meeting was held electronically via Zoom.

Those in attendance:

MEMBERS: Mayor Ken Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece and Rod Wood

STAFF: Duane Huffman-City Administrator, Steve Doxey-City Attorney, Todd Hixson-Police Chief, Steve Maughan-Public Works Director, Josh Virostko-Golf Course Superintendent, Dallas Green-Golf Pro, and Cathy Brightwell-Recorder

VISITORS: Alan Malan, Jason Meservy, Dennis Vest, William Goldberg

Mayor Romney called the regular meeting to order at 7:34 pm. Kelly Enquist offered a Thought.

1. Approve Agenda

MOTION: *James Bruhn made a Motion to approve the agenda as proposed. Mark Preece seconded the Motion which PASSED by a unanimous vote of all members present.*

2. Public Comment – None

3. Presentation of Tentative Fiscal Year 2020-2021 Budget.

Duane Huffman presented the tentative fiscal year 2021 Budget. He explained that there is no way to know what revenues will look like next year except that sales tax will decline and there will be a significant and unknown disruption in operating revenues. March numbers will be out next week and will provide a look at what happened but will not give us much of an idea what will happen in the future.

In preparing the tentative budget proposal the following base assumptions were used

- Make best long-term choices, e.g., maintenance, etc.
- Defer short-term expenditures.
- Capital needs are a priority.

General Fund Summary

- Beginning balance is \$1,061,400.
- Sales taxes decline could be between 10% - 40% - the tentative budget used 25%.
- FY 2021 Tentative ending balance is \$1,000,500 - the \$60k shortfall is manageable.

Full-time employees

- Keep engineer base salary but hold off hiring for a while.
- Pay scale and step increases. No pay scale inflation increase is built into the Tentative budget. It does include step increases in the budget but Duane proposes

considering not implementing increases until January 2021 when we have a better idea of what is going on. \$22,000 in General Fund

- Includes a health insurance increase of 5.8%.
- Public safety contribution to Tier II of 2.27% - \$6700
- Training budgets have been significantly reduced.
- Fire Contract reduction - \$4,000
- Police – defer vehicle upgrades and operational deferrals. If revenues increase, will recommend putting it back.
- Street
 - o Use class C for maintenance
 - o Seal coat - \$110k placeholder
 - o Loader program - continue purchase with guarantee buyback.
 - o Sidewalks – currently have \$15k for maintenance and up to may be able to expand to \$50k to fill in gaps and add several other streets. A lot of sidewalk repair will include resident tree removal.
 - o Porter Lane (640 w – 800 w) has already be delayed due to 800 W. There is a placeholder in the tentative budget for a FY 21 project.
- Parks/RAP – will defer what we can. Sand for volleyball has been reduced. Will use RAP for park equipment, park top dressing, school pickleball and some golf projects. (\$200k)
- Water –
 - o Well house, pump, lines, etc.
 - o Water rates sunset at end of June. Recommend postponing sunset to January 1, 2021.
- Golf – Operations have tightened. Do not expect contribution from General Fund.
 - o Proposed projects (\$31k) could come from RAP and include: Garbage can fencing in parking lot for cans and dumpster, range picker needs new front end, tee renovation - 2 tees, and utility maintenance vehicle. Still plan to do cart staging area expansion as planned for this year but has been postponed.

There was discussion about whether there is a need to include additional COVID costs. Duane said parks department and golf course have already included some cleaning supplies but will need to keep an eye on it.

There does not appear to be a reason to go through truth and taxation to get an extension on the timing of the adoption of the final budget. Will hold a public hearing on June 2 with final adoption planned for June 16. Given the current situation, should expect more amendments than normal.

MOTION: *James Ahlstrom made a Motion to tentatively approve the fiscal year 2021 budget and set a public hearing for June 2nd, 2020. James Bruhn seconded the Motion which PASSED by a unanimous vote of all members present.*

4. Independence Day Celebration – Planning Discussion

Duane Huffman said it is hard to know what things will look like in July but unlikely to have large groups at the Park. We are looking for options to hold the annual fireworks display.

Considering holding it at the golf course and going higher and larger charges than normal so they can be seen by more people. Holly has agreed to increase funding for their contribution.

Still running into challenges with the parade. Arts Council has announced it has been canceled. If they want to do something different, it can be done at a later time. Ideas include driving around the city like our Christmas on Onion Street event, holding a bike parade, etc. We believe we can create some kind of community celebration.

5. Public Works/Engineering Report. (Steve Maughan)

- 800 West update – road has been excavated twenty-five inches deep beginning at Pages Lane down to 1400 North and new road will be built. They are moving quickly and may overrun the water guys. Weber waterline broke today when the thrust block blew off, then contractors hit the gas line this afternoon – but all in all things are going well. Excavation should be complete to 1000 N in about two weeks then will complete concrete curbing and finish work the first week of June. With school out, there are additional crews working at south end.
- Concrete - Ovation concrete repair has been completed. We are working on trip hazards around the city including replacing some sidewalk at Alice Acres.
- Atwater Estates is finishing up sidewalks.
- 1450 W/Millbridge was cleaned up and paved; it looks good.
- Our Parks guys are taking on a lot of work themselves, including sprinklers, moving wiring/timers by trail and other things we have paid to have someone do it the past.

6. Administrative Report. (Duane Huffman)

- COVID - Have worked through the transition from high to moderate risk and now carefully thinking about what can change when transitioning from moderate to low. Should in-person council meetings be resumed? How should seating in chambers be handled? Volleyball and basketball courts have already opened although we have received reports of groups so may need to reassess. By and large, people are being responsible. There are no new cases in West Bountiful and Davis County looks good.
- Woods Cross general plan updates are on city council agenda tonight. Contacted city manager to discuss. He said the reason it was on the agenda was so the city council could consider sending it back to planning commission for additional consideration.
- Ace Disposal confirmed the proposed recycle rates will not change during the new three-year contract extension.
- Recommend a closed session to discuss reasonably imminent litigation and sale or purchase of real property.

7. Mayor/Council Reports.

Kelly Enquist – no report.

James Bruhn – Will attend a Wasatch Integrated meeting tomorrow. The new recycle facility is moving forward; it is expected to open mid-summer.

He has received complaints about Atwater Estates regarding noise, mud, and some people are not happy that the subdivision is completely made up of rental units.

James Ahlstrom – While at the Commons recently, noticed the center fountain area is a mess. The water does not flow, lots of garbage on the ground, and no lighting. Duane will raise the issue with property owner.

Has spent some time golfing recently. Lakeside is amazing and very busy.

Mark Preece – After struggling for several months to try to fix the problem, North Salt Lake cited the south sewer plant for odors affecting the community. Not sure if there will be fines.

He also has spent some time at Lakeside and it looks nice.

Rod Wood – Thanked Steve Maughan for doing a great job on 800 West.

Mayor Romney – COVID-19 – Davis County is looking really good with the number of cases declining for the past four weeks. He suggested people go on the Department of Health website to see a map of where cases are, and to review historical and 14-day statistics. Davis County's great numbers differentiate us from the rest of Utah.

8. Closed Session for the purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.

MOTION: *James Bruhn made a Motion to go into closed session to discuss reasonably imminent litigation and purchase or sale of real property. The regular meeting will be adjourned upon the conclusion of the closed session. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Rod Wood – Aye
Kelly Enquist – Aye	

9. Adjourn.

See above.

This document constitutes the official minutes of the West Bountiful City Council meeting held on Tuesday, May 5, 2020, and approved May 19, 2020, by a unanimous vote of all members present.

Cathy Brightwell (City Recorder)