

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
Kris Nilsen

Public Works Director
Steve Maughan

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 17, 2020

Meeting will be held ONLY electronically via Zoom (see info below)

Mayor Romney has determined that due to the COVID-19 pandemic and the physical distancing needed to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present. That risk can be substantially mitigated by holding City Council meetings through electronic means that allow for public participation without an anchor location. A copy of the Mayor's determination and order is available at www.wbcity.org

AGENDA: Invocation/Thought – James Ahlstrom; Pledge of Allegiance – James Bruhn

1. Approve Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Public Hearing – Vacate/Reduce Public Utility/Drainage Easements for the Gillett's at 759 W 1450 N.
4. Ordinance 436-20, Vacate/Reduce South & West Public Utility Easements at 759 W 1450 North.
5. Public Hearing – Vacate Public Utility/Drainage Easement for MVE-239 Subdivision - CANCELED.
6. Plat Amendment for MVE-239 Subdivision at 2015 N 1000 West.
7. Award 2020 Pickle Ball Project to Parkin Tennis Courts for up to \$206,866.00.
8. Resolution 486-20 Authorizing the Mayor to Execute a Quit Claim Deed Accepting Land at 400 N Water Tank.
9. 2020 Moderate Income Housing Report.
10. Resolution 487-20 Recommending Re-Appointment of Mark Preece to South Davis Sewer District Board.
11. Minutes from November 3, 2020.
12. Staff Reports – Police, Public Works, Community Development/Engineering, Administration
13. Mayor/Council Reports.
14. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
15. Adjourn.

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 November 13, 2020.

Join Zoom Meeting:

<https://us02web.zoom.us/j/87200552762>

Meeting ID: **872 0055 2762**

One tap mobile +14086380968,,87200552762# US (San Jose) +16699006833,,87200552762# US (San Jose)

Dial by your location:

+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)

+1 408 638 0968 US (San Jose)
+1 301 715 8592 US (Germantown)

+1 669 900 6833 US (San Jose)
+1 312 626 6799 US (Chicago)

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

NOTICE OF PUBLIC HEARING

West Bountiful City Council will hold a public hearing on Tuesday, November 17, 2020 at 7:30 pm, or as soon as agenda permits. The hearing will be held electronically via Zoom; participation details will be available on the home page calendar at www.WBCity.org on November 13.

The purpose of the hearing is to receive public comment regarding changes to the south and west public utility and drainage easements on the property located at 759 W 1450 North. The south portion of the west easement is proposed to be reduced from 7 ft. to 3 ft., and the south easement reduced from 10 ft. to 6 ft. (see Exhibit A).

All interested parties are invited to participate in the hearing. Written comments or questions may be submitted to Recorder@wbcity.org prior to the meeting.

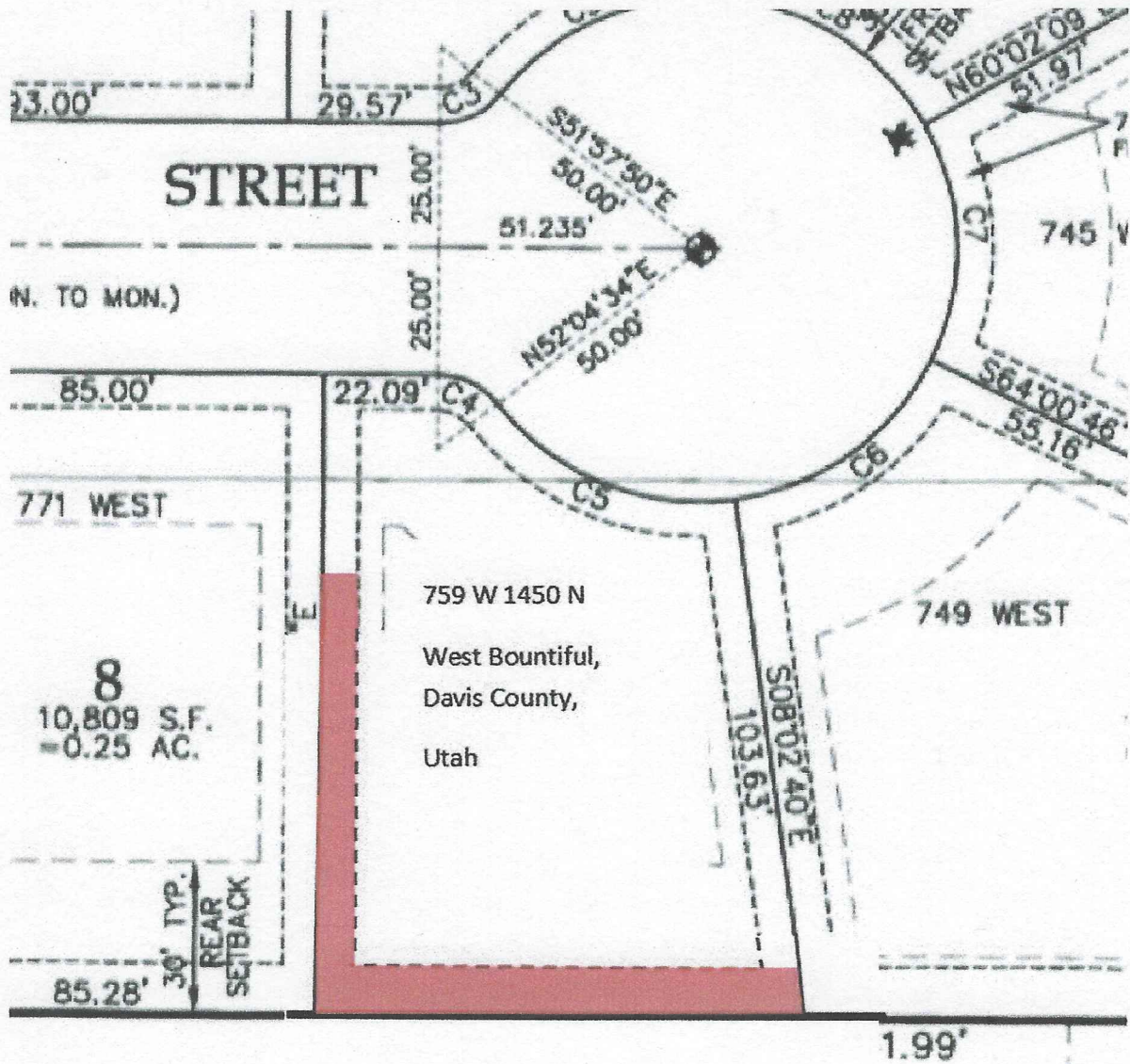
Cathy Brightwell
City Recorder

Gillett

Property Description

LOT: 062650007

759 W 1450 N
West Bountiful, Davis County, Utah



- South Easement - 10' → 6'
- West Easement - 7' → 3'

EXHIBIT A



MEMORANDUM

TO: Mayor and City Council

DATE: November 13, 2020

FROM: Cathy Brightwell, Kris Nilsen, Steve Maughan

RE: Request to Modify the West and South Public Utility/Drainage Easements for the Gillett's at 759 W 1450 North

The Gillett's wish to build a garage in the southwest corner of their property at 759 W 1450 North but there is a conflict with the public utility/drainage easements along the west and south property lines.

The process outlined in state code to vacate easements requires the city council to hold a public hearing which includes providing notice prior to the hearing in a local newspaper, to affected entities, posting on city and state websites, and posting a notice on the property.

Public notice has been completed, a hearing scheduled for November 17, 2020, and the property owner has provided copies of written confirmation from all major utility companies that they have no buried utilities in the easements and do not object to the requested change.

Staff has reviewed the request and does not object to the reduction of the south portion of the west easement from 7 ft. to 3 ft., and reduction of the rear (south) easement from 10 ft. to 6 ft. as shown in the attached Exhibit A.

Reducing the south drainage easement will require moving the existing rear yard drain to the south side of the easement. Steve Maughan and Kris Nilsen have met with Mr. Gillett who is a licensed plumber and are satisfied that he understands what is required and has the experience and ability to complete the project.

Staff does not foresee any negative impacts to the city by allowing the requested changes and recommends that Ordinance 436-20 be adopted.

WEST BOUNTIFUL CITY

ORDINANCE #436-20

AN ORDINANCE AUTHORIZING THE CITY MAYOR TO EXECUTE THE VACATION/REDUCTION OF THE SOUTH AND WEST PUBLIC UTILITY AND DRAINAGE EASEMENTS AT 759 W 1450 NORTH

WHEREAS, West Bountiful City has been petitioned by the owners of the above-mentioned property to reduce the south portion of the west easement from 7 feet to 3 feet, and to reduce the rear (south) easement from 10 feet to 6 feet so a garage can be built on the property; and

WHEREAS, public notice was published on November 7, 2020 in the Salt Lake Tribune, Deseret News and UtahLegals.com, letters sent to affected entities, notice posted on state and city websites and on the property; and

WHEREAS, releases have been received from all major public utility agencies; and

WHEREAS, a public hearing was held by the city council on November 17, 2020 to receive public comment concerning the change in easements.

NOW THEREFORE, BE IT ORDAINED by the City Council of West Bountiful City as follows:

The West Bountiful City Council, having heard all arguments for and against the reduction of the public utility and drainage easements, approves the requested release and hereby authorizes the City Mayor to execute the RELEASE OF EASEMENT for the property located at 759 W 1450 North.

This ordinance shall become effective upon signing and posting.

ADOPTED this 17th day of November 2020.

Kenneth Romney, Mayor

<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	_____	_____

ATTEST:

Cathy Brightwell, Recorder

When Recorded Return to:
West Bountiful City
550 North 800 West
West Bountiful, UT 84087

RELEASE OF PUBLIC UTILITY EASEMENT AGREEMENT
759 W 1450 North
Tax ID: 06-265-0007

THIS RELEASE OF PUBLIC UTILITY EASEMENT AGREEMENT ("**Agreement**") is entered into effective November 17, 2020 (the "**Effective Date**"), between WEST BOUNTIFUL CITY, a Utah municipal corporation (the "**City**"), and Carson and Brooke Gillett (collectively, "**Owner**").

Owner owns certain real property located at 759 West 1450 North, West Bountiful City, Davis County, State of Utah, which is more particularly described in the attached **Exhibit A** (the "**Property**"). The Property is subject to public utility/drainage easements as described in the attached **Exhibit B** (the "**Easement**"). At Owner's request, the City has adopted Ordinance #436-20 authorizing the City to release its interest in the Easements, conditioned upon Owner's agreement to indemnify the City in accordance with the terms of this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. RELEASE OF EASEMENT. The City disclaims, relinquishes, and releases any right, title, or interest it may have in and to the Easement, conditioned on the performance of Owner's obligations under this Agreement.

2. OWNER'S ACKNOWLEDGMENTS. Owner acknowledges that certain public utilities may have interests in the Easements, and that the City's release of the Easement does not automatically extinguish those interests. Owner is solely responsible for the use of that portion of the Property which was subservient to the Easement, as depicted and described in **Exhibit B** (the "**Easement Property**"), and will use the Easement Property at Owner's own risk.

3. RELEASE AND INDEMNIFICATION. To the fullest extent allowed under applicable law, Owner hereby releases, and agrees to indemnify, defend, and hold harmless the City and its officers, agents, employees, successors, and assigns from and against all liabilities, claims, damages, losses, suits, judgments, causes of action, costs, and expenses (including reasonable attorney and expert fees), arising out of: (a) Owner's breach of this Agreement; (b) Owner's use of the Easement Property; or (c) any act or occurrence on the Easement Property. With respect to Owner's agreement to defend the City, the City will have the option of either providing for its own defense, or requiring Owner to undertake the defense of the City, either of which will be at Owner's sole cost and expense.

