3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

WEST POINT CITY HALL
3200 W 300 N | WEST POINT, UT

July 21, 2020

Mayor
Erik Craythorne
City Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Annette Judd
City Manager
Kyle Laws

Administrative Session

6:00 PM

Minutes for the West Point City Council Administrative Session on July 21, 2020, beginning at approximately 6:00 PM. The meeting was held via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #839 5480 6071 at https://zoom.us/join or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, Council Member Kent Henderson; Council Member Andy Dawson, and Council Member Jerry Chatterton

EXCUSED: None

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Ryan Harvey, Administrative Services Director; and Casey Arnold, City Recorder

EXCUSED: Paul Rochell, Public Works Director

VISITORS PRESENT: Visitors able to attend electronically, no sign-in required.

1. **Discussion Regarding the Bluff View Subdivision – Mr. Boyd Davis**

Mr. Davis stated that the Bluff View Subdivision is the proposed name for the development of the Schneiters and Matthews Property. The properties were recently rezoned and are being jointly developed by NHM8, LLC. The development is just northwest of the Schneiter's Bluff Golf Course and directly across the street from West Point Elementary. Mr. Davis stated that there is a unique issue with this property, in that it is very long and narrow to the south, causing an issue with creating the required number of access points. The proposed plan that has been submitted proposes an access road at the very south end of the Schneiter property (the Nilson Homes portion of the project) going west through the cemetery. This requested access through the cemetery is needed in order to meet the Fire Code requirements as well as the City Code requirements that no more than 30 lots be allowed on a single access. The access would be an emergency access only, with a width of only 20 ft. asphalt; as an emergency access, it is not required to be a full-width road. The developers would also install a locked, crash gate to block the access from traffic going in and out of the subdivision. There is currently a gravel, one-way road that does get used frequently during funerals and by the Public Works and Parks Departments as they maintain the cemetery and the developers would pave that road in order to have it as an access. Having this current road paved may be of some benefit to the City. In addition, the developers need to run utility lines through the cemetery access to provide culinary and secondary water services to their project. Lastly, the developers are also seeking approval to run their sewer line farther to the south in order to access North Davis Sewer District Line on 200 S. This would cross an easement that is owned by the City.

In summary, Mr. Davis stated that the developers have three different requests: approval to have an access at the south end of the cemetery, approval of a utility easement through the cemetery, and approval to access the sewer easement owned by the City to connect to the 200 S line. Mr. Davis stated that in return, the developers should have some obligations. He presented the following options for the Council to consider:

City's Obligations	Developer's Obligations
Grant Access Through Cemetery	Develop according to the approved plan
Grant a Utility Easement Through Cemetery	Provide a 50' wide Loop Road in the Townhouses (this may be reflected on the revised preliminary plan)

Grant Access to the Sewer Easement	Enhance the access and road leading to the cemetery access

Mr. Davis explained that the roads shown on the proposed plan going through the townhome section of the development are very narrow at only 27 ft. wide – 2 ft. of that would be the curb and gutter, resulting in only 25 ft. of asphalt. Staff feels strongly that the loop-road shown should be much wider and meet the private development road standard of 50 ft. Mr. Laws added that in regards to the cemetery access road, the proposed road looks similar to a driveway to a home. He would recommend that the access look more like a street so that it is clear that it is an actual way out of the subdivision in case of emergency. This is a suggestion that he has already relayed to the developer.

In response to Council Member Judd's inquiry, Mr. Davis explained that the developers have already been given approval by the North Davis Fire District for the crash gate at the cemetery access, though there are still other requirements that must be met. The gate will have a sort of lock box that emergency responders will always have access to in order to unlock the gate. Mayor Craythorne added that although proposed as an emergency access, the road would not be available to residents because of the locked gate and would really only be accessible to them if emergency responders were already on-scene and unlocked the gate.

