



**WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
3200 W 300 N, WEST POINT UT
October 20th, 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 held at West Point City Hall, 3200 W 300 N, West Point, Utah on October 20, 2020 at 6:00 pm with Mayor Erik Craythorne presiding. Also available via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #853 0455 9189 at <https://zoom.us/join> or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne (attending electronically), Council Member Gary Petersen, Council Member Annette Judd, and Council Member Jerry Chatterton

EXCUSED: Council Member Andy Dawson and Council Member Kent Henderson

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

EXCUSED: None

VISITORS PRESENT: No sign-in required from those attending the meeting electronically.

1. Discussion Regarding Setback Requirements for Private Driveways and Alleys – Mr. Boyd Davis

Mr. Davis stated that in July of this year, the City Council approved new setback requirements for the R-4 zone. However, there were some unanswered questions about the setback requirements along private lanes, alleys, or driveways that arose through those discussions. The Council ultimately approved those setback requirements for all street types, but requested that the Planning Commission review the current requirements for private driveways and alleys and make a recommendation for proposed changes. The Planning Commission has discussed the item in-depth and also held a public hearing, at which no public comments were made. They unanimously approved their recommendation to the Council.

Mr. Davis stated that the current setback requirements in the R-4 zone as approved by the Council are a 20 ft. setback to the front of the home and a 25 ft. setback to the garage; a 25 ft. driveway was felt by the Council to be the right amount for adequate parking space in a driveway. While these currently apply to all street types, Mr. Davis stated that there are several different types of streets and alleys in subdivisions throughout the City, in varying lengths and widths. Before considering setback requirements for these different road types, the Planning Commission and Staff felt that it was important to have better definitions of each type. As such, the Planning Commission's recommendation includes the proposed modifications to those definitions:

Alley: A private roadway that provides access to the rear of residential or commercial buildings with a minimum of 20' of asphalt with curb and gutter on each side. ~~Alleys can be a through street or a dead end, but dead end alleys~~ shall not provide access to more than 15 lots or units. Units or lots that have rear access from an alley shall also have frontage on a public road or a private road.

Private Lane: A private roadway that provides access to the front of residential or commercial buildings with a minimum width of 20' of asphalt with curb and gutter on each side. Private lanes ~~can be a through street or a dead end, but dead end lanes~~ shall not provide access to more than 15 units or lots.

Private Road: A private roadway with a minimum of 50' right-of-way that includes curb, gutter, and sidewalk on both sides and meets the requirements found in the public works standard drawings. Dead ends are allowed but must be provided with a dedicated turnaround at the end and shall be no longer than 600' in length.

Public Road: A public roadway with a minimum of 60' right-of-way that meets the requirements found in the public works standard drawings.

Based upon these definitions the following front setbacks are proposed in the R-4 zone:

Road Type	Setback to Building	Setback to Garage
Alley	10' 5'	10' 5'
Private Lane	20'	20'
Private Road	20'	25'
Public Road	20'	25'

Council Member Petersen commented that in his understanding of the proposed definitions of an alley, it could allow for one alley that is serving 15 units to lead directly to the access of another alley that is also serving 15 units; in his belief, the number of units determines the number of car trips and if there are two adjoining alleys, the actual traffic impact is going to be much higher and not desirable for a minimum 20 ft. road width. Language may need to be added to prevent that. He also feels that as units are more often built in double units, 16 units may make more sense than 15. Council Member Petersen also stated that he is also concerned whether these definitions are detrimental to development happening appropriately by potentially allowing more private lanes and alleys than normal roads.

In regards to the proposed definition of private roads, Mr. Davis stated that the Council may want to consider including a restriction on the number of units it provides access to in order to prevent too many private roads in a subdivision.

Mr. Davis presented examples of existing subdivisions throughout the City with a variety of these road types for the Council to evaluate.

Council Member Petersen had another concern that there is no requirement for a sidewalk on a private lane, even though curb and gutter is required. He suggested that a private lane look more like a private 50 ft. wide road, but allowed to be a smaller road-width of around 24 ft. Mr. Davis stated that he would not be opposed to that idea, but feels that in practice, private lanes seem to be working well in subdivisions throughout the City. Council Member Petersen suggested that the Council take the opportunity to drive through the existing subdivisions, like Yalecrest and Sandy Point, to better evaluate these different road types in actual use.

Chair Brian Vincent explained to the Council the Planning Commission's reasoning for reducing the setbacks to the building and to the garage, which is that the setback of an alley is not intended to be used as a parking space, and 10 ft. may be enough that residents try to use it that way; a 5 ft. setback will hopefully make sure that it is not treated like a driveway.

Council Member Petersen speculated as to why a private lane should even be included – it is going to be used as an access road just like private and public roads, and as such should require a 25 ft. setback as well, making it no different than the definition of a private road.

