

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
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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, SEPTEMBER 21, 2021
AT THE CITY OFFICES, 550 N 800 WEST**

AGENDA:

Invocation/Thought – Kelly Enquist; Pledge of Allegiance – Rod Wood

1. Approve Agenda.
2. Proclamation Designating September 17 through September 23 as U.S. Constitution Week.
3. Swearing in of 2021-2022 West Bountiful Youth City Council.
4. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
5. Proposal to Purchase Portion of Birnam Woods Park Property – Kellen Frey.
6. Resolution 502-21, A Resolution Implementing 2021 Lawn Watering Restrictions.
7. Ordinance 446-21, An Ordinance Creating a New Section, WBMC 17.50 Clear View Area and Fence Requirements, and Deleting Related Sections 17.14.100, 17.16.100, 17.20.100, and 17.24.100.
8. Ordinance 447-21, An Ordinance Creating a New Section, WBMC 17.42, Housing in Certain Commercial Areas Overlay.
9. Meeting Minutes from September 7, 2021.
10. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
11. Mayor/Council Reports.
12. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
13. Adjourn.

This agenda was posted on the State Public Notice website, the city website, emailed to the Mayor and City Council, and provided to the Davis Journal on September 17, 2021.



West Bountiful City

Proclamation

A PROCLAMATION DESIGNATING SEPTEMBER 17, 2021, THROUGH SEPTEMBER 23, 2021 AS CONSTITUTION WEEK IN WEST BOUNTIFUL

WHEREAS, September 17, 2021, marks the two hundred and thirty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23rd as Constitution Week.

NOW THEREFORE, I, Kenneth Romney, Mayor of West Bountiful City, on behalf of the City Council, do hereby proclaim September 17 through September 23, 2021, as Constitution Week and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Dated this 21st day of September 2021.

Mayor Kenneth Romney

Attest:

Cathy Brightwell, City Recorder

From: Kellen Frey <frey.kellen@gmail.com>
Sent: Thursday, September 2, 2021 1:00 PM
To: Duane Huffman
Subject: Birnam Woods leased property

Greetings Duane,

Hope all is well. I wanted to review with you and the council a couple topics regarding the current agreement of leased land for equestrian use which I'm looking to further develop. I wanted to provide it in writing for your review and then I'd love to come to a council meeting and discuss it in person at the councils' convenience.

1) Current lease improvements: I'd like to further improve the land and bring in additional fill and do some grading to create a riding arena. The footing would be primarily sand based and I would anticipate locating it on the north end of the property. Please see map below for layout detail.

Because of the additional investment required, I'd also like the council's consideration to add some additional language or amendment to the current lease to extend the notification period for cancellation. I'm open to discussing what could work here but would propose a 1 year notification period, and would also propose to extend the current lease for another 15 years.

Red Line - Oil and Gas Pipelines

Blue Lines- Arena location

Black Lines- Potential future modular barn location.



2) Potential Sale Consideration:

In the event the City is willing to entertain a sale I would like the opportunity to evaluate this option.

This is appealing for me because of the additional investment required to make the land more usable for horses and allows me to make more permanent upgrades. Long term I simply want to build a barn, add irrigation, grade the property, add more drainage, build a riding area, and create a more usable equestrian space.

We've discussed previously that the park area could still be kept by the City and expanded north if desired. If there is a desire to sell the entire portion (park included) I'd be open to that discussion as well. The current leased land west of the park is limited in use with the Power lines, gas lines, oil lines, and access is also a challenge.

We have not had an appraisal done on the property and its value is difficult to assess due to its uniqueness. However, based on discussions I've had with a couple appraisers I would estimate the current leased property value to be in the \$40,000 - \$60,000 range due to limited use and access. Because it's more attractive to me because of the equestrian use, *I would be willing to pay above that range up to \$80,000 or whatever a formal appraised value is assessed at.* I'm also willing to work with the city on getting a formal appraisal completed to validate actual value if desired.

If the city was interested in selling the entire parcel including the park portion, I would be willing to pay substantially more and I have no issues with applying use conditions to that property to guarantee it remains equestrian use.

Lastly, I want to thank you and the City for the considerations and hope the City has found the relationship thus far beneficial. I think further improving that property and keeping it equestrian/farm use is the best use of the land and improves the visual appeal for the neighborhood and City.

Kind Regards,

Kellen Frey

WEST BOUNTIFUL CITY

RESOLUTION #502-21

A RESOLUTION IMPLEMENTING 2021 LAWN WATERING RESTRICTIONS

WHEREAS, on May 13, 2021, Governor Spencer Cox issued an Executive Order declaring a state of emergency due to continued drought conditions; and,

WHEREAS, water is a valuable resource that should be used wisely and as efficiently as possible; and,

WHEREAS, conservation efforts are critical in this time of drought to protect water supply inventories for both present and future water needs; and,

WHEREAS, the Weber Basin Water Conservancy District ended the secondary water irrigation season on September 20, 2021; and,

WHEREAS, the City Council recognizes the need to have consistent requirements across the city:

NOW THEREFORE, BE IT RESOLVED that the City Council of West Bountiful implements the following watering restrictions, in addition to any restrictions previously implemented, through the end of calendar year 2021, until additional action is taken, or as otherwise noted in the restrictions themselves:

1. From October 1, 2021 through March 31, 2022, no water supplied by the city may be used for lawn watering.
2. Before October 1, 2021, no daytime watering shall be allowed between 10 am and 6 pm.
3. Before October 1, 2021, no more than two waterings per week shall be allowed (one watering equals a maximum of 20 minutes of overhead spray or 40 minutes of rotor spray).