Council Member Petersen stated his concern about creating a residential access road here, whether for emergencies or not. He feels that the City has tried to make all roads regular, conforming streets and that developments have proper accesses, which this proposed road would not be. Further, although the existing road is only used for burials and maintenance, paving the road will become an access if the crash gate for some reason doesn't get maintained or starts to be frequently unlocked. Further, he feels that 30 lots creates a lot of homes to have only one access, which is why the requirement for a second access exists. In his opinion, the right way for this to be considered a proper access would be a full-width road that is always accessible to residents, which is not something he thinks the City wants in this proposed location.

Mayor Craythorne stated that the other option, which is not preferred, is an access that would have to go north through the Golf Course. The proposed access would give the City the benefit of an improved cemetery road. Council Member Chatterton stated his concern that once the Public Works building is relocated, at some point the cemetery will be extended to the south and this paved road may become a problem. Additionally, allowing the road and utility lines to go through the area gives the developers their density, but leaves the City with a road it has to maintain.

Council Member Dawson expressed his concerned that parking is going to be a huge issue – he feels that people are going to be parking on both sides of the roads and going through the development will be "a nightmare" because of the narrow road width. He feels that there is no way to avoid this without some type of communal parking to fit all of the residents' vehicles. Mr. Laws stated that most of the homes in the Nilson Homes section are full roads; the roads in the townhome section will be narrower, but are all private roads. Council Member Petersen stated that he was under the impression that a full-width road would still required because it is the only access to the townhomes. Mr. Laws stated that the City's Code allows for a private road to be 50 ft., although Staff has recommended that the loop be extended and widened.

The Council ultimately expressed their desire that other access options be looked into and presented to the Council, even though they may not be the developer's preferred option. Mr. Laws stated that the developers have not yet submitted a preliminary plat of the subdivision to the Planning Commission to begin the actual subdivision approval process, because only the Council can approve the discussed requests; it is being presented to the Council now so that the developers know how to proceed. The City has received legal counsel that a developer's agreement be put in place outlining the obligations of both the City and the developers in granting any of these requests before moving forward with the approval process. The Council will continue to discuss this item in following meetings.

2. **Discussion Regarding a Rezone Request for the Moss Property at 59 S 3000 W – Mr. Boyd Davis**

Mr. Davis stated that this property has operated as an RV storage business for many years, and the Moss Family is now wanting to sell the land. The family is working with a potential buyer and are requesting to rezone the entire property to R-4 (residential) in order to develop the property as a townhouse project. The current General Plan designates this property as an R-3 zone, which would allow 3.6 units per acre. The R-4 zone would allow 8 units per acre. They plan to remove the existing home and would therefore be allowed up to 18 units if rezoned to the R-4.

Because the request does not match the General Plan, Staff recommends that the rezone request be denied. Mr. Davis noted that the Planning Commission will be holding a public hearing at their meeting later this week after which they will consider action. Their recommendation will then be sent to the City Council for consideration in final approval of the rezone request.

The Council was in agreeance that they do not wish to deviate from the General Plan for this particular property, but would continue their discussion and consider approval of the rezone request after holding a public hearing at the next meeting on August 4th.

3. **Discussion Regarding Setbacks for Detached Accessory Apartments – Mr. Boyd Davis**

Mr. Davis stated that this item came from a request from Rich Wood that the Council review the setback standards for accessory apartments. Mr. Wood had built a detached accessory building as an apartment for his daughter, but was told by the City after it was built that it did not meet the setback requirements for it to be allowed as an accessory apartment. The Planning Commission considered the request and has made a recommendation for the Council to consider.

The current Code requires that a detached accessory apartment meet the same setbacks as the house. Mr. Davis explained that this means that in most areas, the apartment must have a rear setback of 30'. To achieve this standard, a resident must have a deep backyard. However, in Mr. Wood's case, he has a very deep backyard but still desired to place the apartment closer to the rear property line (13'). Staff has reviewed other cities codes and found a range of setbacks for these types of dwelling units. Some do not require a setback while others require a minimal setback of 5' or 10'.