The Council agreed to use the time before the next meeting to drive through the mentioned subdivisions to get a better visual of these road types and continue the discussion at that point.

2. Discussion Regarding Maximum Height Restrictions for Accessory Buildings – Mr. Boyd Davis

Mr. Davis stated that the current City Code contains a slight conflict regarding the height restrictions on accessory buildings. There are currently three different height restrictions: on small to medium sized lots, the accessory buildings can be no taller than the house on the lot, on larger lots (15,000 sq. ft. and larger) there is a maximum height of 30 ft., and lastly, accessory buildings are limited to one story. This last restriction is where the language can become problematic, because there is no clear definition of what constitutes a "story", and there are many "one-story" accessory buildings that are as tall as, or taller than, a two-story building. The Code also specifies that mezzanines or lofts do not count as a second story. Mr. Davis stated that this has been a fairly common use of the extra attic space in residents' accessory buildings. However, it has also been common for residents to build a short pony wall on top of the first floor to extend that attic space and make it higher. The dilemma is how to determine at what point that wall can be before it should be considered a second story. Mr. Davis then presented examples of some existing accessory buildings to better demonstrate why the Code can be difficult to apply. In one example, a 30 ft. tall accessory building was approved, but a permit request for an accessory building that was actually shorter (26 ft.) was not approved because it showed a second floor and the plans had to be modified. Because of these types of situations, Staff made the recommendation to the Planning Commission that the restriction on the number of stories be eliminated and simply have a regulation on the height of an accessory building (the sq. footage would still be restricted as specified in the current Code).

The Planning Commission discussed the issue and also held a public hearing, at which no public comments were received. Their recommendation is as follows:

17.75.030(l)

An accessory building may be used as an apartment but must maintain a minimum distance of 5' from the principal dwelling ~~and 10' from the rear property line~~. Side yard setbacks must adhere to the residential setback standards for side yards and corner lots the same setback as the principal structure. The accessory building shall be set back from the rear property line as specified in the table below:

<u>Roof Height (feet)</u>	<u>Up to 15 ft.</u>	<u>15ft. + to 30 ft.</u>
<u>Minimum Rear Setback (feet)</u>	<u>10 ft.</u>	<u>15 ft.</u>

Mayor Craythorne stated that he is aware of a situation in Syracuse City wherein an accessory building had two floors and it created problems between the resident and the City because they were using the second floor as an accessory apartment. He asked if the Council had reservations about not being able to control this type of issue if the Code were to allow accessory buildings with more than one floor. Mr. Davis stated that the Planning Commission had this same concern, specifically about windows on a two-story accessory apartment close to a property line. They discussed several ideas such as limiting accessory apartments to one-story, but ultimately concluded that it would be best to simply require an additional setback in order to have more space between the neighboring residence.

Mayor Craythorne stated that he is still concerned that allowing accessory building with two stories is going to create accessory apartment violations that will be hard for the City to police, because once the building is built, there is not much the City can really do in regards to how it is going to be used. Mr. Davis stated that all residents wishing to have an accessory apartment do have to apply for and be granted a conditional use permit by the City, and there are regulations on who the apartment can be used by or rented to. Council Member Petersen echoed the Mayor's concern, stating that even though there are restrictions on who can be rented to, once the conditional use permit is granted and the person(s) that the accessory apartment was intended for, such as a mother-in-law, is no longer in need of it, the owner can rent it out to whomever without the City ever knowing about it. The Mayor stated he is aware of several instances in the City where this is happening and allowing for two stories opens up the possibility for more accessory apartments to be built where this type of violation can occur.

Council Member Petersen also expressed his concern that the new style of homes being built are increasing in height and he has already seen one-story accessory buildings in the City that are unsightly – he wishes that even though they are the same height as the house, they weren't approved because they are so tall. He added that he also wonders if a 30 ft. height maximum is too high on large lots.

The Council agreed that this item needs more consideration and would like to continue the discussion at the next meeting.

3. Discussion Regarding a Change to the Land Use Table to Allow RV Storage in Industrial Zones – Mr. Boyd Davis

Mr. Davis stated that Tim Gooch is planning to build a storage unit project on his property located at approximately 3900 W and 1800 N. The property is zoned C-C along the frontage of 1800 N, and the rear of his property is zoned R/I-P (Industrial). The storage units will be built on the portion zoned as industrial, and his concept includes open RV storage on the back of the units for boats, trailers, etc. However, it was discovered by Staff that RV storage is not listed as a use in the industrial zone. Mr. Davis stated that Staff has always considered this to be an accepted and appropriate use for that zone and recommends that it be added to the list of uses allowed in an industrial zone. The Planning Commission discussed this issue and held a public hearing at which no comments were received. They approved a recommendation to the Council that the Code be modified to allow RV storage in the R/I-P zone.