4. DISCLAIMER OF WARRANTIES. The City makes no representations or warranties as to the availability of the Easement Property for any use intended by Owner, except to the extent of the release of the City's interest in the Easement. The City will not be responsible for any injury to persons or property as a result of the design, installation, use, maintenance, or possession of improvements on the Easement Property.

5. MISCELLANEOUS.

a. Covenants Run with the Land. The covenants contained in this Agreement are covenants with respect to real property and will run with the land. Such covenants will be binding upon Owner's successors, assigns, agents, and legal representatives in the ownership or development of the Property. Owner, at Owner's expense, will record this Agreement or a memorandum of this Agreement with the Davis County Recorder.

b. Severability. The provisions of this Agreement are severable, and the invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of the remaining provisions.

c. Entire Agreement; Modification; Waiver. This Agreement constitutes the entire agreement and understanding of the parties with respect to its subject matter, and supersedes all previous or contemporaneous representations or agreements of the parties in that regard. No modification of this Agreement will be valid or binding unless made in writing and signed by both parties. Any waiver of any provision of this Agreement must be in writing and must be signed by the party waiving the provision.

d. No Third-party Beneficiaries. This Agreement is made for the exclusive benefit of the parties and their respective officers, employees, agents, attorneys, successors, heirs, and assigns. No other person or entity will have any interest under this Agreement or be classified as a third-party beneficiary.

e. Enforcement. In the event any party is required to bring a legal action to enforce the terms of this Agreement, the prevailing party in such action will be entitled to recover the party's costs and reasonable attorney fees.

IN WITNESS WHEREOF, the parties execute this Agreement as of the Effective Date.

THE CITY:

WEST BOUNTIFUL CITY

Kenneth Romney, Mayor

Attest:

Cathy Brightwell, City Recorder

ACKNOWLEDGMENTS

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On _____, 2020, Kenneth Romney appeared before me and, being by me duly sworn, did acknowledge that he is the Mayor of West Bountiful City, and that he executed the foregoing instrument as a duly authorized representative of the City.

Notary Public

OWNER:

Brooke Gillett

Carson Gillett

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On _____, 2020, Brooke Gillett and Carson Gillett appeared before me and, being duly sworn, did acknowledge that they are the owners of the Property referred to in the foregoing instrument and that they executed the foregoing instrument as the Owners' duly authorized representative.

Notary Public

EXHIBIT A
(Legal Description of the Property)

PARCEL ID #06-265-0007

ALL OF LOT 7, KNIGHTON COURT CONTAINING 0.23000 ACRES

EXHIBIT B
(Legal Description of the Easements)

BEING A PORTION OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF 800 WEST STREET AND THE SOUTHERLY LINE OF 1600 NORTH STREET (PAGES LANE); THENCE SOUTH 00°12'40" WEST, ALONG THE EASTERLY LINE OF 800 WEST STREET, 573.68 FEET, SAID POINT ALSO GIVEN AS NORTH 89°57'15" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13 TO THE EASTERLY LINE OF SAID 800 WEST STREET AND NORTH 00°12'40" EAST, ALONG SAID EASTERLY LINE, 1737.64 (REC) FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 13; THENCE SOUTH 89°56'38" EAST, 110.00 FEET; THENCE SOUTH 00°12'40" WEST, 105.93 FEET; THENCE SOUTH 89°53'10" EAST, 85.28 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°03'22" EAST, ALONG THE WESTERLY LINE OF LOT 7 OF KNIGHTON SUBDIVISION, 10 FEET, THENCE SOUTH 89°53'10" EAST, 93.55 FEET, THENCE SOUTH 08°02'40" EAST, 10.10 FEET, THENCE NORTH 89°53'10" WEST, 94.97 FEET TO THE POINT OF BEGINNING. INTENDING TO VACATE AN EASEMENT 10 FEET IN WIDTH NORTHERLY FROM THE SOUTHERLY LINE OF LOT 7, KNIGHTON SUBDIVISION, AS RECORDED IN THE DAVIS COUNTY RECORDERS OFFICE.

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

NOTICE OF PUBLIC HEARING

West Bountiful City Council will hold a public hearing on Tuesday, November 17, 2020 at 7:30 pm, or as soon as agenda permits. The hearing will be held electronically via Zoom; participation details will be available on the home page calendar at www.WBCity.org on November 13.

The purpose of the hearing is to receive public comment regarding a request to vacate the public utility/drainage easement at 2015 N 1000 W, highlighted on Exhibit A, as part of the MVE-239 plat amendment.

All interested parties are invited to participate in the hearing. Written comments or questions may be submitted to Recorder@wbcity.org prior to the meeting.

Cathy Brightwell
City Recorder



MEMORANDUM

TO: Mayor and City Council

DATE: November 13, 2020

FROM: Cathy Brightwell, Kris Nilsen

RE: Mtn View Estates (MVE-239) Plat Amendment

Summary

Day Lay One, LLC, and DEV Group, LLC, the owners of Lot 139 in Mountain View Estates and the old Lot 36 in Kinross Estates, have requested to combine plat boundaries to form a new property designated as MVE-239. 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.

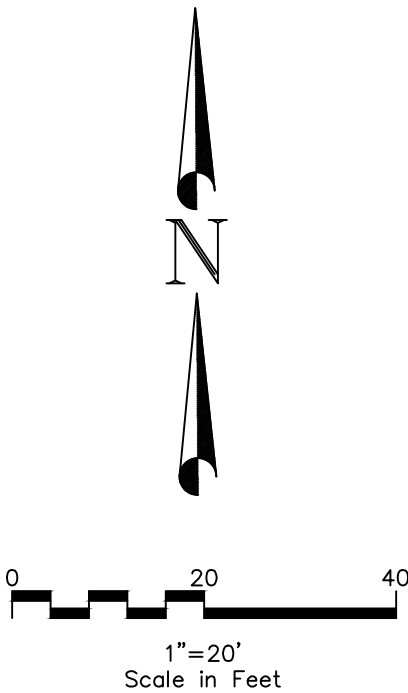
Analysis and Proposed Changes

1. No new lots are created with this amendment; instead, 2 lots are combined into 1 lot.
2. The remaining lot meets the minimum requirements for the R-1-22 zone at .80 acres.
3. The existing 150-foot overhead power easement and 50-foot overhead power easement for Rocky Mountain Power are unaffected.
4. The public utility/drainage easement between the two existing lots will remain as a 24" storm drain runs through the property.

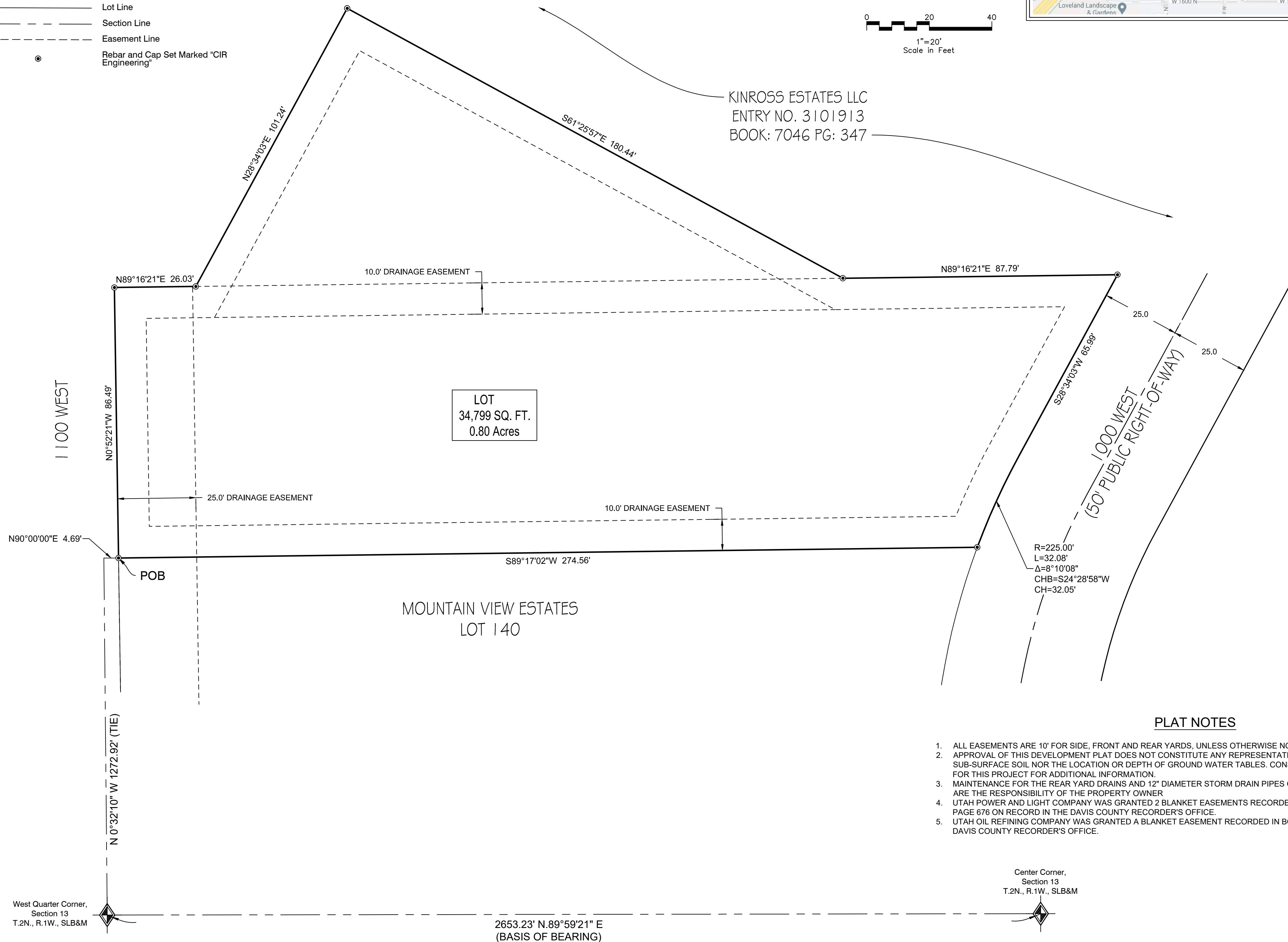
Recommendation

Staff is recommending approval of the MVE-239 Plat as presented.

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13
TOWNSHIP 2 NORTH, RANGE 1 WEST SALT LAKE BASE & MERIDIAN
WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH



	Boundary Line
	Adjacent Parcel Line
	Road Right-of-Way
	Road Centerline
	Lot Line
	Section Line
	Easement Line
	Rebar and Cap Set Marked "CIR" Engineering"



1. ALL EASEMENTS ARE 10' FOR SIDE, FRONT AND REAR YARDS, UNLESS OTHERWISE NOTED.

2. APPROVAL OF THIS DEVELOPMENT PLAN DOES NOT CONSTITUTE ANY REPRESENTATION AS TO THE ADEQUACY OF THE SUB-SURFACE SOIL NOR THE LOCATION OR DEPTH OF GROUND WATER TABLES. CONSULT THE GEO-TECHNICAL STUDY FOR THIS PROJECT FOR ADDITIONAL INFORMATION.

3. MAINTENANCE FOR THE REAR YARD DRAINS AND 12" DIAMETER STORM DRAIN PIPES OR SMALLER ON PRIVATE PROPERTY ARE THE RESPONSIBILITY OF THE PROPERTY OWNER

4. UTAH POWER AND LIGHT COMPANY WAS GRANTED 2 BLANKET EASEMENTS RECORDED IN BOOK D, PAGE 530 & BOOK 402, PAGE 676 ON RECORD IN THE DAVIS COUNTY RECORDER'S OFFICE.