The Planning Commission discussed all concerns, including potential impacts to neighbors such as by windows on the building facing their yard, landscape buffers, proximity of the building to the fence, etc. In the end the Planning Commission felt that it was not a greater impact than a shop or a shed that is allowed to be 1' from the property line. The Planning Commission approved the following recommendation:

ACCESSORY APARTMENT CONDITIONAL USE
17.75.030 Development standards.
I. An accessory building may be used as an apartment, but must maintain a minimum distance of 5' from the principal dwelling, 10' from the side and rear property line and, if on a corner lot, must adhere to the residential setback standards for corner lots. ~~the same setback as the principal structure~~. [Ord. 08-01-2017B § 1].

Council Member Chatterton was in favor of the Planning Commission's recommendation, feeling that the 10 ft. side and rear setbacks are adequate enough to eliminate potential impacts on neighbors.

Council Member Dawson expressed his concern about residents connecting their accessory buildings to their existing sewer lines, stating that the North Davis Sewer District is becoming increasingly concerned about this as well. The Council agreed that the current practice of allowing the sewer connections for these buildings without requiring an impact fee is something that the City needs to look into.

There was no further discussion regarding the Planning Commission's recommendation and a public hearing was set for the following meeting. The Council will consider final approval of the amendment to the Code after the public hearing.

4. **Discussion Regarding a Rezone Request for the Matthews Property at 3635 W 300 N – Mr. Boyd Davis**

Mr. Davis stated that the Matthews Family is in the process of selling their property located at 3635 W 300 N. The property is 0.35 acres and is currently zoned R-2 (residential). The potential buyers of the property, Jake Shepherd and Mark Thayne, intend to include this property in the townhouse project they are currently working on. The applicant is requesting to rezone the property to R-4 (residential). There is an existing home on the property that they will remove if the rezone is approved, as this property will be the entrance to the project. This rezone request is consistent with the General Plan and Staff recommends approval.

Council Member Dawson inquired as to how many townhomes would be allowed on this acreage of property. Mr. Davis stated that it would allow 2.7 units, but noted that the property would be included in the density calculation of the entire project.

The Council set a public hearing for the following meeting regarding the rezone request, feeling comfortable moving forward with the approval process as the rezone is consistent with the General Plan. Consideration of final approval will be taken after the public hearing.

5. **Discussion Regarding CARES Act Funding – Mr. Kyle Laws**

Mr. Laws stated that, as discussed in the last meeting with the Council, the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") provides funding to local municipalities and counties for COVID-19 relief and response. The City is eligible to receive

$955,087 over the course of three tranches, the first of which has already been received in the amount of $318,362. In Council of Government (COG) meetings the last few months, the Mayor has been in on discussions of how to use these funds County-wide. Davis County has created the Davis CARES Business Grant Program to distribute funds, in the form of grants, to qualified businesses within the County, and as part of those discussions, the County has requested that each city consider contribute a portion of their funding to the County to assist with this program. Most cities agree that this program will be run best at the County level and many have agreed to participate. The County received $10 million in their first tranche and are contributing half of that to the program. Clearfield and South Weber Cities have chosen not to participate, and there are still some other cities that have not made a final decision. Businesses that apply that are within participating cities will be given funding preference; in an email received from the County last week, we were informed that 4 applications were received from businesses in West Point. Mr. Laws asked the Council for direction on whether West Point City should participate in the program, and if so, at what amount.

As also discussed with the Council at the last meeting, the North Davis Fire District sent the cities served by the District a letter requesting that they share some of CARES funding that they received to help with their COVID-19 response costs. As a special district, the NDFD did not receive any CARES Act funds directly. Since that letter, the NDFD has specified the requested amount to be $141,339.74 for personnel support. Mr. Laws stated that he, along with Clearfield's City Manager and the Mayor of Sunset City, met to discuss how best to handle the request. As the NDFD serves as the fire department for the three cities, they all felt that it would be appropriate to contribute the funds, and that the requested amount be split based on population. That breakdown would be as follows: Clearfield (66.5%) - $94,009.62, West Point (22.4%) - $31,622.16, and Sunset (11.1%) - $15,707.97.