To help mitigate the impact of these restrictions, the city recommends:

- A. To delay the installation of new sod landscape projects until 2022.
- B. To set grass mower height to 2.5 - 3 inches and mow frequently enough so that no more than one-third of the grass blade is removed.

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

Passed and approved by the City Council of West Bountiful City September 21, 2021.

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

Ken Romney, Mayor

ATTEST:

Cathy Brightwell, City Recorder

MEMORANDUM



TO: Mayor & City Council

DATE: September 16, 2021

FROM: Staff

RE: Review Fence and Clear View Area Regulations

The city council has been reviewing the planning commission's recommended changes for Clear View Areas and Fencing (WBMC 17.50) for the past several meetings. The attached draft incorporates additional modifications suggested in those meetings, including:

- No 6 ft. fences in any front yard unless 15 ft from the front street right of way or sidewalk.
- Trees in clear view areas will be pruned clear of all foliage between the ground and a height of 10 ft on the yard side and 14 ft on the street side.
- Building permits will be required for all front yard fences.

NEW SECTION

17.50 Clear View Area and Fence Requirements

17.50.010 Purpose

The following standards will govern the height and location of fences, walls, plant growth, or other obstructions to provide adequate open vision of vehicular and pedestrian traffic.

17.50.020 Clear View Area

A clear view area shall be maintained at the intersection of every street, whether public or private, and at the intersection of every driveway with a public or private street. The clear view provisions are considered life safety standards and shall supersede any conflicting provisions of this title.

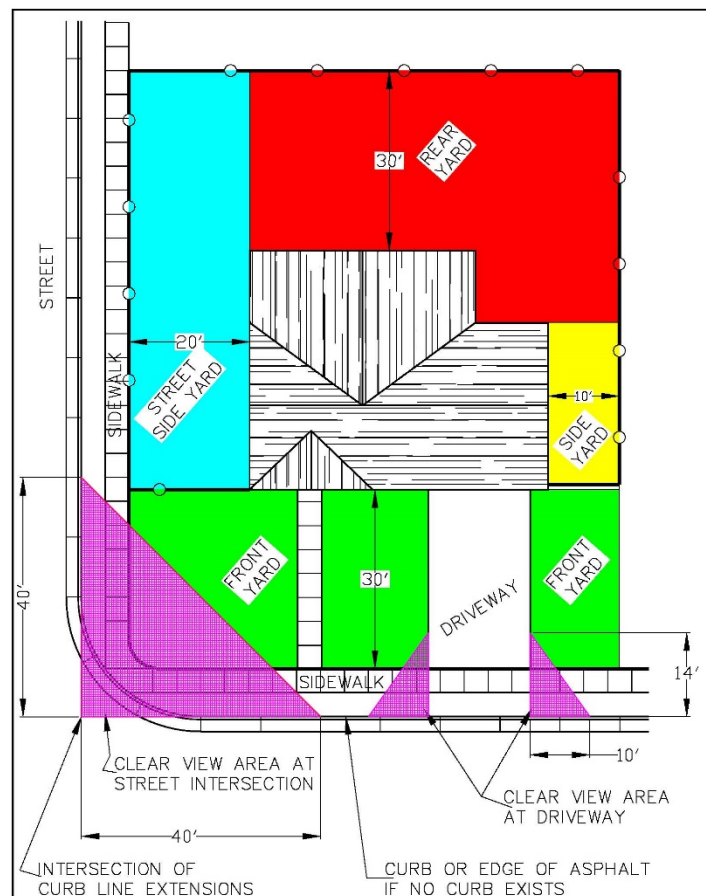
No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, or other screening material, or other obstruction which interferes with the safety of pedestrians or vehicle traffic.

- A. The clear view area for a **street intersection** is a triangle with a forty-foot side along each intersecting street, beginning at the point of intersection of the back of curb lines or, if there is no curb, the edge of asphalt lines, and encompassing a portion of the street right-of-way and the adjoining lot (see diagram). Within the clear view area, the following shall apply:
1. Solid fences, walls, sight obscuring vegetation or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
 2. Chain link fences or fences which are seventy percent (70%) or more open shall not exceed four (4) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
 3. Trees in excess of these heights may be located or maintained, provided they are pruned clear of all foliage between the ground and a height of ten (10) feet on the yard side and fourteen (14) feet on the street side and are planted at least ten (10) feet apart. Tree canopies or other growth shall not block signs or signals.
 4. No sign shall be allowed unless it is specifically permitted by this title, and the City Engineer determines that it is not a safety hazard.
 5. No obstruction of any sort shall be allowed which interferes with the safety of pedestrians or traffic unless it is specifically permitted by this title, and the City Engineer determines that it is not a safety hazard.
 6. No vehicle parking is allowed.

B. The clear view area for the **intersection of a driveway and a street** is an area on each side of the driveway, beginning at the point of intersection of the driveway edge and the back of curb line or, if there is no curb, the edge of asphalt line, with one side extending along the back of curb or edge of asphalt line ten (10) feet away from the driveway, and the other side extending fourteen (14) feet along the edge of the driveway from the front or street side lot line toward the interior of the lot (see diagram). The City Engineer may reduce the required length of the side along the back of curb or edge of asphalt line to six (6) feet or more where existing conditions will not permit a length of ten (10) feet. Within the clear view area, the following shall apply:

1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
2. Chain link fences or fences which are seventy percent (70%) or more open shall not exceed four (4) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
3. Trees in excess of these heights may be located or maintained, provided they are pruned clear of all foliage between the ground and a height of ten (10) feet on the yard side and fourteen (14) feet on the street side and are planted at least ten (10) feet apart. Tree canopies or other growth shall not block signs or signals.