5. UTAH REFINING COMPANY WAS GRANTED A BLANKET EASEMENT RECORDED IN BOOK O, PAGE 476 ON RECORD IN THE DAVIS COUNTY RECORDER'S OFFICE.

Center Corner,
Section 13
T.2N., R.1W., SLB&M

SHEET

1

APPROVAL BY THE CITY ENGINEER ON THIS
DAY OF A.D. 20

WEST BOUNTIFUL CITY ENGINEER

APPROVED BY THE PLANNING DIRECTOR ON THIS
DAY OF A.D. 20

PLANNING COMMISSION CHAIRMAN

APPROVED THIS _____ DAY OF _____ A.D. 20____

CITY ATTORNEY



3032 SOUTH 1030 WEST, SUITE 202 SL,
Utah 84119 - 801-949-6296

I, GARY CHRISTENSEN, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 5152617 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described herein, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as MOUNTAIN VIEW ESTATES LOT 139 AMENDED and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

A Parcel of land located in the West Quarter of Section 13, Township 2 North, Range 1 West, Salt Lake Base and Meridian in Davis County, The boundary of said Parcel of land is described as follows:

Beginning at a North 0°32'10" West, along the Quarter Section Line between the West Quarter Corner and Northwest Quarter Corner 1272.92 Feet and EAST 4.69 Feet from the West Quarter Corner of Section 13 Township 2 North, Range 1 West, Salt Lake Base and Meridian, said point being the POINT OF BEGINNING; thence N.05°52'21" W. 66.49 feet; thence S.89°16'21" E. 26.03 feet; thence N.28°34'03" E. 101.24 feet; thence S.61°25'57" E. 180.44 feet; thence N.89°16'21" E. 87.79 feet; thence S.28°34'03" E. 65.99 feet; thence southeasterly 32.08 feet along the arc of a 225.00 foot non-tangent radius curve to the left, having a central angle of 08°10'08"; (chord bears S.24°28'58" W. 32.05 feet); thence S.89°17'02" W. 274.56 feet to the POINT OF BEGINNING.

Containing 34799.25 square feet or 0.80 acres, more or less.

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCELS, AND STREETS, TOGETHER WITH EASEMENTS AND RIGHTS-OF-WAY, TO BE HEREAFTER KNOWN AS:

AND TO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC AND CITY ALL PARCELS, LOTS, STREETS, EASEMENTS, RIGHTS-OF-WAY, AND PUBLIC AMENITIES SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC OR CITY USE. THE OWNER(S) AND ALL AGENTS, SUCCESSORS, AND ASSIGNS VOLUNTARILY DEFEND, INDEMNIFY, AND SAVE HARMLESS THE CITY AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCE ON A DEDICATED STREET, EASEMENT, OR RIGHT-OF-WAY WHICH WILL INTERFERE WITH THE CITY'S USE, MAINTENANCE AND OPERATION OF THE STREET OR UTILITIES. THE OWNER(S) AND ALL AGENTS, SUCCESSORS, AND ASSIGNS ASSUME ALL LIABILITY WITH RESPECT TO THE CREATION OF THIS SUBDIVISION, THE ALTERATION OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION, AND THE DEVELOPMENT ACTIVITY WITHIN THIS SUBDIVISION BY THE OWNERS AND ALL AGENTS, SUCCESSORS, AND ASSIGNS.

IN WITNESS WHEREOF I HAVE SET FORTH MY HAND THIS _____ DAY OF _____, A.D. 20__.

SIGNATURE

PRINT NAME & TITLE

SIGNATURE

PRINT NAME & TITLE

STATE OF UTAH } S.S.
COUNTY OF UTAH }

ON THIS _____ DAY OF _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME _____, WHO BEING BY ME DULY SWORN, DID PROVE TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THEIR PERSON(S) ACTED, EXECUTED THIS PLAT WITH FULL AUTHORITY OF THE OWNER(S).

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF UTAH THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC FULL NAME: _____

COMMISSION NUMBER:

MY COMMISSION EXPIRES

A NOTARY PUBLIC COMMISSIONED IN UTAH

THE CITY OF WEST BOUNTIFUL, DAVIS COUNTY, STATE OF UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS MOUNTAIN VIEW ESTATES LOT 139 AMENDED, AN AMENDED PLAT.

THIS _____ DAY OF _____, A.D. 20_____.

APPROVED _____ ATTEST _____
MAYOR CITY RECORDER (SEE SEAL BELOW)

SURVEYOR'S SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL
-----------------	--------------------	---------------------



CITY ENGINEER SEAL

CLERK-RECORDER SEAL



MEMORANDUM

TO: Mayor and City Council

DATE: November 13, 2020

FROM: Kris Nilsen, City Engineer

RE: Pickle Ball Courts Contract Award

This memo introduces the results of the recently bid pickle ball courts project for the council's consideration of an award to Parkin Tennis Courts for up to \$206,866.00. This memo provides (1) background on the project, (2), design, (3) results of the bids, (4) discussion of bid, (5) the proposed schedule going forward, (6) City Engineer recommendation.

1. Background

In conjunction with the rebuild of the West Bountiful Elementary School, West Bountiful City worked with the Davis School District to arrange and design available city land for pickle ball courts just to the south of the City Hall building and in front of the new school. It was agreed that West Bountiful City will pay for the court construction and that Davis County School District will pay for the landscaping around the pickle ball court project.

As to available funding, not inclusive of this project, staff currently estimates that the RAP fund will end the current fiscal year with \$650,000 in available funds and the Parks Impact Fee Fund will end the current fiscal year with \$100,000.

2. Design

The project was designed and bid under two schedules:

Schedule A consists of:

1. Complete court construction including concrete pad, colored surface, nets, fencing striping and shade/bench structures.
2. Conduit ONLY place under the court surface and court area for court lighting.
3. Award includes a design review of the 85% complete pickle ball court design, make any changes to design and go to the build stage.

Schedule B consists of:

1. Complete Court lights including light pole, pole bases, LED lights, conduit, junction boxes, wire, etc.
2. Connection to adjacent site (City Office) for electrical power source, panel work, conduit, junction boxes, wire, etc.
3. Award includes a Design Build of the connection to electrical power source. Upon approving a design and fee for this improvement the city will enter into a contract for this additional cost.

3. Contractor Bids

After the city advertised and solicited proposals, two sealed bids were received. The number of bids was consistent with staff's understanding of available contractors in the area.

	Parkin Tennis Courts	Renner
Schedule A	\$162,000.00.00	\$197,405.74
Schedule B	\$44,866	\$64,513.00
Total	\$206,866.00	\$261,918.74

4. Bid Discussion

Schedule A cost difference between the two bidders is \$35,405.74.

Schedule A included a line item number 14 for optional shade bench structures.

If this item is removed from the bid totals the total difference between the two bidders for schedule A reduces to \$8,388.74 (or approximately 5% difference).

Schedule B cost difference is \$19,647.00

Schedule B Cost difference could be attributed to:

- Schedule availability, low bidder has space in early spring schedule for this project.
- Company location relevant to project site, low bidder office is in North Salt Lake.
- Electrical services contracted/out-sourced, Low bidder self performs much of electrical work.

Both bids included and provided references and qualifications for similar projects (size and cost) local here in Utah. Staff has worked with both bidders on prior.

Both bids are complete and provided 5% bid bond (with power of attorney), signature and qualifications.

5. Schedule

Award Schedule A: Begin project construction in early spring of 2021 when weather permits.

Award Schedule B: Begin design Build of connection to Electrical Power Source; Enter into contract for additional amount for connection to electrical power source (est. \$10,000 or less); Begin project construction in early spring of 2021 when weather permits

6. City Engineer Recommendation of bid Award

Provided that the city council continues to view the courts as a valuable public amenity, I recommend to award both Schedule A and Schedule B to the lowest responsible bidder, Parkin Tennis Courts for a total amount of \$206,866.00

Bid Rank Low Responsible Bidder	West Bountiful City Pickle Ball Project						
	Bid Results Open November 12, 2020 10:00 AM	SCHEDULE A	SCHEDULE B	TOTAL (BOTH A AND B)			
	Bidder	Pickle Ball Courts	Pickle Ball Court Lights	Pickle Ball Court Lights	Bid Bond Power of Attorney	Bidder Signature	Bidder Qualifications
1	Parkin Tennis Courts	\$162,000.00	\$44,866.00	\$206,866.00	YES	YES	YES
2	Renner	\$197,405.74	\$64,513.00	\$261,918.74	YES	YES	YES

SCHEDULE A

				Parkin Parkin		Renner Renner		Delta Delta	
Item	Description	QTY	Unit of Measure	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Mobilization & Demobilization	1	LS	\$6,667.00	\$6,667.00	\$4,650.00	\$4,650.00	(\$2,017.00)	(\$2,017.00)
2	Electrical Design/Court Design Meeting	12	HR	\$100.00	\$1,200.00	\$82.00	\$984.00	(\$18.00)	(\$216.00)
3	Excavation (approximatly 4" to 6" depth)	300	CY	\$12.00	\$3,600.00	\$5.00	\$1,500.00	(\$7.00)	(\$2,100.00)
4	Haul Material off Site and Dospose of	225	CY	\$12.00	\$2,700.00	\$13.00	\$2,925.00	\$1.00	\$225.00
5	Site Grading & Surface Preparation	16,110	SF	\$0.10	\$1,611.00	\$0.13	\$2,094.30	\$0.03	\$483.30
6	Pickleball Court Construction (Court Construction: post tension concrete, colored surface, vapor barior, nets, fencing, striping etc.) (two 64'x68' pads)	8,704	SF	\$11.00	\$95,744.00	\$12.22	\$106,362.88	\$1.22	\$10,618.88
7	6" Concrete Flatwork (Reinforced)	2,730	SF	\$7.00	\$19,110.00	\$7.62	\$20,802.60	\$0.62	\$1,692.60
8	6" Concrete Flatwork (NON Reinforced)	532	SF	\$6.50	\$3,458.00	\$6.78	\$3,606.96	\$0.28	\$148.96
9	6" Minumum Base Course (under courts, flatwork and sidewalk)	130	TON	\$30.00	\$3,900.00	\$27.50	\$3,575.00	(\$2.50)	(\$325.00)
10	2" PVC Electrical Conduit (for future court lighting)	410	LF	\$10.00	\$4,100.00	\$9.00	\$3,690.00	(\$1.00)	(\$410.00)
11	Electrical Junction Box (for future court lighting)	6	EA	\$100.00	\$600.00	\$225.00	\$1,350.00	\$125.00	\$750.00
12	Remove Concrete (hard surface)	200	SF	\$5.00	\$1,000.00	\$5.71	\$1,142.00	\$0.71	\$142.00
13	Landscape Restoration	1,000	SF	\$3.00	\$3,000.00	\$2.00	\$2,000.00	(\$1.00)	(\$1,000.00)
14	Sunshade Shelter and Benches	3	EA	\$5,000.00	\$15,000.00	\$14,009.00	\$42,027.00	\$9,009.00	\$27,027.00
15	Signs	3	EA	\$100.00	\$300.00	\$232.00	\$696.00	\$132.00	\$396.00
#REF!	SCHEDULE "A" TOTAL				\$161,990.00		\$197,405.74		\$35,415.74

1	SCHEDULE "B" TOTAL				\$44,866.00		\$64,513.00		\$19,647.00
---	--------------------	--	--	--	-------------	--	-------------	--	-------------

1	PROJECT TOTAL				\$206,856.00		\$261,918.74		\$55,062.74
---	---------------	--	--	--	--------------	--	--------------	--	-------------

MEMORANDUM



TO: Mayor and City Council

DATE: November 13, 2020

FROM: Duane Huffman, City Administrator

RE: **Quit Claim Deed for 400 N Water Tank**

This memo introduces and recommends approval of a resolution authorizing a quit claim deed clarifying city ownership of land at the city's 400 N water tank.