Mr. Laws explained that the City is not giving away all of the funding it has received, as there are needs in the City that it will be used for – one of those needs being upgrades to technology in the Council Chambers and City Hall to better handle electronic meetings. However, Staff feels comfortable that the current needs of the City will still be met with the funding after contributing 50% to the County's grant program and $31,622.16 to the NDFD.

At this time, the Council agreed with the suggested contributions and will consider final approval at the next meeting. Any further discussion needed will be had at that time.

6. Other items

No other items were discussed.

The Administrative Session adjourned.

3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION
July 21, 2020

Mayor
Erik Craythorne
City Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Annette Judd
City Manager
Kyle Laws

General Session
7:00 PM

Minutes for the West Point City Council General Session held on July 21, 2020 at approximately 7:00 PM. The meeting was held via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #839 5480 6071 at https://zoom.us/join or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, Council Member Kent Henderson, and Council Member Andy Dawson

EXCUSED: Council Member Jerry Chatterton

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Boyd Davis, Assistant City Manager Ryan Harvey, Administrative Services Director; and Casey Arnold, City Recorder

EXCUSED: Paul Rochell, Public Workers Director

VISITORS PRESENT: Visitors able to attend electronically, no sign-in required.

1. **Call to Order & Pledge of Allegiance** – Mayor Craythorne welcomed those attending the electronic meeting.
2. **Prayer** – Offered by Council Member Dawson
3. **Communications and Disclosures from City Council and Mayor**

Council Member Henderson – None

Council Member Chatterton – None

Council Member Judd – None

Council Member Petersen – None

Council Member Dawson – The North Davis Sewer District Board has requested that the cities served by the District be more involved with sewer projects that are happening within their areas. With that, the NDSD plans to begin the pre-construction walkthrough and meetings with engineers for the sewer lining project on 3000 W that Council Member Dawson was invited to, but is not able to attend. He would provide the details of the meetings to Staff to attend to represent the City.

Mayor Craythorne – On the south corner of 2525 W 800 N is about a 10 ft. gap between the sidewalk and the property owner's fence. It is filled with gravel, but overgrown with weeds, puncture stickers, etc. The adjoining property owners have asked if it would be possible to move their fence to line up against the sidewalk and take control of maintaining that 10 ft. gap of property, since it will not be part of the road widening of 800 N. The Mayor asked the Council and Staff if they could see any potential problems of looking into this request further; the City would not transfer actual ownership of the property, but rather the fence would just be moved so that they can maintain it. The Council was in favor of looking into the request further, feeling that if the gap is no longer going to be part of the widening of the road, it may be an option.

4. **Communications from Staff**

Mr. Laws reviewed the Davis County Health Department's COVID-19 Dashboard; the 7-day case average of positive cases seems to have begun leveling off, although still at high numbers. The Health Director especially indicated his concern that the positive case rates in the age group of 25-44 is rising significantly.

5. **Citizen Comment**

No comments received.

6. **Consideration of Approval of the Minutes from the July 7, 2020 West Point City Council Meeting**

Council Member Judd motioned to approve
Council Member Henderson seconded the motion
The Council unanimously agreed

7. **Consideration of Final Approval of the West Lake Estates Subdivision Phase I – Mr. Boyd Davis**

Mr. Davis stated that this subdivision is located at 1000 N 5000 W and is being developed by Psion Homes. This first phase of the subdivision contains 6.5 acres and 16 lots ranging in size from 13,102 sq. ft. to 17,354 sq. ft. All lots in this first phase will connect directly to the gravity sewer line on 5000 W and will not require a lift station. As the Council is aware, the storm drain plans for both this subdivision and the adjoining Sun View Estates Subdivision have been an issue as they call for all of the storm water to drain west across Lynn Kirkman's property. Both subdivisions are required to have a detention pond with a snout that filters the water before draining onto the Kirkman Property. However, Psion Homes is proposing that the detention pond be part of Phase 2 instead of Phase 1. The storm water from Phase 1 would flow into a temporary gravel sump, until they are ready to develop the west half of the property. The west part of the property will continue to be farmed until that point. Mr. Davis stated that these type of temporary gravel sumps have been allowed before, but the City Attorney recommends that it only be approved if a deadline is put in place for when the detention pond has to be installed, whether or not Phase 2 begins. His recommendation would be within 2 – 3 years. Staff recommends that if the Council is ok with allowing this temporary storm drain collection, the time requirement for the actual detention to be installed be specified in a developer's agreement with Psion Homes.