CLEAR VIEW AREA DIAGRAM



17.50.030 Front Yard Fences

Subject to the clear view area regulations in this chapter, fences installed in a front yard shall comply with the following requirements:

- A. A fence that is seventy percent (70%) or more open is allowed up to four (4) feet in height.
- B. A fence, wall, or hedge that is not seventy percent (70%) or more open is allowed up to four (4) feet in height if located more than three (3) feet from any street right of way or sidewalk, whichever is closer to the primary building on the lot; and up to six (6) feet in height if located fifteen (15) feet from the front street right of way or sidewalk.

17.50.040 Rear, Side Yard, and Street Side Yard Fences

- A. Rear yard. Fences, walls, and hedges shall not exceed six (6) feet in height within any rear yard.
- B. Side yard. Fences and walls shall not exceed six (6) feet in height within any side yard.
- C. Street side yard. Subject to the clear view area regulations in this chapter, fences and walls shall not exceed six (6) feet in height within any street side yard.

17.50.050 Additional Height/Exceptions

- A. The planning commission may approve the erection of a fence to a height greater than six (6) feet within any required rear yard or side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.
- B. When a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
- C. A fence enclosing a recreational facility (whether private or public), such as a tennis court, swimming pool, or ball diamond, may be allowed up to fourteen (14) feet in height, as long as it is "open style" and not site obscuring, is located at least five (5) feet away from the property line, and is not within the clear view area or minimum front yard setback area.

17.50.060 Building Permit Required

Construction of fences and retaining walls must meet applicable requirements of Title 15 of this Code. A building permit must be secured for construction of all front yard fences, fences over six feet high, and retaining walls over four feet high.

Title 15 Building & Construction

15.08.020 Building Permit

- H. The City may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit when it is necessary to protect life or property. Such fences may be of a type and size necessary to accomplish the above stated purpose, as determined by the city consistent with Chapter 17.50.

MEMORANDUM



TO: City Council

DATE: September 17, 2021

FROM: Staff

RE: Housing in Certain Commercial Areas Overlay (HCCO) Discussion

BACKGROUND

An overlay that would allow housing in commercial areas was discussed at the April 27, 2021 joint meeting with city council, and the planning commission was asked to work on the issue and make a recommendation.

The city's General Plan specifically calls out the 500 W and 500 S corridors as suitable locations for higher density housing to increase housing options. Additionally, changes are occurring in the retail industry (like the growth of on-line sales), and it is likely that in the future the city's older retail areas will need additional re-development options. By taking the lead on this issue, the city can select the areas it deems more attractive for this type of housing while protecting its commercial base primary residential areas.

PROPOSAL

The city's contract planning consultants, John Janson and Jake Young, prepared a draft proposal that introduces a framework to consider high density flexible housing types in the C-G and C-H zones along 500 South and 500 West, and opens a door for proposals for a greater mix of uses in locations that provide transportation options and more services.

It should be strongly noted that the draft overlay zone does not make residential uses a permitted or conditional use in the commercial zones. Any project would still need to go through a legislative process that would be at the discretion of the city and subject to a development agreement.

The planning commission has been working on this issue for several months. They held a public hearing on September 14 and recommends the attached proposal for your consideration.

17.42 Housing in Certain Commercial Areas Overlay (HCCO)

17.42.010 Purpose

The purpose of this chapter is to introduce residential uses within specified commercial areas, creating a greater mix of uses in locations that provide transportation options and access to needed services.

17.42.020 Applicability

The Housing in Certain Commercial Areas Overlay (HCCO) shall be applied only to the C-H and C-G zones along 500 West, 400 North, and 500 South. Approval of the HCCO constitutes a rezone, which may be approved or denied in the City Council's sole discretion. The HCCO includes the uses currently allowed in the underlying zone (C-H or C-G), plus residential uses as described in this chapter. All of the regulations of the underlying zone apply, subject to the more specific or restrictive requirements of this chapter.

17.42.030 Development agreement

All applicants receiving HCCO approval shall be required to enter into a development agreement with the City to assure that the development negotiated and defined during the rezone process and required by this chapter is reflected in the actual construction and maintenance of the project.

17.42.040 Uses

In addition to the uses allowed in the underlying zone, townhome, multi-family residential, and mixed-use buildings shall be permitted in the HCCO pursuant to the requirements and procedures of this chapter.

17.42.050 Site design requirements

A. Heights and Setbacks

1. All residential buildings in the HCCO shall be set back 30 feet from any residential zone. Residential buildings shall not exceed 30 feet in height at the minimum setback line, except that townhomes may be up to 35 feet high at the setback line. For multi-family and mixed-use buildings, building height may be increased beyond the 30 foot setback to a maximum height of 60 feet, with an additional one foot setback required for every additional foot of increased height. Stairways, elevator access structures, or rooftop garden structures (such as shade structures) shall not be included in the maximum height calculation, as long as they do not exceed an additional 12 feet in height.
2. Front yard setbacks shall be landscaped and shall be a minimum of 20 feet from a public right of way. Buildings taller than 50 feet shall be setback one additional foot from the minimum setback for each two feet of additional height over 50 feet. Only 500 West, 500 South, and 400 North streets (and not I-15) shall be considered public rights of way for purposes of the front yard setback and building orientation.
3. Rear and side yard setbacks shall be a minimum of ten feet except next to a residential zone, in which case the requirements of Section 17.42.050.A.1 apply.

- B. Building Orientation. Buildings shall face the adjacent public right of way. Buildings located behind other buildings or designed to face a driveway or drive aisle, may be oriented a different direction,

except that they may not face a residential zone. New residential buildings shall include a six foot walkway to connect to a sidewalk along 500 West, 400 North, 500 South, or 1100 West, as appropriate.