Background

The city's water tank near 400 N is bordered on the south by Stone Creek. Based on deeds, the city has always claimed the land to the creek, and has fenced it. However, there have been conflicting property descriptions related to properties south the of the creek.

Recently, neighboring property owners Mr. and Mrs. Noakes commissioned a survey of the land. They would like to stop paying property taxes on land claimed by West Bountiful City, and have proposed to record a new quit claim deed to clean-up the issue. An image of the parcel in question is on the next page of this memo.

To prevent property owners from off-loading problematic land parcels to cities, West Bountiful must consent before a quit claim deed will be recognized

Proposed Resolution

The proposed resolution authorizes the new deed.



WEST BOUNTIFUL CITY

RESOLUTION #486-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE A QUIT CLAIM DEED ACCEPTING LAND AT 400 NORTH WATER TANK

WHEREAS, *Utah Code Ann. § 10-8-2* authorizes the City to receive real property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law; and

WHEREAS, the City and a neighboring property owner wish to clarify ownership of a parcel claimed by the City.

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful City hereby authorizes the City Mayor to execute the QUIT CLAIM DEED in exhibit A.

EFFECTIVE DATE. This resolution shall take effect immediately.

Passed and approved by the City Council of West Bountiful City this 17th day of November 2020.

Kenneth Romney, Mayor

<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	_____	_____

ATTEST:

Cathy Brightwell, Recorder

WHEN RECORDED, MAIL TO:

West Bountiful City
550 North 800 West
West Bountiful, Utah 84087

QUIT CLAIM DEED

Parcel No. 04-001-0212

CRAIG NOAKES and MARIA NOAKES,

Grantors, of Bountiful, Davis County, State of Utah, hereby QUIT CLAIM to **WEST BOUNTIFUL CITY**, a Utah municipal corporation, **Grantee**, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described tract of land in Davis County, State of Utah:

See the attached Exhibit A.

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year 2020 and thereafter.

This deed is recorded to correct the Special Warranty Deed recorded as Entry No. 3178200, Book 7320, Page 1833, in the office of the Davis County Recorder.

DATED November ____, 2020.

CRAIG NOAKES

MARIA NOAKES

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On November ____, 2020, **Craig Noakes** and **Maria Noakes** personally appeared before me and duly acknowledged to me that they signed the foregoing instrument as Grantors.

NOTARY PUBLIC

ACCEPTED AND APPROVED:

WEST BOUNTIFUL CITY

Kenneth Romney, *Mayor*

ATTEST:

Cathy Brightwell, *City Recorder*

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On November _____, 2020, **Kenneth Romney** and **Cathy Brightwell** personally appeared before me and duly acknowledged to me that they are the Mayor and City Recorder, respectively, of West Bountiful City, Grantee, and that they signed the foregoing instrument as duly authorized officers of Grantee.

NOTARY PUBLIC

EXHIBIT A

Legal Description

All property on the Northeast Side of the following described Boundary Line located in the Northwest Quarter of Section 20, Township 2 North, Range 1 East, Salt Lake Base and Meridian:

BEGINNING AT A POINT ON THE EAST BOUNDARY OF LOT 19 OF THE VILLAS AT STONE CREEK SUBDIVISION IN BOUNTIFUL CITY, DAVIS COUNTY, UTAH, WHICH POINT IS NORTH 00°07'18" EAST 106.55 FEET ALONG SAID EAST BOUNDARY OF LOT 19 FROM THE SOUTHEAST CORNER OF SAID LOT 19 AND RUNNING THENCE ALONG AN EXISTING CHAIN LINK FENCE ON THE NORTH SIDE OF THE CONCRETE LINED CHANNEL OF STONE CREEK IN THE FOLLOWING THREE COURSES: (i) SOUTH 41°22'23" EAST 144.34 FEET, (ii) SOUTH 47°54'53" EAST 13.01 FEET, (iii) SOUTH 56°20'50" EAST 14.48 FEET.

As described in Survey No. 7509 on file in the office of the Davis County Surveyor.

Also described as:

BEG AT A PT 2227.5 FT S & 1567.5 FT W & W 24.75 FT & N 214.5 FT & W 99 FT & N 106.55 FT FR NE COR OF NW 1/4 SEC 20-T2N-R1E, SLB&M; SD PT BEING THE MOST N'LY PT OF PPTY CONV IN SPECIAL WARRANTY DEED RECORDED 08/07/2019 AS E# 3178199 BK 7320 PG 1832; TH N 28.1 FT; TH SE'LY ALG THE FENCE LINE OF STONE CREEK 183.83 FT, M/L, TO W LINE OF PPTY CONV IN 76-570; TH S 20.50 FT; TH NW'LY TO THE NE COR OF PPTY DESC IN SPECIAL WARRANTY DEED RECORDED 08/07/2019 AS E# 3178201 BK 7320 PG 1834; TH ALG SD PPTY THE FOLLOWING TWO COURSES: N 56°20'50" W 14.48 FT & N 47°54'53" W 13.01 FT TO THE N'LY LINE OF PPTY CONV IN SD E# 3178199; TH ALG SD PPTY THE FOLLOWING COURSE: N 41°22'23" W 144.34 FT TO POB. CONT. 0.104 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)



State of Utah
Department of Workforce Services
Housing & Community Development

ANNUAL MODERATE-INCOME HOUSING REPORTING FORM

Under the Utah Code, Municipal legislative bodies must annually:

- Update 5-year estimates of moderate-income housing needs UCA 10-9a-408 and 17-27a-408.
- Conduct a review of the moderate-income housing element and its implementation; and
- Report the findings for updated planning to the Housing and Community Development Division (HCDD) of the Utah Department of Workforce Services and their Association of Government or Metropolitan Planning Organization no later than December 1 of each year.
- Post the report on their municipality's website.

In accordance with [UCA 10-9a-401](#) and [17-27a-401](#) municipalities that must report regularly are:

- Cities of the first, second, third, and fourth class (or have 10,000 or more residents).
- Cities of the fifth class:
 - Having an estimated population greater than or equal to 5,000 residents; **AND**
 - That are located in a county with a population greater than or equal to 31,000 residents.
- Metro Townships:
 - Having an estimated population greater than or equal to 5,000 residents;
 - Having an estimated population less than 5,000 **BUT** is located in a county with a population greater than or equal to 31,000 residents.
- Not a town with fewer than 1,000 residents.

To find out if your municipality must report annually, please visit:

<https://jobs.utah.gov/housing/affordable/moderate/reporting/>

For additional moderate-income housing planning resources:

<https://jobs.utah.gov/housing/affordable/moderate/index.html>

MUNICIPAL GOVERNMENT INFORMATION:

Municipal Government: _____

Reporting Date: _____

MUNICIPAL GOVERNMENT CONTACT INFORMATION:

Mayor's First and Last Name: _____

Mayor's Email Address: _____

PREPARER CONTACT INFORMATION:

Preparer's First and Last Name: _____

Preparer's Title: _____

Preparer's Email Address: _____

Preparer's Telephone: _____ Extension: _____

When did the municipality last adopt moderate-income housing element of their general plan?

Link to moderate-income housing element on municipality website:

[UCA 10-9a-403 \(2\)\(b\)\(iii\)](#) and [17-27a-403 \(2\)\(b\)\(ii\)](#) requires municipalities to include three or more strategies in their moderate-income housing element of their general plan. In addition to the recommendations required under [10-9a-403 \(2\)\(b\)\(iii\)](#) and [17-27a-403 \(2\)\(b\)\(ii\)](#), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in [10-9a-403 \(2\)\(b\)\(iii\)\(G\) or \(H\)](#) and [17-27a-403 \(2\)\(b\)\(ii\)\(G\) or \(H\)](#). Municipalities shall annually progress on implementing these recommendations.

STRATEGIES

***** Repeat questions 1-5 for each strategy listed in the moderate-income housing element of the general plan. Include additional strategies on a separate document. *****

1. State strategy municipality included in the moderate-income housing element of its general plan below.

2. Please state the municipality's goal(s) associated with the strategy

3. What are the specific outcomes that the strategy intends to accomplish?

4. Please describe how the municipality has monitored its annual progress toward achieving the goal(s).

5. In the boxes below, outline the following objectives associated with the goal(s) stated in item 2.
 - a. Please identify the key tasks of each stage needed to accomplish the goal(s) stated in item 2.

- b. Please identify the primary parties that are responsible for completing the key tasks of each stage identified in item 5a.

- c. Please describe the resources that the municipality must allocate to complete the key task of each stage identified in item 5a.

- d. Please state specific deadlines for completing the key tasks of each stage identified in item 5a.

- e. Which of the tasks stated in item 5a have been completed so far, and what have been their results?

- f. How is the municipality addressing results described in 5e that deviate from the desired outcomes specified in item 3? What barriers has the municipality encountered during the course of implementation of said goals?

- g. (Optional) Have you considered efforts to use a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency within your community.

PLEASE SUBMIT REQUISITE DOCUMENTATION FROM THE EVALUATION PERIOD THAT VALIDATES THE INFORMATION PROVIDED IN THIS REPORT.

Municipal legislative bodies are also required to review and submit the following:

[UCA 10-9a-408\(2\)I\(i\)](#): (data should be from validated sources, like US Census, with verified methodologies)

- A current estimate of the city's rental housing needs for the following income limits:
 - 80% of the county's adjusted median family income _____
 - 50% of the county's adjusted median family income _____
 - 30% of the county's adjusted median family income _____

UCA 10-9a-103(41)(b): (data should be from validated sources, like US Census, with verified methodologies)

- An updated projection of 5-year affordable housing needs, which includes:
 - Projected growth of households (housing demand)
 - Projected housing stock (housing supply)
 - Projected median housing costs
 - Projected median household income

To complete the annual reporting requirements above, please download the state's FIVE YEAR HOUSING PROJECTION CALCULATOR: <https://jobs.utah.gov/housing/affordable/moderate/>

Submission Guidelines:

1. Moderate-income housing review reports are due on December 1 of each year.
2. Emails must include the following items as separate attachments:
 - ☐ An updated estimate of the municipality's 5-year moderate-income housing needs
 - ☐ A findings report of the annual moderate-income housing element review
 - ☐ The most current version of the moderate-income housing element of the municipality's general plan
 - Submitted moderate-income housing elements must include their adoption date on a cover page.
3. Acceptable electronic document formats include:
 - (a) DOC or PDF
4. Emails MUST be addressed to: dfields@utah.gov.

AOG Contact Information:

Bear River AOG 170 N Main Logan, Utah 84321 Phone (435) 752-7242	Six County AOG 250 North Main Street, Richfield, Utah Phone: (435) 893-0712	Uintah Basin AOG 330 East 100 South Roosevelt, UT 84066 Phone: (435) 722-4518
Five County AOG 1070 W 1600 S Saint George, Ut 84770 Phone: (435) 673-3548	Southeastern Utah AOG 375 South Carbon Avenue Price, UT 84501 Phone: (435) 637-5444	Wasatch Front Regional Council 295 North Jimmy Doolittle Road Salt Lake City, UT 84116 Phone: (801) 363-4250
Mountainland AOG 586 E 800 N Orem, UT 84097 Phone: 801-229-3800		

A proud partner of the  **americanjobcenter** network

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities by calling 801-526-9240. Individuals who are deaf, hard of hearing, or have speech impairments may call Relay Utah by dialing 711. Spanish Relay Utah: 1-888-346-3162.