Mr. Davis confirmed for Council Member Petersen that although Mr. Gooch's plans are for storage units with the RV storage in the back, adding RV storage to the list of approved uses could technically allow the entire portion of the property that is zoned R/I-P to be all RV storage. Council Member Petersen stated he is concerned about how the storage area will be constructed (gravel, asphalt, etc.) and if there would be a process to make sure it remains maintained. Council Member Chatterton stated that he had the same concerns. Mr. Davis stated that the project will have to receive final pad approval from the Council, and these concerns could be addressed at that time.

The Council had no further discussion and set a public hearing for the November 17th meeting, after which it would consider approval of the Planning Commission's recommendation.

4. Discussion Regarding Health Insurance Renewal Rates – Mr. Kyle Laws

Mr. Laws stated that Staff recently met with Keyes Insurance, the City's insurance broker, regarding the 2021 health insurance rates. Keyes puts together a summary of the City's current health insurance plan renewal rate and the 2021 rates of alternative providers/plans in order to evaluate the market and see how the current plan compares. This year, the renewal rate for the same plan with PEHP is a 5.4% increase for medical insurance and a 1.9% increase for the dental insurance. In comparing the other alternatives, the increase of most of the plans is significantly higher, with the one having a smaller increase of 4.2% having a deductible that is almost twice as high as the current plan.

The FY2021 Budget approved by the Council budgets for a 12% insurance increase, and so the renewal rates for the current plan are significantly below budget. The dollar increase to the budget would be just over \$11,000. Staff recommends that the City remain with the current PEHP plan and accept the 5.4% increase.

Council Member Chatterton inquired as to whether there have been any employee complaints about the current plan. Mr. Laws stated that he has not received any complaints but rather all employees are very grateful for the benefits it provides.

The Council was in favor of staying with the current PEHP employee insurance plan with a 5.4% medical insurance premium increase and 1.9% dental insurance premium increase.

5. 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
WEST POINT CITY HALL
3200 W 300 N, WEST POINT UT
October 20th, 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 at West Point City Hall, 3200 W 300 N, West Point, Utah on October 20, 2020 at 7:00 pm with Mayor Erik Craythorne presiding. Also available via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #853 0455 9189 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, and Council Member Jerry Chatterton

EXCUSED: Council Member Andy Dawson and Council Member Kent Henderson

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

EXCUSED: None

VISITORS PRESENT: No sign-in required from those attending the meeting electronically.

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

Council Member Petersen – None

Council Member Chatterton - None

Council Member Judd – None

Mayor Craythorne – Disclosed that he is involved with the Bennett Century Farms Subdivision, which is the subject of Item 8 on tonight's Agenda. He asked Council Member Petersen to preside over that item as Mayor Pro Tem.

The Mayor also stated that the Davis County Council of Governments will be meeting the next evening wherein they will be approving projects throughout the County to be funded by 3rd quarter sales tax revenue. The Mayor is hopeful that West Point and Clinton City will receive funding to complete the 800 N project, which is expected to be about \$2.2 million. The project is on the list recommended for approval and hopefully that money is approved so the project can move forward. The Mayor stated that the completed portion of 800 N has turned out really nice and the landscape park strips are a great feature.

4. Communications from Staff

Mr. Laws stated a permanent ballot dropbox was installed by the County at the east entrance of the City Hall parking lot between the utility drop box and U.S. Post Office box. It is open and available for residents to deposit their ballots for this election.

Mr. Laws also stated that a question regarding the City's wainscoting requirement on the side of homes has arose, specifically in a situation when a third-car garage on the side of the house does not go the full depth of the home but juts back in before the back, leaving a section of the side of the home exposed. In this type of situation, if the garage does not extend more than 75% of the depth of the home, it is unclear if the remaining side section is also required to have wainscoting, and whether it is considered to be part of a home's side-yard or backyard. Mr. Laws asked the Council if they would like the Planning Commission to explore the issue and provide a recommendation to the Council.

Council Member Chatterton stated that in his experience as a homebuilder, he has dealt with this issue before when building in West Point. He explained that third-car garages are usually an additional 12 ft. off of the side of the home and because of their width, it is hard to even see the remaining side section exposed towards the back of the home. Additionally, doing wainscoting on the side of the garage and on that side section of the home looks odd and disjointed, but continuing the wainscoting around the back of the garage to make it continuous is expensive. He has always installed wainscoting only on the side of the third-car garage and not on that small section.

Mr. Laws stated that, as in Council Member Chatterton's experience, this has been allowed and the exact language of the Code hasn't been enforced. However, more building permit requests have come in recently with home plans that have this type of situation and Staff has begun interpreting the Code based on what it feels is the Council's desire to err on the side of more brick than less, and so requiring that the remaining side be wainscoted as well. Member Petersen stated he would prefer not to revisit the City's building codes regarding wainscoting, as the Council already made modifications to it within the past year. He believes that Staff should enforce the language in the Code requiring that all of the exterior sidewalls of the homes be wainscoted.