- C. Dumpsters. Dumpsters shall be located to the side, to the rear, or in the interior of the building and shall be enclosed on three sides with a six-foot masonry wall and the fourth side shall include a gate.
- D. Lighting. All lighting shall be directed downward and shielded to prevent light trespass beyond the property line. Lighting fixtures shall be dark sky compliant with a cutoff shield not allowing light to go upward. LED light fixtures are required. Parking lot lights shall be no taller than 20 feet. The following locations, at a minimum, shall be lighted: building entrances, sidewalks to parking, parking areas, outdoor gathering plazas and driveway entrances to the site.
- E. Landscaping. Ten percent of the total site (including building, parking, and setbacks) shall be landscaped and include irrigation. The site landscape shall include a minimum of 5 trees and 15 shrubs per acre. Trees shall be a minimum of 1.5 inch caliper and shrubs a minimum of 5-gallon; two 1-gallon ornamental grasses or perennials equal one shrub up to 50% of the shrub requirement. The use of xeriscape materials such as rock or wood mulches (including a weed mat) are allowed for up to 50% of the landscaping. Water efficient landscaping is required. Within the landscape areas a maximum of 50% coverage may be turfgrass. No turfgrass shall be allowed in areas less than 10 feet in width; these areas must be landscaped with shrubs, trees, rocks, or mulch.

Setbacks adjacent to a residential zone, as described in Section 17.42.050.A, shall be landscaped. Required buffering of adjacent residential zones shall include a six-foot masonry wall located on the property line (subject to the fencing and clear view requirements of Chapter 17.50); medium to large trees planted every 30 feet; and an inert mulch, including synthetic turf; and turf/groundcover at a 50/50 ratio. Such areas may also incorporate spaces for recreational activities; provided, that no swimming pool, court, playground, or other recreational facility shall be located within 15 feet of a residential zone.

Irrigation systems shall be managed by an EPA waterwise irrigation controller. Smart irrigation practices such as drip and sensors are encouraged.

A landscape and irrigation plan, stamped by a professional landscape architect, engineer, or certified irrigation designer, including plant locations/types, grading, and irrigation systems, must be submitted for review and approval by City staff.

- F. Park Space Options and Requirements. Ten percent of the total site is required to be devoted to usable passive or active recreation space. This is in addition to the required landscape area, except that landscape areas that include usable recreation space shall count toward the park space area requirement. Usable recreation space includes squares, plazas, active recreation (courts and fields), community gardens, and patios. The availability to the public of such spaces will be negotiated in the development agreement.

Roof top gardens and leisure spaces are encouraged and may count toward up to 50% of the park space area requirement. Where roof tops are proposed for use as garden and/or recreation space, parapet walls shall be at least four feet high; or secure, decorative fencing (not chain link) at least two feet in height shall be installed on top of the two foot parapet wall required under Section 17.42.060.A.

A passive people-oriented plaza surrounding the primary building entrance of at least 2,500 square feet, with shade trees and seating for residents, shall be included. The plaza shall count toward the park space area requirement.

- G. Twenty-four hour on-site management is required for complexes containing more than 20 residential units. For projects with 20 or fewer units, on-site management is encouraged.

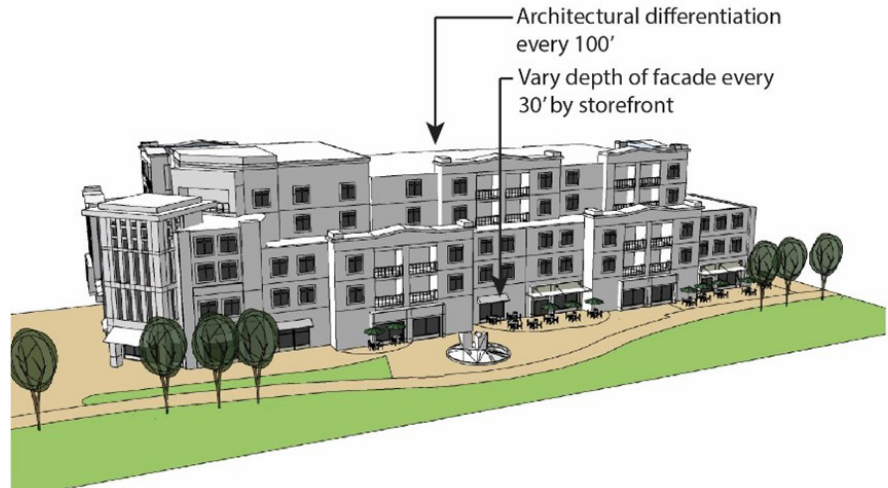
17.42.060 Building Design Requirements

A. Building Materials

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. New development shall incorporate timeless common, locally found materials such as granite, stone, sandstone, and brick for at least 65% of the first floor façade of each building, excluding the windows. All stories above the first floor shall incorporate the above specified materials for at least 50% of the façade. The planning commission may consider other materials for soffits, or as accents or unique architectural features. Twenty-five year guarantee architectural shingles or other longer-lasting materials are required for sloped roofs. Flat roofs shall be encompassed by a parapet wall with a minimum height of two feet, where no recreational uses of the roof are anticipated.

B. Façade Treatments and Size

No single building shall exceed 200 feet in length or width. No new building elevation may exceed 100 feet in length without at least a three-foot variation in the depth of the façade along the public right of way or any façade that faces the required plaza, and a two-foot variation on other façades.



Residential unit balconies shall not be interpreted to meet this requirement. Top floors shall have architectural differentiation from the other floors of the building and roof lines shall vary every 50 feet, at a minimum. For first floor uses in a mixed-use building, the appearance of small shops or storefronts with variation in the first floor façade every 30 feet or less is required.