West Bountiful City Strategies	<i>1. State strategy municipality included in the moderate-income housing element of its general plan below.</i>	<i>2. Please state the municipality's goal(s) associated with the strategy</i>	<i>3. What are the specific outcomes that the strategy intends to accomplish?</i>	<i>4. Please describe how the municipality has monitored its annual progress toward achieving the goal(s).</i>	<i>5a. Please identify the key tasks of each stage needed to accomplish the goal(s) stated in item 2.</i>
Strategy E ADUs	See general reporting form				
Strategy L Preserve existing moderate income housing	Because of the strategy, the City worked closely with the Woodhaven Mobile Home Park to expand	Very affordable housing with new ownership that could disappear – City wanted to preserve it	Modification of zoning ordinance to eliminate non-conformity and allow for expansion	Continued working relationship but uncovered an access problem	Ordinance revisions
Strategy M Reduce impact fees for low and moderate income housing	Reduce Impact fees for ADUs.	Eliminate ADU impact fees	Reduce costs to homeowners to create an ADU	Impact fees were eliminated in 2019 for ADUs	NA – just an adjustment to our fee schedule
Strategy O Mortgage assistance for employees	City is researching options to create an employee down payment assistance program	Create an employee housing assistance program	Promote home ownership by assisting employees with their down payments	Still studying options	Financial implications for the City. Precedent setting concerns. Researching options

Table continued

West Bountiful City Strategies	<i>5b. Please identify the primary parties that are responsible for completing the key tasks of each stage identified in item 5a.</i>	<i>5c. Please describe the resources that the municipality must allocate to complete the key task of each stage identified in item 5a.</i>	<i>5d. Please state specific deadlines for completing the key tasks of each stage identified in item 5a.</i>	<i>5e. Which of the tasks stated in item 5a have been completed so far, and what have been their results?</i>	<i>5f. How is the municipality addressing results described in 5e that deviate from the desired outcomes specified in item 3? What barriers has the municipality encountered during the course of implementation of said goals?</i>
Strategy E ADUs	See general reporting form	See general reporting form	See general reporting form	See general reporting form	See general reporting form
Strategy L Preserve existing moderate income housing	Ordinance revisions – Planning Commission recommendation and City Council adoption	Internal staff function with volunteer Planning Commission and City Council	2021, but changes have been drafted	General concurrence on changes with mobile park owners	Access issue seems to not have a solution with a very long narrow parcel and only one UDOT road access
Strategy M Reduce impact fees for low and moderate income housing	Task is complete	Task is complete	Task is complete	Task is complete	NA
Strategy O Mortgage assistance for employees	City Chief Financial Officer, City Administrator	Need time to go about the research	2021	Still researching	NA



MEMORANDUM

TO: Planning Commission

DATE: November 6, 2020

FROM: Staff

RE: **Draft Updates to Accessory Dwelling Units Regulations**

In accordance with West Bountiful City's 2019 update to the housing section of the general plan, this memo introduces draft changes to the city's land use code regarding accessory dwelling units (ADUs).

Background

The housing section of the city's general plan puts an emphasis on the value of ADUs in expanding the range of housing options within the city. In listing benefits of ADU's, the general plan states: "In addition to providing affordable rental housing, they can allow first-time homeowners to gain access to homes that would otherwise be out of reach by renting out an additional unit."

SB 34 required the city to identify strategies to assist with the implementation of moderate-income housing options in the city. One of West Bountiful's strategies was to "create or allow for, and reduce regulations related to, accessory dwelling units in residential zones."

With the support of the city council, city staff recently engaged the services of contract professional planners to assist with significant land use issues, including working on the city's stated goals and completing the 2020 housing report. These planners are John Janson and Jake Young.

Draft Updates

The planners have drafted the attached suggestions to the city's ADU regulations, and they will be available at the November 10th planning commission meeting to discuss their ideas and answer questions.

In the draft comments, P stands for policy, SC for State Code, and E for editing.

City staff is also working on other associated goals such as impact fees related to ADUS.

17.82.010 Purpose

The purpose of this chapter is to establish use and development regulations for accessory dwelling units (ADUs). These regulations are adopted for the following purposes:

1. To accommodate such housing in single family residential neighborhoods, as long as it produces only minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion, ~~and compatible scale~~ and appearance of residential buildings.
2. ~~To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single family residential neighborhoods.~~ To provide an alternative housing option.
3. To establish uniform standards for ADUs.

~~ADUs are intended to be an exception to the requirement of only single family dwellings in agricultural and residential zoning districts as long as the requirements of this chapter and other provisions of this title are met.~~

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.82.020 Definition

An accessory dwelling unit, or ADU, is defined as a separate dwelling unit, within or attached to a single family dwelling that complies with the provisions of this chapter.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.82.030 Scope

The requirements of this chapter shall apply to any ADU within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, the West Bountiful Municipal Code, and other laws.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.82.040 Conditional Use

~~Any ADU shall conform to the development standards of Section 17.82.050, and shall constitute a conditional use in all residential zones subject to the approval and issuance of a conditional use permit by the Planning Commission and recording of the permit with the County Recorder.~~

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.82.050 Development Standards

The development standards set forth in this section shall apply to any ADU allowed as a conditional use.

1. Location. An ADU shall be allowed only within or attached to an owner-occupied single family dwelling. The owner of the property shall have permanent residence in the home and/or the ADU.
2. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.
3. Parking. Adequate parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code. A minimum total of four (4) off-street parking spaces shall be provided, for the

Commented [JJ1]: P - since you only allow them as an addition or within the building, seems like scale is already taken care of

Commented [JJ2]: P - I'd suggest that the statement includes a lot of slightly discriminatory statements and is somewhat contrary to the State goals to promote affordable housing...

Commented [JJ3]: P - really not true - SC suggests that they are not exceptions. They are a use that is allowed if they meet your standards.

Commented [JJ4]: P - With so many standards there may be an argument for making them a permitted use. Big change but worth considering. Also, I'd suggest you record an affidavit/agreement that the owner signs saying that they will live in the home with the County - not just the permit

home and ADU. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers. Gravel parking stalls or driveways may be allowed at the discretion of the Zoning Administrator, provided that the structure to be used as an ADU was in existence at the time of adoption of this ordinance, the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance, and the surface is sufficient to allow for access by public safety vehicles.

Commented [JJ5]: SC - those kind of "discretionary" comments really don't work with all the changes in State Law over the last 15 years.

4. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
5. Size of Accessory Dwelling Unit. An ADU shall contain a minimum of 300 square feet; provided that the dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities comply with applicable provisions of this title and the current building codes adopted by the City.
6. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building permit or other permits as the codes may require.
7. Architecture. An ADU that is added onto an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building.
8. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as their principal residence. At no time shall both the ADU and the primary single family dwelling be rented as separate units. The owner shall record a certification of the understanding that the owner needs to live in the home, ussing a form created by the City, except for business, medical, military service, or religious reasons for a time period of up to 2 years. If an absence is warranted due to the above -reasons, -an on-site manager shall be designated. The recorded document shall run with the land.
9. Findings and Impacts. Before any conditional use permit may be issued for an ADU, the Planning Commission shall make an affirmative finding that the ADU will not create any injurious impacts to surrounding neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise meets the requirements of Chapter 17.60 of this title.

Commented [JJ6]: P - it is not a separate dwelling, which implies a detached ADU. They keep their shared utilities.

Commented [JJ7]: E - seems like an odd word - suggest rephrasing to "garage doors, carports, entry doors, and porches shall not face the street"

10. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.

Commented [JJ8]: SC - this is your conditional use chapter which is out of date and does not reflect State Law - not a good reference at this point. It needs to be understood that the use is allowed in the zone, but may require mitigation of detrimental effects. However, you have provided a lot of standards, maybe there are no detrimental effects (therefore it should be a permitted use)

Formatted: Underline, Font color: Red

11. An annual business license is required for those ADU owners that derive an income exceeding _____. The annual business license renewal shall include a recertification that the owner is living in the home.

Formatted: Underline, Font color: Red

12. Fines may be imposed to assure compliance with this ordinance.

West Bountiful General Plan Update – November 19, 2019

VI. HOUSING

6.1 Background and Introduction

West Bountiful is a community made up of a mix of historic homes, middle class homes, new high-end developments, and a mobile home park. There are approximately 1610 occupied housing units for its 5700 residents located with easy access to I-15 and Legacy Parkway. Most residents commute to locations outside of the City for work and school, making West Bountiful largely a “bedroom community.” However, the City also has a strong retail component and is a regional retail destination for much of southern Davis County.

This section will address the current housing available in the City and evaluate compliance with affordable housing guidelines as set forth in Section 10-9a-403 of the Utah State Code

Vision

Residents of West Bountiful City value the rural and residential lifestyle of their community and the opportunity to remain in the City as lifetime residents. The City therefore encourages community development that provides a range of life-cycle housing and housing types.

Summary of Findings

The most recent analysis indicates that there currently exists a reasonable opportunity for individuals with moderate incomes to obtain affordable, quality housing in West Bountiful and that the City meets statutory requirements. Roughly estimated, the percentage of units affordable to moderate income households, those making 80 percent or less of Area Median Income (“AMI”) is 74 percent.

Opportunity for affordable housing comes mainly in the form of single-family dwelling units located throughout the City. Rental units are scarce, about 8% of total housing units. Due to the relatively small number of rental units, households that are unable to qualify for housing loans would have a more difficult time finding housing in West Bountiful.

Statistics in the most recent American Community Survey and current projections show that there is a variety of moderate-income housing options in West Bountiful, and this housing stock should be sufficient for the city's needs over the next five years. This stems from the city's older houses, and available affordable rental units, including a mobile home park.

6.2 Goals and Objectives

GOAL 1: Maintain the pleasing and well-kept appearance of all neighborhoods.

OBJECTIVE 1: Encourage well-maintained neighborhoods through community clean-up days, code enforcement, upkeep of vacant lots, and beautification awards and awareness.

GOAL 2: Allow housing that meets the demands of all stages of the life cycle, including starter and senior housing, where appropriate.

OBJECTIVE 1: Expand the range of existing housing available to accommodate the housing needs of a wider range of life stages which includes the development of starter and senior housing in appropriately zoned areas.

POLICY 1: A commodity is placed on ensuring that any multi-family housing and other higher-density projects occur at appropriate locations in the City, which is primarily along or near 500 South and 500 West along the shared borders with Bountiful and Woods Cross.

POLICY 2: Multi-family or townhome mixed-use development should be limited to locations that provide buffers between commercial and single-family residential areas.

POLICY 3: Continue to allow accessory dwelling units as a way to provide senior and starter housing.

6.3 Existing Conditions

The Median Income for West Bountiful based on the U.S. Census – 2012-2016 American Community Survey 5–year estimates, including benefits, is \$84,784. Moderate Income is 80% of the median or \$67,827. Based on an estimated 1610 occupied households, Table 6.1 below shows the percentage of households falling within different categories as compared to median income and moderate-income levels.

Affordability Analysis

Household Income

The average size of a household in West Bountiful is 3.59 persons; therefore, four has been used as the average family size in order to analyze the affordability of homes in the area. A family of four in West Bountiful would need to earn a minimum of \$67,827 a year in order to earn a moderate income (80 percent of the HUD median income).