Council Member Petersen stated his opinion that 3 years seems like too long a time to not have the detention pond installed; he would think 1 year to a 1 ½ years would be more appropriate. John Nelson, with Psion Homes, was in attendance at the meeting and stated that 2 years would give him enough time to finish Phase 1 and begin Phase 2, but as mentioned, Allen Bennett is currently farming the west part of the land, and will continue to farm whatever property is not being developed as the project is built-out. In consulting with Thurgood Excavating, who will be installing the detention pond and doing the ground work for Phase 1, installing the detention pond now could cause issues with the farming by having to relocate irrigation lines and installing new lines that heavy farming equipment will be traveling over. Mr. Nelson stated his preference that 3 years be the timeline so that the farming can continue even after Phase 2 has begun. Council Member Petersen suggested that the developer's agreement specify a 2-year deadline with the option for 6-month extensions to a max of 3 years so that it at least gets addressed at 2 years. Mayor Craythorne agreed that this would be a reasonable option.

Mr. Laws suggested that the Council's motion to approve Phase I of the West Lakes Estates Subdivision be subject to execution of a simple developer's agreement specifying the 2-year deadline for the installation of the detention pond, with the option for 6-month extensions to a maximum of 3 years, that the Mayor is permitted to sign. This will avoid having to delay approval of the subdivision so that the development agreement can be brought back to the Council at a later meeting.

The Council had no further discussion

Council Member Petersen made the motion as stated by Mr. Laws
Council Member Judd seconded the motion
The Council unanimously agreed

8. **Consideration of Approval of Resolution No. 07-21-2020A, Approving a Postponement Agreement with Craythorne Development for Property Located at 1111 N 4000 W – Mr. Boyd Davis**

Mayor Craythorne disclosed that he is the applicant requesting approval of this subdivision and recused himself from the discussion for Items 8 & 9. Mayor Pro Tem Petersen presided over the meeting at this point

Mr. Davis stated that, as has been presented to and discussed by the Council in previous meetings, this is a simple, single-lot subdivision located at 1111 N 4000 W. It is an empty parcel between two existing homes that now plans to be developed. Staff has reviewed the plat and plans for the subject subdivision and has given the developer a list of some minor corrections to be made. All of the corrections are complete and the subdivision was approved by the Planning Commission on June 11th. Mr. Davis stated that this subdivision will also require a postponement agreement on the curb, gutter, and sidewalk. There is no existing curb along this section of street. Staff recommends approval of both the postponement agreement and final approval of the subdivision.

The Council had no further discussion.

Council Member Judd motioned to approve Resolution No. 07-21-2020A
Council Member Dawson seconded the motion
The Council unanimously agreed

9. **Consideration of Final Approval of the Womsquom Subdivision – Mr. Boyd Davis**

Mr. Davis had no additional information to present and the Council had no further discussion.

Council Member Dawson motioned to approve
Council Member ** seconded the motion
The Council unanimously agreed

Mayor Craythorne resumed his position and presided over the remainder of the meeting

10. **Consideration of Approval of Resolution No. 07-21-2020B, Approving a Postponement Agreement with Brett Kenley for Property Located at 876 N 5000 W – Mr. Boyd Davis**

Mr. Davis stated that this is also a single-lot subdivision and is located at 868 N 5000 W. The lot is 1.0 acres, which meets the lot size requirement of the A-40 zone, and is parceled off of the larger Kenley Family property for the son, Brett Kenley, to build a home on. Staff has reviewed the plat and plans for the subject subdivision and has given the developer a list of some minor corrections to be made. All of the corrections are complete and the subdivision was approved by the Planning Commission on June 25th.