- C. Building types. Residential uses in the HCCO may be incorporated into one or more of the following building types.

1. Townhome -

Horizontally attached units in a rowhouse configuration, usually divided into lots for ownership purposes. Townhomes may be located in a one- to three-story building consisting of three to eight attached dwelling units and may be arranged in groups of such buildings. This building type can include live/work units, which shall be specified in the development

agreement. Private garages are required and shall be located at the rear of the building, allowing the primary façade to front a public street or a greenspace/courtyard having a usable outdoor space that allows for active and passive recreation. Private garages shall be wired for at least one 220-volt line for electrical vehicle charging. Common guest parking shall not include any driveway that accesses a garage.



Townhome examples

- 2. Multi-family** –A multi-story residential building arranged or designed with more than four dwelling units, which may be divided into condominium units or be a for rent product.



Multi-family examples

- 3. Mixed Use** – General retail, office, and residential uses vertically integrated in the same building that features consistent approaches to lighting, landscaping, signage, building design, and materials use. Intended for a mix of primarily residential use with retail or commercial office uses located on the first floor.



Mixed-use examples

- D. Windows. In mixed-use buildings, windows (including windows in doors) shall cover a minimum of 50 percent of the front first story face. For all other building types and facades of a mixed-use building, windows (including windows in doors) shall cover at least 25 percent of all facades.
- E. Balconies. For the residential portions of buildings, one balcony shall be constructed with a minimum of sixty (60) square feet per unit. Terraces and ground level porches and patios of similar size shall also be permitted and shall count toward the balcony requirement.
- F. Entrances. Entrances shall be recessed or covered to provide shelter from inclement weather. Porte cocheres are also permitted.
- G. Parking Requirements.
 - 1. Location of Parking and Parking Garages. Parking for a multi-family residential or mixed-use building shall be located underneath, within (as in podium-style parking), to the side, or to the rear of the building. An above or partially above grade parking garage within the interior of a building having more than 20 residential units, if located within 50 feet of a public right-of-way, shall include commercial uses that wrap the street-facing façade. No visible podium parking is allowed fronting on 500 West, 400 North, 500 South or 1100 West unless such parking is wrapped with commercial uses on the street-facing facade. If an above grade or a partially above grade parking garage is incorporated into a building that is located more than 50 feet from a public street, any portions above ground shall be designed to complement the building in a manner that the parking garage is not readily discernable as such or is surrounded with a five foot-wide intensive landscape treatment that includes trees and shrubs covering at least 75 percent of each parking garage façade.
 - 2. All projects of any building type shall provide the following minimum number of parking spaces:
 - Studio apartments – 1 space per unit;
 - One bedroom units – 1.5 spaces per unit;
 - Two or more bedroom units – 2 spaces per unit.

All projects shall provide additional guest parking spaces equal to one guest parking space for every four units. Any parking calculations that result in less than a whole number shall be rounded up.
 - 3. To further evaluate the above parking space requirements for a particular project, the city may require an independent parking study where parking demand calculations exceed 50 spaces, shared parking is being considered, or the proposed use may impact previously calculated parking demands for adjacent uses. Any such study will be managed by the city but paid for by the developer. The city may adjust the above parking requirements consistent with the parking study's conclusions to reflect such factors as shared parking and compatible uses. The Planning Commission shall make findings reflecting the study or discounting the study and may suggest modifications of the parking standards or simply leave the standards as-is. Parking stalls 9-feet by 20-feet are required but a parking study could also address compact car spaces in terms of size and as a percentage of the overall parking.

4. Shared parking is encouraged based on a parking study, but only for up to 30 percent of the parking demand. The development agreement shall include the terms of shared parking for both the existing uses and proposed new HCCO development. The shared parking requirement is for a minimum of ten years and shall be renewed thereafter.
5. Bike parking is encouraged for residential projects. Bike parking should be well lighted and secure, with a combination of indoor bike storage and exterior bike parking. Where a mixed-use building is proposed, a conveniently located permanently attached bike rack accommodating a minimum of four bikes per building is required for commercial patrons.
6. Residential portions of parking garages and structures, including carports, are strongly encouraged to include 220-volt outlets and associated infrastructure/conduit for personal vehicle charging. The suggested standard is one outlet for every ten residential units; however, the number shall be determined as part of the development agreement.

17.42.070 Signs

Signs in the HCCO shall be governed by Chapter 17.48, except all signs shall have downward directed and shielded lighting. Only monument signs and signs on the building are allowed.

17.42.080 Application procedures

- A. General Requirements. An application for the HCCO is considered a rezone application subject to the rezone process provided in this chapter. The application shall be accompanied by a draft development agreement. The application, development agreement template, and their associated requirements are available online and at the city offices.
- B. Pre-application Conference. The applicant is required to have a pre-application conference with a member of the planning department and city engineer to ascertain the appropriate scope of the project and any additional information or reports that may be required in connection with the application and development agreement. The applicant is also encouraged to meet with the building official and the fire marshal to be advised of how building and fire code requirements may affect the proposed development.
- C. Required Studies. A geotechnical study is required for any proposed building over one story. A traffic study is required for projects with 50 or more residential units.
- D. Fees. In addition to the initial rezone application fee for the HCCO, the applicant will pay for any studies required as part of the approval process. All such studies will be procured and managed by city staff. Any unused funds will be refunded to the applicant or transferred to be used as payment toward other application fees, at the request of the applicant. For all proposed rezones and associated development plans, a complete application is required before authorization to proceed to the Planning Commission.
- E. Visual Presentation. If not provided as part of the proposed project application, the applicant shall provide for the review of the Planning Commission and the City Council a visual presentation,

preferably using computer graphics, depicting the buildings to be constructed and siting for the proposed development within the context of existing, surrounding development.