Housing Affordability

Housing is considered affordable when no more than thirty percent (30%) of the gross monthly income is used to pay for housing costs including utilities. For a household making \$67,827 annually, the monthly housing costs cannot exceed \$1696 for the housing to be considered affordable. Table 6.1 identifies the percentage of households whose housing costs are less than the thirty percent income threshold. As shown in the table, seventy-four percent (74%) of the households in West Bountiful have an income equal to the moderate-income threshold whose housing costs fall within the affordability range.

TABLE 6.1 WEST BOUNTIFUL HOUSEHOLDS Median Income = \$84,784 Moderate Income = \$67,827 Occupied Housing Units = 1610				
% of Median	>30%	>50%	>80%	>100%
Income	(\$25,435)	(\$42,392)	(\$67,827)	(\$84,784)
% Households w/ Housing Costs	33%	45%	74%	75%
Source: U.S. Census – 2012-2016 American Community Survey 5-yr Estimate Moderate Income = 80% of Median Income				

Supply of Housing

The supply of residential housing in West Bountiful is identified by the price in Table 6.2. The largest proportion are owner-occupied, single family homes in a fairly even price range distribution from \$150,000 to \$500,000. There are 1282 single family homes in this price range (over 80 percent of the current stock).

Housing and Occupancy

Within West Bountiful's boundaries there were 1,610 occupied homes (2016 American Community Survey) of which 1470 are owner-occupied.

TABLE 6.2 Number of Owner-Occupied, Single-Family Homes in West Bountiful by Price Range			
From	To	# of homes	% of Total
\$ -	\$49,999.00	76	5%
\$50,000.00	\$99,999.00	11	1%
\$100,000.00	\$149,999.00	33	2%
\$150,000.00	\$199,999.00	307	21%
\$200,000.00	\$299,999.00	505	34%
\$300,000.00	\$499,999.00	470	32%
\$500,000.00	\$999,999.00	68	5%
\$1,000,000.00	+	0	0%
Total		1,470	100%

Costs of Housing

Single Family Home Market

In recent years, the housing market has been strong across most of the United States. A growing national economy is a significant contributing factor. In West Bountiful, the current housing trends include the construction of large houses on as small of property size allowable. The home size of new construction is also a reflection of the growing economy. In time of recession, there are fewer new home starts and the homes tend to be smaller than when the economy is thriving. The local housing market is also influenced by two significant factors which are increasing housing costs faster than the increasing cost of materials. An increasing population along the Wasatch Front is placing greater demands for additional housing units while available developable land continues to decrease. Also, West Bountiful's near proximity to the greater Salt Lake City metropolitan area. A regional concern is that increasing home prices are outpacing incomes which is putting pressure on housing affordability.

6.4 Tools and Implementation Strategies

The above analysis demonstrates that there is reasonable opportunity for moderate-income households to obtain quality housing in the City. The available affordable housing comes mainly in the form of single-family dwelling units, multi-family units, accessory dwelling units and mobile homes.

It is important for West Bountiful to consider a variety of housing types in the future in order to be able to meet the needs of a variety of residents, including special needs populations, elderly housing, and entry-level housing.

Special Needs

Affordable housing is an issue for persons with special needs as well as for the population at large. The lack of affordable housing, and particularly of affordable housing targeted to those at or below 50 percent of AMI, is a major cause of homelessness. Affordable housing targeted at very low-income households will be rental housing as many families with incomes at 30 to 50 percent of AMI simply cannot qualify for mortgages. Numerous Accessory Dwelling Units have been constructed to specifically address the needs of extended family members with special needs.

Elderly Housing

Many seniors prefer to live in the same community when circumstances require that they move out of their homes. At the present time, there is one community in West Bountiful that targets senior citizens.

Accessory Dwelling Units (ADUs)

Higher density brings down the cost of units by reducing the cost of land per unit. Higher density can take a variety of forms. West Bountiful has chosen to implement an accessory dwelling unit strategy over more traditional multifamily projects such as multistory apartment complexes

Accessory dwelling units (often termed “mother-in-law” apartments) have many benefits. In addition to providing affordable rental housing, they can allow first-time homeowners to gain access to homes that would otherwise be out of reach by renting out an additional unit. When homeowner’s income and/or need for more space increases, the accessory unit may no longer be needed as a rental. The homeowner can then expand into the space vacated by the former accessory unit. Accessory dwellings are a conditional use, and ordinances have been written allowing accessory units only with deed restrictions and designs that ensure these units are not easily adapted to a rental unit situation.

Impact fees have also been waived for ADUs.

Housing Resources and Programs

There are a variety of housing programs available to help maintain and increase the City’s present affordability. These programs are summarized as follows:

Preserving the Existing Stock

HOME, Investment Partnership Acts

THE HOME, Investment Partnership Acts were established to develop and support affordable rental housing and homeownership mainly through the rehabilitation of existing units rather than new construction targeting low and very low-income households. This grant program is flexible in allowing participating jurisdictions to decide the most appropriate use of money in their communities. The program requires that at least 90 percent of the rental assistance be targeted to households with incomes no higher than 60 percent of the area median. Participating jurisdictions are required to match 25 percent the federal funds used. This program is typically administered in conjunction with other non-profits. More information can be found at http://www.hud.gov/offices/cpd/affordable_housing/programs/home/index.cfm

HUD’s Title I program

“Insures loans to finance the light or moderate rehabilitation of properties... This program may be used to insure such loans for up to 20 years on either single- or multi-family properties. The maximum loan amount is \$25,000 for improving a single-family home.” More information can be found at http://www.hud.gov/offices/hsg/sfh/title/ti_home.cfm.

HUD’s 203k Rehab program

The borrower can get just one mortgage loan, at a long-term fixed (or adjustable) rate, to finance both the acquisition and the rehabilitation of a property.

To provide funds for the rehabilitation, the mortgage amount is based on the projected value of the property with the work completed, taking into account the cost of the work.

To minimize the risk to the mortgage lender, the mortgage loan (the maximum allowable amount) is eligible for endorsement by HUD as soon as the mortgage proceeds are disbursed, and a rehabilitation escrow amount is established. At this point the lender has a fully insured mortgage loan. More information can be found at <http://www.hud.gov/offices/hsg/sfh/203k/203kabou.cfm>.

Community Development Block Grant

The Community Development Block Grant (CDBG) program is a federal entitlement grant program for urban communities seeking to revitalize neighborhoods, improved community facilities, prevent and eliminate slums, aid low- and moderate-income families, and promote economic development. West Bountiful City participates with Davis County's administration of their CDBG program.

Special Needs

Utah Assistive Technology Foundation (UTAF) provides assistive devices and services, including home modifications to those who are disabled. The goal of UAFT is to assist those who are disabled in Utah to enhance their independence, education, employment and quality of life. Zions Bank provides zero interest loans for all approved UATF projects. UATF can be reached at (800) 524-5152.

Lifecare

Lifecare was established to maximize the independence of older people and people with disabilities by providing lawn care, yard clean up, and snow shoveling for County residents over the age of 60. They also coordinate a number of home repair and maintenance projects through their Volunteer Ventures program. Lifecare can be reached at (801) 978-2452.

Section 202 Loans for Housing the Elderly.

The HUD Section 202 program offers capital advances to finance the construction and the rehabilitation of structures to serve as supportive housing for very low-income elderly persons. It also provides rent subsidies to help make the projects affordable. If the project serves very low-income elderly persons for 40 or more years, the capital advance does not need to be repaid.

Davis County Aging Services

Davis County Aging Services is committed to promoting the dignity, self-determination, well-being, and contribution of older persons-both as individuals and within the context of their families and communities. We value people and respect their right to a quality of life. Davis County Aging Services will provide reasonable accommodations for customers with disabilities upon request. These services are funded in part by the Davis County Board of Commissioners and the Utah Department of Human Services. http://www.co.davis.ut.us/aging_services/default.cfm.

Home Ownership

West Bountiful will investigate implementing a mortgage assistance program for city employees, local first responders and similar public service occupations. The program can be modelled after Logan City's "Welcome Home Own in Logan" program. Logan's program is designed to encourage home ownership in Logan and is targeted to first-time homebuyers with incomes below 80 percent AMI. Assistance comes in the form of \$5,000 subsidy, which can be used to pay for down payment and/or closing costs. If the home is owner-occupied for five years, the subsidy is fully forgiven. Although not currently available, in the past, the purchaser has also received a grant of \$600 to be used for miscellaneous expenses incident to first-time homeownership.

Community Development Corporation of Utah (CDC)

Community Development Corporation of Utah (CDC) provides neighborhood homeownership for those shut out of the housing market, and market rate buyers. The Affordability Project is an innovative initiative designed to reduce the cost of homes in all phases of development and construction to serve those families that are hardest to serve- those with very low incomes and/or those with special needs. Through the Neighborhood Home Ownership program, the CDC builds new homes and rehabilitates existing housing then works with interested low-income homebuyers to help them qualify to purchase these homes. The CDC also administers federally funded loan/grant down payment assistance programs in various areas. The goal of the program is to assist eligible homebuyers to purchase single-family homes with help of down payment and closing costs assistance.

The CDC also administers a home improvement program for income eligible homeowners, whose homes are in need of repairs and need help financially to get the work done. Homeowners must simply submit an application to access this program. CDC also maintains a materials and supplies warehouse to help low-income families. All materials are donated or purchased at cost and are available to any sponsored CDC client. CDC can be contacted at (801) 994-7222. The warehouse can be contacted at (801) 487-6275.

Habitat for Humanity

Habitat for Humanity provided housing for people who are inadequately housed and who lack the resources to improve their situation through conventional means. Habitat does not charge interest on the loans, and the monthly mortgage payments are lower than standard mortgage loans. Habitat for Humanity can be contacted at (801) 463-0554.

Utah Housing Corporation ("UHC")

Utah Housing Corporation ("UHC") is a public corporation that assists in the creation of affordable housing opportunities for lower and moderate-income households across the state. UHC offers a number of loan programs for first-time and low or moderate –income homebuyers to consider when applying for a home loan. Utah Housing Corporation can be contacted at (801) 902-8200. UHC programs are as follows:

- FirstHome is a home ownership assistance program offered by the Utah Housing Corporation (UHC). First-time homeowner loans are available at below-market interest rates for qualifying applicants. The maximum purchase price may not exceed the price and income limits set by UHC.
- FirstHome Plus is another homeownership assistance program offered by the Utah Housing Corporation. The CHAMP loan offers down payment and closing cost assistance in the form of a second mortgage.
- CROWN is a lease-to-own program developed by the Utah Housing Corporation (UHC) to bring home ownership within reach of very low-income households that are willing to make a long-term commitment to the community. Cities and counties cooperate with UHC to make land available to construct homes. UHC then leases these homes to those households within the 50 to 55 percent of AMI range. CROWN creates permanent home ownership opportunities by utilizing Low Income Housing Tax Credits to construct new, affordable single-family detached or attached homes. Lease payments last until the fifteen-year tax credit period expires. At this point, residents have the option of purchasing the home at a very attractive price through a low-interests UHC mortgage loan. The qualified low-income residents who become homeowners through the CROWN program are also eligible to receive training in the areas of housekeeping, home maintenance, and basic budgeting.
- The Utah Housing Corporation also sponsors other specialized programs including the REACH and ECHO programs, both of which construct new modest homes for low and moderate-income persons.