This subdivision will also require a postponement agreement on the curb, gutter, and sidewalk. There is no existing curb along this section of street. Staff recommends approval of both the postponement agreement and final subdivision approval.

Council Member Petersen inquired as to enacts postponements agreement. Mr. Davis stated that the agreements are recorded on the property and activated when the City improves the road; properties along the road are searched for existing postponement agreements and the agreement is executed.

The Council had no further discussion.

Council Member Petersen motioned to approve Resolution No. 07-21-2020B
Council Member Judd seconded the motion
The Council unanimously agreed

11. **Consideration of Final Approval of the Brett Kenley Subdivision – Mr. Boyd Davis**
Again, no further information was presented by Staff and the Council had no further discussion.

Council Member Petersen motioned to approve
Council Member Judd seconded the motion
The Council unanimously approved

12. **Consideration of Final Approval of Phase I of the Dahlia Estates Subdivision – Mr. Boyd Davis**
Mr. Davis stated that this subdivision was also discussed at the last meeting and is located at 300 N and 4300 W. The developers were granted approval at that meeting to simultaneously develop Phases 1 and 2, but only Phase 1 is ready for approval. The access for the subdivision will be off of 300 N on Cold Springs Road. Phase 2 will later connect and have another access on 4250 W, which is an existing road through the Fairways at the Bluff Subdivision. All of the necessary approvals and requirements have been met. However, there is an outstanding issue regarding the construction of Cold Springs Road. The developer would like the City to sign a donation agreement for the property for the whole width of the Cold Springs Road that will run through the property, but only plan to develop about half (26 ft.) of the road width as the entrance to the subdivision. The City would be required to build the other half. The question is whether the developer is required to build the full width of the road and do a payback agreement to reimburse their costs, or is the City responsible to pay for the other half of the road. If the City is responsible, a follow-up question is whether the City should contribute the money now to get the road fully completed and also if impact fees can be used to pay for it. Staff has been working with a Land Use Attorney (Rob Keller) about the issue, but he had to postpone the meeting that was scheduled for the previous day. As such, his legal recommendation has not yet been received by Staff to be able to share with the Council. Staff feels that there is an argument that the developer is required to construct a full-width road all the way to 200 N.

Mayor Craythorne inquired as to what the full-width of the road is. Mr. Davis stated that it is a 66 ft. right-of-way with 42 ft. of asphalt. The Mayor stated that the road is listed on the General Plan as a 66 ft. road, which is 6 ft. wider than a normal subdivision road standard. If not listed on the General Plan as a 66 ft. road, the City would be responsible for the extra 6 ft., but as was done when the south end of the road was constructed for a development, he would assume that the developer is required to complete the full-width of the road and enter into a payback agreement to be reimbursed for the costs.

Council Member Dawson stated that Cold Springs Road is meant to replace the old Bluff Road that was torn out and will be the main corridor to 300 N and the previous developer that owned the entire property was given strict instructions by the City that the entire road had to be completed; he does not believe that anything less be required of whoever the current developers are of the property along the road. Council Member Petersen agreed, feeling that a subdivision requires a full access, especially as these developers own the property of the entire width of the road. As mentioned, he feels that it would be appropriate for them to enter into a payback agreement to be paid back for the costs if other properties that are developed in the future use the road as an access.

The Council wished to have legal counsel weigh in on the road before considering final approval. Staff was instructed to place the item back on the agenda for the next meeting once they have met with the Attorney Keller.

Council Member Petersen motioned to table approval of Phase 1 of the Dahlia Estates Subdivision to the next meeting of the Council.