F. Planning Commission Review of Initial Rezone Application; Preparation of Proposed Development Agreement:

1. The initial application shall be referred to the Planning Commission for review and comment.
2. The City shall mail notice of an initial public hearing to owners of property within 300 feet of the proposed project.
3. The Planning Commission shall make a recommendation to the City Council of approval, approval with modifications/conditions, or denial. Such recommendation shall include any recommended changes/modifications to the draft development agreement.
4. If approval is recommended, the planning department, with the assistance of the city attorney and the concurrence of the applicant, shall prepare a second draft of the development agreement.

F. City Council Review and Public Hearing:

1. If city staff and the applicant cannot concur on the terms and conditions of a proposed development agreement, the applicant may prepare and submit their own proposed development agreement, addressing all the required information and any proposed changes contrary to the Planning Commission recommendation. Upon the submission of such agreement, and the submission of any other related project-specific plans requiring approval of the City Council, the application shall be scheduled and noticed for public hearing before the City Council. The City shall mail notice of the public hearing to owners of property within 300 feet of the proposed project.
2. City Council Public Hearing: The initial application, additional reports/information, and planning commission recommendation, together with the proposed development agreement and the complete submission of all other related, project-specific information requiring approval of the City Council, shall constitute a final application for the potential rezone. If approved by the City council, the rezone application and development agreement shall authorize the applicant to proceed with an administrative site plan process. If a subdivision is required, such as for a condominium project or to define a new lot, an administrative subdivision process will follow the approvals by the City Council.

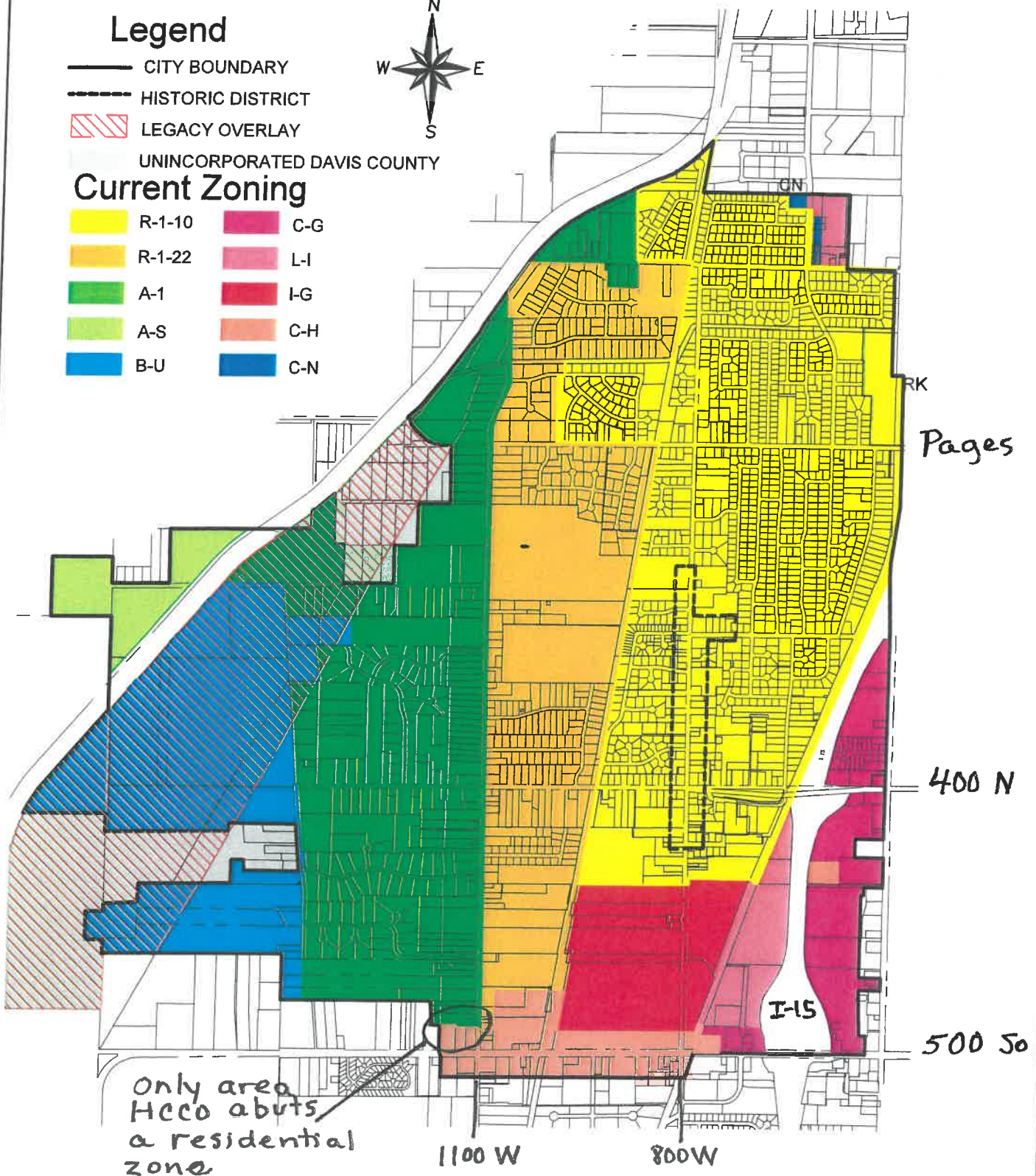
WEST BOUNTIFUL CURRENT ZONING MAP

Legend

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

Current Zoning

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



PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on Tuesday, September 7, 2021, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

MEMBERS: Mark Preece-Mayor Pro Tem, Council members James Ahlstrom, James Bruhn, Kelly Enquist, and Rod Wood

EXCUSED: Mayor Romney

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Brandon Erikson, Steve Maughan, (Public Works), Kris Nilsen (City Engineer), Cathy Brightwell (City Recorder)

PUBLIC: Alan Malan, Richmond Thornley

Mayor Pro Tem Preece called the regular meeting to order at 7:30 pm. James Bruhn provided an invocation, and the Pledge of Allegiance was led by Kelly Enquist.