Subsidized and Special Needs Housing Database

The Utah Department of Community Development manages the Utah Subsidized and Special Needs Housing Database, which is an easy to use resource that helps individuals and families identify the availability of different kinds of rental housing depending upon their specific needs. All multiple-family rental housing that has reduced rents is listed (by location and type) and will show the rent as a percent of income. The database will also show the number of currently vacant apartments at each listed property. The database can be accessed at the following address:

<http://webapps.dced.utah.gov/shod/execute/search;jsessionid=6CBA6B65E2CA32F1076D841C8FF99EF5>

Other Resources for Affordable Housing Development

Low Income Housing Tax Credits ("LIHTC")

The federal government has developed a program to encourage the construction, rehabilitation and preservation of rental housing for very low, low and moderate-income households. This program makes approximately \$4.3 million available annually to the State of Utah. The LIHTC program is administered by the Utah Housing Corporation (UHC), which determines the amount of tax credit available to applicant projects and operations and on the percentage of the project that will be restricted to low income tenants. The program limits rents on the units and also limits the incomes of the tenants. The UHC establishes maximum rents in accordance with HUD standards. Projects receiving LIHTC must maintain the status as low-income project for a minimum of 15 years.

The LIHTC program provides a credit equal to nine percent of the construction cost for new construction or substantial rehabilitation for projects which do not use other federal assistance and a four percent credit for acquisition of existing projects and for those projects which use other federal subsidies (CDBG excluded). Credits are claimed annually for ten years. The credits may be used by the owner of the property or sold through syndication.

Olene Walker Housing Loan Fund

The Olene Walker Housing Loan Fund is comprised of state appropriations and federal funds to provide loans at below-market interest rates for the construction of affordable housing. The majority of projects built using this fund are multi-family. While the majority of the fund is used for loans, a small amount of the fund is available for grants.

Section 1: Population by tenure in West Bountiful city

Table B01003 Table B25008	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2025 Projection	Difference between 2017 and 2025
Total Population: (ACS Table B01003)	5,237	5,504	40	5,754	250
Total Population in occupied housing units (ACS Table B25008)	5,237	5,504	40	5,754	250
Total Population in owner- occupied housing (ACS Table B25008)	5,110	5,111	11	5,059	-52
Total Population in renter- occupied housing (ACS Table B25008)	127	393	29	695	302

Source 1: U.S. Census Bureau. Table B01003: Total population. American Community Survey.

Source 2: U.S. Census Bureau. Table B25008: Total population in occupied housing units by tenure. American Community Survey.

Section 2: Supply of housing units by structure type in West Bountiful city

Table B25001 Table B25032	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2025 Projection	Difference between 2017 and 2025
TOTAL HOUSING UNITS (ACS Table B25001)	1,448	1,733	41	2,004	271
Total occupied units (ACS Table B25032)	1,448	1,664	30	1,855	191
Owner-occupied structures (ACS Table B25032)	1,365	1,539	26	1,664	125
1 unit, detached	1,274	1,481	28	1,622	141
1 unit, attached	40	31	0	32	1
2 units	0	0	0	0	0
3 or 4 units	0	0	0	0	0
5 to 9 units	0	0	0	0	0
10 to 19 units	0	0	0	0	0
20 to 49 units	0	0	0	0	0
50 or more units	0	0	0	0	0
Mobile homes	51	27	-2	10	-17
Boat, RV, van, etc.	0	0	0	0	0
Renter-occupied structures (ACS Table B25032)	83	125	4	191	66
1 unit, detached	47	54	-1	82	28
1 unit, attached	0	21	3	37	16
2 units	22	34	2	43	9
3 or 4 units	14	0	-2	3	3
5 to 9 units	0	0	0	0	0
10 to 19 units	0	0	0	0	0
20 to 49 units	0	0	0	0	0
50 or more units	0	0	0	0	0
Mobile homes	0	0	0	0	0

Boat, RV, van, etc.	0	16	2	26	10
---------------------	---	----	---	----	----

Source 1: U.S. Census Bureau. Table B25001: Total housing units. American Community Survey.

Source 2: U.S. Census Bureau. Table B25032: Tenure by units in structure. American Community Survey.

Section 3: Housing occupancy in West Bountiful city

Table B25003 Table B25081	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2025 Projection	Difference between 2017 and 2025
Total households in occupied housing units (ACS Table B25003)	1,448	1,664	30	1,855	191
Total households in owner-occupied housing (ACS Table B25003)	1,365	1,539	26	1,664	125
With a Mortgage (ACS Table B25081)	1,032	1,091	11	1,128	37
Without a Mortgage (ACS Table B25081)	333	448	15	536	88
Total households in renter-occupied housing (ACS Table B25003)	83	125	4	191	66

Source 1: U.S. Census Bureau. Table B25003: Tenure. American Community Survey.

Source 2: U.S. Census Bureau. Table B25081: Mortgage status. American Community Survey.

Section 4: Housing vacancy in West Bountiful city

Table B25004	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2025 Projection	Difference between 2017 and 2025
Total vacant units (ACS Table B25004)	0	69	11	149	80
For rent (ACS Table B25004)	0	31	5	61	30
Rented, not occupied (ACS Table B25004)	0	0	0	0	0
For sale only (ACS Table B25004)	0	28	4	49	21
Sold, not occupied (ACS Table B25004)	0	0	0	0	0
For seasonal, recreational, or occasional use (ACS Table B25004)	0	10	2	24	14
For migrant workers (ACS Table B25004)	0	0	0	0	0
Other vacant (ACS Table B25004)	0	0	1	15	15

Source 1: U.S. Census Bureau. Table B25003: Tenure. American Community Survey.

Section 5: Average household size in West

Table B25010	2009 American Community Survey	2017 American Community Survey	2025 Projection
Average Household Size (ACS Table B25010)	3.62	3.31	3.1
Average Owner Household Size (ACS Table B25010)	3.74	3.32	3.04
Average Renter Household Size (ACS Table B25010)	1.53	3.14	3.65

Source 1: U.S. Census Bureau. Table B25010: Average household size of occupied housing units by tenure. American Community Survey.

Section 6: Monthly housing costs in West Bountiful city

Table B25088 Table B25064	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2025 Projection	Difference between 2017 and 2025
Total owner-occupied housing unit costs (ACS Table B25088)	\$1,324	\$1,341	\$2	\$1,402	\$ 61
Units with a mortgage (ACS Table B25088)	\$1,531	\$1,624	\$7	\$1,678	\$ 54
Units without a mortgage (ACS Table B25088)	\$358	\$458	\$14	\$558	\$ 100
Median gross rent (ACS Table B25064)	\$840	\$928	-\$10	\$929	\$ 1

Source 1: U.S. Census Bureau. Table B25088: Median selected monthly owner costs (rentals) by mortgage status. American Community Survey.

Source 2: U.S. Census Bureau. Table B25064: Median gross rent (Dollars). American Community Survey.

Section 7: Median household income in West Bountiful city

Table B25119	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2025 Projection	Difference between 2017 and 2025
Median household income (ACS Table B25119)	\$76,111	\$88,125	\$1,798	\$99,869	\$ 11,744
Owner-occupied income (ACS Table B25119)	\$78,882	\$91,641	\$1,467	\$99,529	\$ 7,888
Renter-occupied income (ACS Table B25119)	\$32,880	\$83,854	\$6,215	\$129,402	\$ 45,548

Source 1: U.S. Census Bureau. Table B25119: Median household income that past 12 months by tenure. American Community Survey.

Section 8: Davis County Area Median Income (AMI)*

Table B19019 Table B19119	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2025 Projection	Difference between 2017 and 2025
--------------------------------------	---	---	----------------------------------	--------------------	--

Median HOUSEHOLD income (ACS Table B19019)	\$0	\$75,961	\$5,437	\$122,602	\$ 46,641
1-person household	\$34,078	\$36,438	\$206	\$36,934	\$ 496
2-person household	\$66,386	\$73,397	\$661	\$75,729	\$ 2,332
3-person household	\$70,328	\$82,974	\$1,616	\$94,657	\$ 11,683
4-person household	\$72,166	\$85,642	\$1,377	\$92,002	\$ 6,360
5-person household	\$80,283	\$92,481	\$1,337	\$99,838	\$ 7,357
6-person household	\$84,414	\$95,779	\$1,346	\$104,404	\$ 8,625
≥ 7-person household	\$97,380	\$97,103	-\$245	\$93,143	\$ (3,960)
Median FAMILY income (ACS Table B19119)	\$72,272	\$83,850	\$1,208	\$90,475	\$ 6,625
2-person family	\$63,833	\$74,157	\$912	\$78,382	\$ 4,225
3-person family	\$67,456	\$81,473	\$1,744	\$94,585	\$ 13,112
4-person family	\$76,227	\$85,332	\$1,096	\$88,859	\$ 3,527
5-person family	\$79,255	\$91,280	\$1,270	\$98,872	\$ 7,592
6-person family	\$84,221	\$96,175	\$1,324	\$104,125	\$ 7,950
≥ 7-person family	\$95,482	\$96,614	-\$300	\$92,404	\$ (4,210)

Source 1: U.S. Census Bureau. Table B19019: Median household income that past 12 months by household size. American

Community Survey.

Source 2: U.S. Census Bureau. Table B19119: Median family income in the past 12 months by family size. American Community

Survey.

*NOTE: AMI is calculated at the COUNTY level.

UCA 10-9a-408(2)(c)(i)

Calculate the municipality's housing gap for the current year by entering the number of moderate-income renter households, affordable and available rental units from TABLE 1 below:

2020 Shortage	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI	39	115	29	76	-10
≤ 50% HAMFI	35	60	15	25	-20
≤ 30% HAMFI	10	0	0	-10	-10

Calculate the municipality's housing gap for the previous annual by entering the number of moderate-income renter households, affordable and available rental units from TABLE 2 below:

2016 Shortage	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI	50	115	50	65	0
≤ 50% HAMFI	35	65	35	30	0
≤ 30% HAMFI	10	10	10	0	0

Subtract Table 2 from Table 1 to estimate progress in providing moderate-income housing

PROGRESS	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI	-11	0	-21	11	-10
≤ 50% HAMFI	0	-5	-20	-5	-20
≤ 30% HAMFI	0	-10	-10	-10	-10

UCA 10-9a-408(2)(c)(ii)

Report the number of all housing units in the municipality that are currently subsidized by each level of government below:

Municipal Government:

0

Subsidized by municipal housing programs

State Government:

0

Subsidized by Utah's OWHLF multi-family program

Federal Government:

0

Subsidized by the federal Low-Income Housing Tax Credit (LIHTC) program

UCA 10-9a-408(2)(c)(iii)

Report the number of all housing units in the municipality that are currently deed-restricted for moderate-income households in the box below:

0

WEST BOUNTIFUL CITY

RESOLUTION #487-20

A RESOLUTION RE-APPOINTING COUNCIL MEMBER PREECE TO THE SOUTH DAVIS SEWER DISTRICT BOARD OF TRUSTEES

WHEREAS, West Bountiful City is entitled to appoint a member of the Board of Trustees of the South Davis Sewer District for the purpose of representing the interests of the City on said Board; and

WHEREAS, the West Bountiful City council appointed Council Member Preece to the Board of Trustees for the term commencing January 2, 2013 and concluding January 31, 2021, who has been a capable and conscientious representative for the interests of West Bountiful City.

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful City, State of Utah, as follows:

Section 1. Appointment. The governing body of West Bountiful City hereby re-appoints Mark Preece to the Board of Trustees of the South Davis Sewer District for a term commencing January 1, 2021 and concluding December 31, 2025, or when council member Preece is no longer serving on the West Bountiful City Council, whichever comes first. The appointed representative shall make regular reports to the governing body regarding the activities of the South Davis Sewer District as requested by the governing body.

Section 2. Effective Date. This Resolution shall become effective immediately upon its passage and the appointment herein set forth shall be deemed effective January 1, 2021.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST BOUNTIFUL CITY, STATE OF UTAH, ON THIS 17TH DAY OF NOVEMBER 2020.