Council Member Dawson seconded the motion
The Council unanimously agreed

13. **Consideration of Approval of Ordinance No. 07-21-2020A, Amending West Point City Code Sections 15.20.165, 17.25.080, & 17.35.80 – Modifying Front Yard Setback Requirements in Multi-Family Developments – Mr. Boyd Davis**

Mr. Davis stated that the Planning Commission received a request from Jake Shepherd to consider changing the front yard setback in the R-4 zone from 25' to 20'. Mr. Shepherd is planning a development that will include townhouses and feels that 20' is appropriate. The Planning Commission held a public hearing on May 14th and received one comment from Bryan Bales of Nilson Homes (a partner in the development) in favor of the 20' setback. In his comment, Mr. Bales stated that it is difficult, and maybe even impossible, to fit 8 units to the acre and maintain the 30% open space required with 25 ft. setbacks. Mr. Bales also commented that the blocking of sidewalks can and does happen even in longer driveways, and so is not solely due to the actual driveway length.

As has been presented and discussed with the Council, there are three existing townhouse projects in the City that can be used as comparisons. The Yalecrest Towns project has a variety of setbacks ranging from 9' to 29'. The Sandy Point Townhouse project setbacks range from 20' to 25'. The Lakepoint Village project includes some townhouses with setbacks ranging from 19' to 23'. In researching why these projects were allowed to have smaller setbacks, Staff discovered that the Old PUD Code did allow for 20 ft. setbacks, and Section 15.20.165(5) of the Code regarding Multifamily/Townhouse Standards also allows a 20 ft. setback. Additionally, the new PRUD also allows a 20 ft. setback in Section 17.25.080. However, the Zoning Chart in Section 17.25.080 of the Code 'trumps" the other sections and designates that a 25 ft. setback is required.

The Planning Commission discussed the request in depth over multiple meetings and finally approved a recommendation to the Council on June 11th. However, the City Council asked that the setback to the front plane of the building be changed from 15' to 20'. That change to the Planning Commission's recommendation is reflected in the proposed language below:

15.20.165 Multifamily development

(A) 5. All townhouse and condominium projects shall be at least 1,200 square feet per unit and shall have a minimum of two and one-half parking stalls per unit. At least one single-car garage shall be provided for each unit. Where units are attached with common wall construction, at least 50 percent of the units per building shall contain a side by side two-car garage. Setbacks shall be measured from the building to the edge of the adjacent roadway or sidewalk, whichever is nearer. The front yard setbacks are listed in the table found in WPCC 17.25.080. Setbacks shall only apply to private and public streets and shall not apply to private driveway and alleys. Driveways can be used to meet the parking requirement provided there is at least 20 feet from the garage to the sidewalk or street. Private driveways can only be used to meet the parking requirement for that particular unit. All apartment style dwellings must be at least 1,000 square feet and shall provide one covered parking space per unit. Only areas of the dwelling that have been completely finished shall be counted in the minimum square footage.

17.25.080 Zone regulations chart.

ZONING CLASSIFICATION	R-3	R-4	R-5	N-C
PRINCIPAL STRUCTURES SETBACK				
Min. Front Yard Setback Residential/Nonresidential	25'/30'	~~25'~~	20'	20'
Min. Distance to Garage		25'		
Min. Distance to Front Plane of Building		20'		
Min. Front Yard Setback Arterial Street	40'	40'	20'	20'

17.35 Planned Residential Unit Development (PRUD)

17.35.080(A)

6. Minimum Building Setbacks. The following minimum standards shall apply:

	R-1	R-2	R-3
Building Setbacks			
Front (from back of sidewalk)	*N/A*	~~*20'*~~	~~*20'*~~
Min. Distance to Garage		*25'*	*25'*
Min, Distance to Front Plane of Building		*20'*	*20'*
Side (from building to building)	*N/A*	*10'*	*10'*
Rear (from building to building)	*N/A*	*30'*	*30'*

17.35.080(B)

2. Minimum Lot Standards. The following minimum standards shall apply:

	R-1	R-2	R-3
Minimum Lot Size (sq. ft.)	*10,000*	*8,000*	*7,000*
Minimum Lot Widths	*85'*	*75'*	*70'*
Building Setbacks			
*Front***	*25'*	~~*20'*~~	~~*20'*~~
Min. Distance to Garage		*25'*	*25'*
Min, Distance to Front Plane of Building		*20'*	*20'*
*Side**	*10/8'*	*10/5'*	*10/5'*
*Rear***	*30'*	*25'*	*25'*