1. Approve the Agenda.

Duane Huffman reported that Mr. Frey has requested that his proposal to purchase a portion of Birnam Woods park property (agenda item #3) be tabled to the next meeting.

MOTION: *James Ahlstrom made a Motion to approve the agenda with item 3 tabled. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment.

No comments

3. Proposal to Purchase Portion of Birnam Woods Park Property – Kellen Frey

Tabled

4. Electronic Speed Sign.

The city received a request from Mr. David Turpin at 177 N 1100 W for the installation of permanent electronic speed limit/radar signs on the southern portion of 1100 W. He stated concern about increasing speeds on 1100 West between 400 North and 500 South especially with large trucks headed to the landfill or travelling north to new build sites. At his request, a temporary radar trailer was placed in front of his home for monitoring. The city does not have data from the trailer but has data from the radar signs installed at 1250 N 1100 West and 714 N 1100 West (which captures data from vehicles travelling south of 400 North). The data is sorted by 5 mile an hour

increments with a total vehicle count from 6/20/21 to 9/3/21. This data shows that 85% of vehicles travel at 32 mph or less.

In 2018, the city purchased the two solar powered electronic speed/radar signs currently installed on 1100 W. They were installed in a method that would allow the city to move them to different locations if so desired. The city received a quote and spec sheets for additional signs at roughly \$3,000 each. If the city is interested in installing additional signs, the police department recommends them for main thoroughfares such as 800 West, 600 West, Pages Lane, Porter Lane, and with talks of development of the west end of 400 North, this may be an additional location in the future. Signs at these locations are recommended before additional signs on the southern portion of 1100 West.

There was discussion about specific individual speeds from the sign data, i.e., several vehicles going 85mph. Chief Erikson explained the readings can sometimes be wrong as the signs can pick up other things or there is interference. He believes these to be error reads. Some of the slower speeds that are reported can be from golf carts, bikes, etc., but it is not believed there are enough to skew the averages.

There was discussion about the affect these signs have on traffic speeds. They act as reminders to most drivers to slow down, although there are some drivers that are not impacted. Flashing stop signs are also good.

Steve Maughan was asked about the mobility of the signs. He explained that if we had more bases installed in key locations, he could easily move the signs around as needed. He said he gets requests all over town for speed signs – primarily on main streets like 800 W, Pages Ln., and Porter Ln., and occasionally some side roads.

Council member Bruhn suggested it is good to monitor the speed data and use it as a tool to issue citations. The data should show times of day when most speeding occurs. Chief Erikson said they prefer to educate drivers and typically give warnings for first offenders which is helpful to change behavior of most drivers. He confirmed that the majority of speeding is in main thoroughfares. Signs are useful but people tend to become desensitized and ignore them when there are too many.

Duane Huffman noted that we have two goals, 1 - is to make residents happy, and 2 - is to ensure safety. Council member Ahlstrom commented that if these signs save even one life, the costs are well worth it. He would like to do something smart that gives the city good data to share with residents, including comparisons between flashing stop signs and speed limit radar signs. A safety strategy plan as suggested by Mr. Huffman is a good way to start.

There was consensus by council members to direct staff to purchase four signs at this time.

5. Impact Fee Reduction, Marv Putnam, 187 N 1450 West.

In June of 1999, the Putnam family granted West Bountiful City an easement consisting of 0.086 acres for the extension and maintenance of a culinary water line. At the time, the Putnams did not receive any compensation for the easement but did receive a verbal commitment from city staff that they would be “taken care of” if they ever desired to connect to the city water system.

In August of 2021, the Putnams made application to connect to the city water system (as well as annex their property into the city). The Putnams are required to pay the costs of installing a water line lateral, \$8,126 in impact fees for a 1" water meter, \$300 for a connection fee, and \$1,070 for a water right fee.

West Bountiful Municipal Code 3.22.060 states that "The City Council may authorize, on a project-by-project basis and subject to the Act, exemptions or adjustments to the impact fee rate structure for development activity the City Council determines to be of such benefit to the community as a whole to justify the exemption or adjustment..."

Council member Bruhn talked with the previous city administrator, Wendell Wild, about earlier commitments from the city and was able to confirm that he made a vague commitment to the Putnams in 1999. Staff has calculated an estimate of what the easement would be worth today (essentially 10% of the value of the land) and recommends an impact fee reduction of \$3,769.14 be granted in consideration of the benefit to the community previously provided by the Putnams.

MOTION: *James Ahlstrom made a motion to grant an impact fee reduction of \$3,769.14 based on a finding that the exemption provides a benefit to the community. James Bruhn seconded the Motion which PASSED as reflected below.*

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

6. Resolution 502-21, A Resolution Reappointing Jason Meservy and Renate Allen to the Emergency Preparedness Advisory Committee.

MOTION: *James Ahlstrom made a Motion to Approve Resolution 502-21 reappointing Jason Meservy and Renate Allen to the Emergency Preparedness Advisory Committee. Rod Wood seconded the Motion which PASSED as reflected below.*

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

7. Ordinance 446-21, An Ordinance Creating a New Section, WBMC 17.50 Clear View Area and Fence Requirements, and Deleting Related Sections 17.14.100, 17.16.100, 17.20.100, and 17.24.100.