Ken Romney, Mayor

VOTING:

James Ahlstrom	Yea ____	Nay ____
James Bruhn	Yea ____	Nay ____
Kelly Enquist	Yea ____	Nay ____
Mark Preece	Yea ____	Nay ____
Andrew Williams	Yea ____	Nay ____

ATTEST:

Cathy Brightwell, City Recorder

PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on **Tuesday, November 3, 2020** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Mayor Romney has determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding City Council meetings through electronic means that allow for public participation without an anchor location. A copy of the Mayor's determination and order in this regard is available at www.wbcity.org.

All participants were on Zoom. Those in attendance:

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

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Steve Maughan, (Public Works), Chief Brandon Erikson, Sgt. Lance Wilkinson, Cathy Brightwell (City Recorder), Kris Nilsen (City Engineer) Patrice Twitchell (Finance Specialist), and Terri Hensley (Secretary)

PUBLIC: Alan Malan, Gary Jacketta, Blake Heller, Michael, Chris Bratsch (Husky Homes), Matt Wilkinson, Carol Rhodes, Shauri Kagie, Heidi Gott, Luis Silva, Sonia Silva, Tyler Mortenson, Amanda Overton, Doug Schilling, Mike Russell,

Mayor Romney called the meeting to order at 8:02 pm. Mark Preece gave an Invocation, and the Pledge of Allegiance was led by James Ahlstrom.

1. Approve the Agenda.

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

2. Public Comment

There was no public comment.

3. Appointment of Lance Wilkinson as Assistant Chief of Police.

Mayor Romney has been working with Chief Erikson on the selection of a new Assistant Chief and recommends the appointment of Lance Wilkinson. He extended sincere thanks for Lance's nearly eight years of service in the West Bountiful Police Department. The members of the City Council expressed their congratulations to Sgt. Wilkinson on his Appointment and echoed the Mayors appreciation for his service. Mr. Huffman will confirm whether he requires a new swearing-in to the position. If so, it will be done in a separate setting.

MOTION: *Rod Wood made a Motion to accept the Mayors recommendation to Appoint Lance Wilkinson as Assistant Chief of Police. Mark Preece seconded the Motion.*

The Motion PASSED with a vote as follows:

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

4. Resolution 484-20 Appointing Kim and Pat McReynolds as Youth City Council Co-Advisors.

Mayor Romney recommends the appointment of the McReynolds as Youth City Council Advisors. He shared his appreciation to Councilmember Ahlstrom and Kim and Pat McReynolds for their willingness to serve as Advisors to the Youth City Council. As a city, we are so fortunate to have them in this role.

MOTION: *James Bruhn made a Motion to Appoint Kim and Pat McReynolds as Youth City Council Advisors. Kelly Enquist seconded the Motion.*

The Motion PASSED with a vote as follows:

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

5. Overton/Olsen Minor Subdivision at 1655 N Olsen Way

The owner of the property located at 1014 W 1600 N has applied to be divided into two parcels based on a divorce decree and quiet title order. This property was approved for a subdivision by the city in 2016 (Olsen Farms 8). However, the property owner never recorded the approved plat, and that subdivision approval has subsequently expired.

The proposed minor subdivision appears to be consistent with West Bountiful subdivision requirements. Public improvements that were required in 2016 are now in place. The planning commission considered this item at their October 27th meeting and made a unanimous recommendation for approval.

There was discussion about whether the property has secondary water. Duane Huffman will check but explained that this minor subdivision will facilitate further divisions of the property. This is intended only to split the property into two parcels as ordered by the court. Secondary water will be required when future subdivisions for this property are filed.

Mr. Huffman added that the dogs from the illegal kennel on the property have been moved.

MOTION: *Rod Wood made a Motion to Approve the Division of the property located at 1655 N Olsen Way into two parcels with the condition that it will require secondary water with further development. Kelly Enquist seconded the Motion.*

The Motion PASSED 4 to 1 with a vote as follows:

James Ahlstrom – aye	James Bruhn – nay
Kelly Enquist – aye	Mark Preece – aye
Rod Wood – aye	

6. Ordinance 435-20 Amending the West Bountiful City Zoning Map to Remove Heritage Pointe Subdivision, including the Property at 862 W Heritage Pointe Circle, from the Historical Overlay District.

On September 16, 2020, Blake Heller submitted a request to remove his property at 862 Heritage Pointe Circle from the Historical Overlay District or have the entire Heritage Pointe subdivision's design standards dissolved. He desires to build a detached garage on the property but has had difficulty meeting the architectural standards placed on the district.

At the October 20 City Council meeting, following discussion on the history of the Overlay District, the Heller request, and the planning commission's recommendation, the issue was tabled so that there could be more communication with the property owners in the subdivision. Staff was directed to further explain the possible change invite Heritage Pointe subdivision property owners to the next available meeting to discuss removing the subdivision from the Historical Overlay District.

An information package was sent to all property owners with an invitation to participate in the November 3rd meeting. The packet included information explaining that if the subdivision is removed from the district the city will no longer enforce additional architectural standards, nor would the city be involved with the CCR's still governing the Heritage Pointe subdivision.

The following discussion took place:

- Councilmember Bruhn asked if the proposed ordinance covered the entire Historical District or only Heritage Pointe. It was clarified that this discussion is specific to the Heritage Pointe Subdivision. Mr. Doxey stated an additional public hearing would be needed to include more than Heritage Pointe. The planning commission is still discussing options for further consideration in the area.
- Councilmember Ahlstrom reminded the residents that they are still bound by the Heritage Pointe CCR's until they vote as a neighborhood to dissolve them with a 75% majority.
- Councilmember Wood thanked Mr. Heller for his patience through this process.

Information received from Residents include:

- Emily Tolton (853 Heritage Point Circle) sent an email supporting the removal of the Historical Overlay District.

- Shauri Kagie (811 N Vintage Circle) stated they have spoken with many neighbors and all are definitely in favor of the removal of the Overlay District.
- Tyler Mortensen (699 N 900 West) stated he is brand new to the neighborhood and is also in favor of the removal.
- Doug Schilling (850 Heritage Pointe Circle) spoke in favor of the removal and thanked the City Council for their time addressing this matter.
- Reference to a letter previously sent by the Cluff's (835 W 850 North) in opposition to the removal.
- Blake Heller indicated that based on his discussions, neighbors are overwhelmingly in favor of removing the Overlay District.

MOTION: *Rod Wood made a Motion to Remove Heritage Pointe Subdivision, including the Property at 862 W Heritage Pointe Circle, from the Historical Overlay District. James Ahlstrom seconded the Motion.*

The Motion PASSED with a vote as follows:

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

Following the vote, Councilmember Ahlstrom let Mr. Heller know he appreciated his patience with this process and hoped he knew there was no malice intended, only a desire and responsibility for due diligence.

7. Resolution 485-20 Authorizing an Interlocal Agreement with Wasatch Integrated Waste Management District for CARES Funding

A request has been made by Wasatch Integrated Waste Management District for assistance with reimbursement under the CARES Act for necessary expenditures resulting from the pandemic for the period from March 1, 2020 through October 28, 2020 which were not accounted for in our most recent budget.

MOTION: *James Ahlstrom made a Motion to approve Resolution 485-20 Authorizing an Interlocal Agreement with Wasatch Integrated Waste Management District for CARES Funding. James Bruhn seconded the Motion.*

The Motion PASSED with a vote as follows:

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

187 **8. Minutes from October 20, 2020.**

188
189 **MOTION:** *James Ahlstrom made a motion to Approve the Minutes from October 20,*
190 *2020. Rod Wood seconded the Motion which PASSED by unanimous vote*
191 *of all members present.*
192
193

194 **9. Staff Reports**

195
196 **Police – Brandon Erikson**

- 197 • The ongoing identity fraud case involves over \$300K in stolen checks and more than 200
- 198 victim's financial histories have been significantly impacted.
- 199 • We are at the end of the background check process for the second police officer candidate
- 200 and will meet with them on Thursday to begin next steps.
- 201 • Councilmember Wood thanked Chief Erikson and his officers on behalf of his neighbors for
- 202 an incident that occurred recently on his street. He said the officers responded with great
- 203 professionalism in a bad situation.
- 204

205 **Public Works – Steve Maughan**

- 206 • Finished grading at Birnam Woods Park and Trailhead. We took a lot of material from 800
- 207 West road construction to grade and level off a portion of the park. We have received many
- 208 compliments from residents.
- 209 • We also used some of that road material to widen the shoulders of 1200 North for additional
- 210 safety.
- 211 • City owned parks and properties are being winterized including all irrigation lines blown out
- 212 and cleared.
- 213 • Tailgate subdivision will be paved tomorrow.
- 214 • The Chris Hogan curb and gutter project on 800 West will be paved this week. We are
- 215 working through some challenges with a neighboring property owner who has concerns
- 216 about drainage.
- 217 • School District has placed dirt on pickle ball court area for their landscaping and will move
- 218 before we are ready to begin construction.
- 219 • Setting up snowplows for end of week but hope we do not require them yet.
- 220

221 **Community Development – Duane Huffman for Cathy Brightwell (technical difficulties with**
222 **her microphone)**

- 223 • Working on month end building permits and business license reports. We have issued 3
- 224 commercial permits and 14 residential permits in October.
- 225 • Working on changes to historical overlay district code to potentially remove building and
- 226 design restrictions for next week's Planning Commission meeting.
- 227 • Our contract planners are working on the affordable housing report and will make a
- 228 presentation to the planning commission on accessory dwelling units at their next meeting.
- 229 • We are working on several plat amendments – one in Mountain View Estates that will
- 230 include a small portion of Kinross Estates and one in Knighton Court.
- 231 • Glitches in new software for the marquee have been fixed.

- The Smith parcel plat for disconnection has been approved by the county and can now be sent to the Lt. Governor's office for signatures.

Administrative Report – Duane Huffman

- We received the third and final portion of CARES money.
- We are in the middle of the annual financial audit. It has been handled differently this year in light of Covid-19, but still just as many questions and input as in previous years.
- The Covid-19 numbers continue to increase.

10. Mayor / Council Reports

Mayor Romney – Fire Chief Bassett will be retiring on November 12th. In addition, the Fire Department is looking for a few acres to build a fire training facility.

James Ahlstrom – Had to miss part of the last Youth Council meeting due to travel but will catch up with Cathy Brightwell on details. He thanked Cathy for her hard work to keep the Youth Council moving forward during transition - her efforts are appreciated. He stated the sign at Olive Garden now says they are scheduled to open December 9th.

Kelly Enquist – Asked about a gas leak on October 31. Steve Maughan explained there was one at the private lane on 1100 West (Christensen property). It was the main line that runs in to their property and it was quickly isolated and resolved.

Rod Wood – Asked about the progress on the well. Kris Nilsen explained he just today had received a link to the new drawings. He is planning to meet with Steve Maughan and Duane Huffman for next steps. The plan has been approved by the state, but the city would like to review before finalizing bidding for construction.

James Bruhn – Asked about the progress on the public works shops. Mayor Romney suggested we look at the budget to see how best to continue moving forward. Duane Huffman will add this topic to an upcoming city council agenda.

Mark Preece – The Sewer District is proposing to raise rates by \$5 per month to meet state regulations from Water Quality Department. Property taxes will also increase to cover costs.

11. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205(a), Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual. Performance of individuals and exchange of property.

No closed session was held.

12. Adjourn

MOTION: *James Ahlstrom made a motion to adjourn this meeting of the West Bountiful City Council at 9:20 pm. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, November 17, 2020.

Cathy Brightwell, City Recorder