Mayor Craythorne opened the public hearing.

a. Public Hearing
No Comments

Council Member Henderson motioned to close the public hearing
Council Member Petersen seconded the motion
The Council unanimously agreed

b. Action

Mr. Davis stated that Staff agrees with the proposed language but recommends that the Council review the section regarding public & private roads vs. private lanes as it the proposed language means that there are no setback requirements for private driveway and streets. Council Member Petersen stated that he assumed that the developer would have to have a reasonable setback on these in order to have a marketable, logical subdivision, but asked Staff if having no minimum setbacks for private driveways and alleys could potentially be an issue. Mr. Davis clarified that the Code does required that driveways can meet the parking requirement if that are at least 20 ft. long. If that length cannot be met, other parking must be made available. Mr. Davis used the Yalecrest Townhomes development as an example, wherein there are private alleys behind the units that are only 8 ft. wide and it seems to work fine. Council Member Petersen stated that he understands that parking regulations or not what is being currently considered, but asked for clarification on what counts as meeting that 20 ft. driveway parking requirement. Mr. Davis stated that to be considered a driveway, it has to be a private driveway into a garage that is 20 ft. long

itself; even if there is additional asphalt along the driveway, that space cannot be counted into the 20 ft. length requirement. In his opinion, Mr. Davis stated that this 20 ft. driveway requirement will force most units to have a 20 ft. setback, but if there is additional parking elsewhere to meet the requirement of 2.5 parking spaces per unit, some units may not need to have 20 ft. long driveways and so the setbacks could be smaller.

The Council discussed the proposed language specifying that setbacks do not apply to private driveways and alleys, concluding that they were not comfortable approving that particular amendment to the code at this time. The Council directed Staff to research similar developments and other cities' codes to see what setbacks, if any, are required for private driveways and alleys and bring that information back to the Council to continue this particular discussion.

The Council was in agreeance with the other proposed amendments that specify a 20 ft. setback requirement to the front plane of the home.

Council Member Petersen motioned to approve Ordinance No. 07-21-2020A, with the amendment to the proposed language in Section 15.20.165 as follows:

~~*"Setbacks shall only apply to private and public streets and shall not apply to private driveway and alleys.*~~ *Setbacks shall apply to all private and public roads."*

Council Member Dawson seconded the motion

Roll Call:
Council Member Petersen: Aye
Council Member Dawson: Aye
Council Member Judd: Aye
Council Member Henderson: Aye
Council Member Chatterton: Absent

The Council unanimously agreed

14. Motion to Move into a Closed Session

Council Member Dawson made the motion
Council Member Judd seconded the motion
The Council unanimously agreed

Closed Session

1. **Motion to Open Closed Session**
   Council Member Henderson motioned to open the Closed Session
   Council Member Judd seconded the motion
   The Council unanimously agreed

2. **Call to Order and Roll Call**
   Mayor Erik Craythorne called the July 21, 2020 Closed Session to order

   Roll Call -
   Mayor Erik Craythorne
   Council Member Gary Petersen
   Council Member Kent Henderson
   Council Member Annette Judd
   Council Member Andy Dawson

   Kyle Laws, City Manager
   Boyd Davis, Assistant City Manager
   Ryan Harvey, Administrative Services Director
   Casey Arnold, City Recorder

   The Council discussed items regarding the following:

3. **Purchase of Real Property, Pursuant to UCA §52-4-205(1)(d)**

4. **Motion to Adjourn Closed Session and enter the General Session**

15. Motion to Adjourn the General Session

Council Member Petersen motioned to adjourn the General Session
Council Member Dawson seconded the motion
The Council unanimously agreed

ERIK R. CRAYTHORNE, MAYOR — August 4th, 2020

CASEY ARNOLD, CITY RECORDER — August 4th, 2020

WEST POINT CITY CORPORATE SEAL DAVIS COUNTY - UTAH