At the city council's August 17th meeting, staff presented Ordinance 446-21 creating a new section of the city's municipal code (WBMC 17.50 – Clear view area and Fence requirements), as recommended by the planning commission. Following discussion on the issues, staff was asked to make several additional changes and bring back a draft for this meeting.

The requested changes are listed below.

1. The clear view area of driveways is increased from 10 feet to 14 feet on the driveway side.
2. Open fencing will be a minimum of 70% open.
3. Front yard fencing outside the clear view area can be 6 feet tall if open fencing is used.

Staff identified two additional issues based on their research and further consideration.

4. Language found in Title 15 – Building & Construction that allows the city to require the erection of fences as a prerequisite to approval of a project or granting of a building permit in certain situations should be modified to reference the new fencing ordinance.
5. The planning commission recommended tree branches in clear view areas be a minimum of 14 feet above the ground. This was based on the city's desire to avoid damage to snowplows and garbage trucks. After additional consideration, staff believes that in the clear view area, line of sight is a more reasonable measurement and proposes the restriction be reduced to 10 feet, and that 'branches' be changed to 'foliage.'

There was discussion on the issues.

- Items 1, 2 & 4 were accepted as written.
- Item 3 was changed so that outside of the clear view area, front yard fencing will be limited to 4 feet in height within 15 feet of the sidewalk, or street right of way if no sidewalk, regardless of the type of fencing, i.e., open or solid. Additionally, building permits will be required for front yard fences so that staff can monitor compliance and ensure clear view areas are protected.
- Item 5 was changed so that tree foliage is reduced to a minimum height of 10 feet on the yard side of a tree, with a minimum 14-foot clearance remaining on the street side.

Staff was asked to make the suggested changes and bring a new draft back to the next meeting.

MOTION: *James Ahlstrom made a Motion to table this agenda item so that additional changes can be made. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

8. Minutes from August 17, 2021, City Council Meeting.

MOTION: *Kelly Enquist made a Motion to approve the meeting minutes from August 17, 2021, as presented. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

9. Staff Reports

Police – Brandon Erikson

- The open sergeant position application process closes on Saturday.
- Waiting on approval of a new DARE vehicle design.

Public Works – Steve Maughan

- The well house construction is progressing; still waiting on block for the walls.
- New generator has been installed, tested and it works well.

Engineering – Kris Nilsen

- Pickleball shade structures should be installed this week, then we will work on signage.

Community Development – Cathy Brightwell

- Letters went out last Wednesday encouraging property owners on 1450 W to join the annexation petition of Marv Putnam and Mike Demas. No responses have been received.
- ULCT Conference is scheduled for Sept 29 – Oct 1. Any elected officials interested in attending should let Cathy know.
- Drive through vaccine clinic will be held at the LDS Stake Center on 600 West tomorrow from 3-6pm.

Administrative Report – Duane Huffman

- Flu clinic will be held at city hall on Sept. 14 from 3-5 pm. They will also provide other vaccinations including COVID, shingles, pneumonia, etc.
- Steve, Kris, Duane and Mayor Romney have been working a lot to prepare for the RFP for the west yard structure making decisions on locations of utilities, material storage, salt storage, etc.
- Scratch Development recently purchased the Smith property. There are a lot of issues with the property and future development. The current administration of Woods Cross is adamant that an access road to the north or east be included in any project. If the new owners decide to annex to Woods Cross, we will need to decide whether to oppose or support.

11. Mayor / Council Reports

Kelly Enquist – He has received complaints regarding the cross walk by the railroad crossing in on Pages Lane. There is a sign that warns of “crosswalk ahead” but no sign at the crosswalk. He also asked Steve Maughan why striping is not consistent on crosswalks. Steve explained that school crosswalks have certain standards (bars) that are different than general crosswalks.

Council member Enquist gave kudos to the golf course staff for doing a great job at his class reunion golf event. Members were very impressed with the condition of the course.

James Bruhn – Arts Council is wondering if Youth Council is planning to host Christmas on Onion Street this year. James Ahlstrom confirmed that they are planning to host the event on December 7. The Arts Council also had comments about the reduced size of the city newsletters. They are concerned that changing from 6 pages to 4 pages reduces the amount of content and readership may decrease. They suggested the city hire someone to help, as in the past, so it doesn’t fall on staff members to fit into their busy schedules.

Wasatch Integrated is looking for ways to treat waste. They are trying to work with South Davis Sewer District to get them anerobic waste.

James Ahlstrom – YCC has a meeting scheduled for this Thursday. They will review Bylaws and discuss options for their annual retreat and training. Their service project helping with the Rotary Club's Coats for Kids event was great. They were the only South Davis youth council that stayed throughout the multi-day event to help. They covered 4 shifts moving materials, setting up and taking down fences, cleaning, etc. They represented the city well.

Mark Preece – South Davis Sewer District – project costs have gone up. The original estimate for the nutrient removal project was \$70m and is now projected to be \$100m. The District is looking at how to pay for it.

He also shared that he has had questions about when the city will install bathrooms on the west side of the golf course. There is a porta-potty there, but it is not sufficient. He added that there is also interest from a lot of residents in having a dump station for RVs. Duane noted that it would need to be a partnership with the Sewer District.

Rod Wood – no report

12. Closed Session Pursuant to UCA § 52-4-205.

No closed session was needed.

13. Adjourn.

MOTION: *James Bruhn made a Motion to adjourn the Closed Session and the regular meeting. Kelly Enquist 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, September 21, 2021.

Cathy Brightwell, City Recorder