Mayor Craythorne noted that when a city's code is unclear, the developer's interpretation trumps that of the city. With that, the Council felt that if the Code is not specific and Staff is having issues with developers on how it is applied, it needs to be modified for clarification. They requested that the issue be sent to the Planning Commission for review and a recommendation.

5. Citizen Comment

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated that she was unable to attend the Planning Commission's meeting wherein private lanes, alley, and roads in the R-4 zone were discussed, but saw that the Council also discussed the item earlier in tonight's Administrative Session. She expressed her concern with an alley only requiring 5 ft. setbacks to the home and garage, but the setbacks for roads accessing the front of the home or buildings be 20 ft. with curb and gutter. There is currently a project being developed that is in the R-4 zone, and these definitions allowing 5 ft. setbacks concern her.

Mayor Craythorne noted that any changes to this Code will not apply to current projects but only to those that are submitted after any changes to the Code are approved.

6. Consideration of Approval of the Appoint of Trent Yarbrough to the West Point City Planning Commission – Mayor Erik Craythorne

Mayor Craythorne stated that this appointment will fill the vacancy left by Korey Kap on the Planning Commission. With the previous vacancies earlier this year, there were some great applicants that, although not chosen, were also a consideration for this vacancy and he received some recommendations from other officials as well. However, one of his main concerns was that many of these applicants are close neighbors to some of the existing Planning Commissioners and he feels that it is important that the Planning Commission consist of individuals from all the different geographical areas of the City so that there is a balance of perspectives. The Mayor stated that Trent Yarbrough lives in the northwest part of the City, which is not an area of the city that any of the existing Planning Commissioners live in, and is someone he has known for many, many years. He feels that he would be a great addition and recommends the appointment of Trent Yarbrough to the Planning Commission.

The Council had no discussion about the Mayor's recommendation.

Council Member Petersen motion to approve the appointment of Trent Yarbrough to the West Point City Planning Commission

Council Member Chatterton seconded the motion

The Council unanimously agreed

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

Council Member Judd motioned to approve the Minutes from the October 6th, 2020 West Point City Council Meeting

Council Member Chatterton seconded the motion

The Council unanimously agreed

8. Consideration of Final Approval of the Bennett Century Farms Subdivision Phase 2 – Mr. Boyd Davis

Mayor Craythorne recused himself for this discussion and turned the meeting over to

Mayor Pro Tem Petersen to preside.

Mr. Davis stated that the Bennett Century Farms Subdivision is located at 1100 N and 3800 W. Phase 2 is directly east of Phase 1, with the east boundary line bordering Lynn Kirkman's property. Most of the homes in Phase 1 have been completed and they are ready to begin Phase 2. There is an existing irrigation ditch in the back of the lots that are along the Kirkman's fence line and the developer has agreed to pipe that ditch. The property to the north will continue to be irrigated until is developed, at which time the pipe will be abandoned.

Mr. Davis also stated that there is a slight change in Phase 2 from the preliminary plan for the subdivision – the lot sizes are smaller than what was originally planned, but are still well over the minimum lot size for this zone. All of the approvals have been received by the required agencies and Staff recommends approval of Phase 2.

Council Member Chatterton inquired as to whether the North Davis Fire District was okay with there not being a cul-de-sac at the end of the end of the long road that accesses the lots, and Mr. Davis stated that they have approved it as a hammerhead turnaround.

The Council had no further discussion.

Council Member Chatterton motioned to approve

Council Member Judd seconded the motion

The Council unanimously agreed

Mayor Craythorne returned to preside over the meeting.

9. Motion to Move into a Closed Session

Council Member Petersen motioned to move into a Closed Session

Council Member Judd seconded

The Council unanimously agreed

Closed Session

1. Motion to Open Closed Session

Council Member Chatterton 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 October 20, 2020 Closed Session to order

Roll Call -

Mayor Erik Craythorne

Council Member Gary Petersen

Council Member Annette Judd

Council Member Jerry Chatterton

Kyle Laws, City Manager

Boyd Davis, Assistant City Manager

Ryan Harvey, Administrative Services Director

Paul Rochell, Public Works 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**

Council Member Chatterton motioned to close the Closed Session and enter the General Session

Council Member Judd seconded the motion

The Council unanimously agreed

10. Motion to Adjourn the General Session

Council Member Petersen motioned to adjourn the General Session

Council Member Judd seconded the motion

The Council unanimously agreed

ERIK R. CRAYTHORNE, MAYOR

November 17th, 2020

CASEY ARNOLD, CITY RECORDER

November 17th, 2020

