



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
August 3rd, 2021

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 on August 3, 2021 at 6:00 PM with Mayor Pro Tem Petersen presiding. This meeting was also available via electronic Zoom Meeting and was accessible to attendees by entering Meeting ID #819 1035 5712 at <https://zoom.us/join> or by telephone at (669) 900-6833.

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

EXCUSED: Mayor Erik Craythorne

CITY EMPLOYEES PRESENT: Boyd Davis, Assistant City Manager; Bryn MacDonald, Community Development Director; Ryan Harvey, Administrative Services Director; Paul Rochell, Public Works Director; Troy Moyes, City Planner; and Casey Arnold, City Recorder

EXCUSED: Kyle Laws, City Manager

VISITORS PRESENT: Brian Vincent, Bruce Jeppsen, and Jed Hamblin

No sign-in required for online attendees.

1. Discussion Regarding the FY2022 Final Budget and 2021 Property Tax Rate – Mr. Ryan Harvey

Mr. Harvey reviewed the progress of this year's budget process, explaining that the City Council chose to go through the Truth in Taxation process at the June 1st meeting, and so the 2021 Property Tax Rate and Final Budget for Fiscal Year 2022 will be approved by the Council during a Special Budget Meeting on August 17th following public hearings for both items. Davis County has set the Certified Tax Rate for 2021 at .000792. This is lower than the 2020 rate adopted by the Council of .000910. Mr. Harvey displayed the following graph showing the Certified and Adopted Property Tax Rates since 2006; the highlighted years are the years that the Council adopted a rate different than the Certified Tax Rate set by the County:

YEAR	CERTIFIED RATE	ADOPTED RATE	REVENUE
2021	0.000792	TBD	TBD
2020	0.000877	0.000910	\$544,484
2019	0.000859	0.000917	\$509,283
2018	0.000881	0.000917	\$459,924
2017	0.000902	0.000945	\$434,260
2016	0.000984	0.000984	\$400,443
2015	0.001005	0.001036	\$376,649
2014	0.000996	0.001036	\$356,700
2013	0.001041	0.001111	\$337,970
2012	0.001111	0.001111	\$313,495
2011	0.001008	0.001008	\$308,326
2010	0.000910	0.000936	\$302,867
2009	0.000876	0.000876	\$281,926
2008	0.000773	0.000895	\$281,925
2007	0.000834	0.000834	\$228,710
2006	0.000909	0.000909	\$199,212

Mr. Harvey explained that if the Council adopted this year's Certified Rate of .000792, it would be the lowest property tax rate for West Point since 2006 (when the North Davis Fire District was created). Although sales tax revenues have increased over the past few years, Mr. Harvey stated that it is not best practice to rely too heavily on that revenue due to fluctuations in the market.

In response to Council Member Dawson, Mr. Harvey stated that the contract with the Davis County Sheriff's Office for law enforcement services is only increasing by 5% this year, however it is unknown what the contract fee will be in the future once the logistics surrounding paramedic services are worked through and a multi-year contract is negotiated.

Mayor Pro Tem Petersen asked the Council to consider the property tax rate between now and the next meeting, and ask Staff any questions they may have so that they are prepared to discuss and approve the rate for this year at the August 17th meeting.

In regards to the Final Budget for FY2022, Mr. Harvey stated that Staff proposes the following items be added, which were not included in the Tentative Budget that the Council approved in June, and noted that there may be additional items before the budget is approved on August 17th:

- **Soccer Goals (+\$8,000)** - The two sets of soccer goals that the City uses for 3rd/4th grade need to be replaced, as the quality is not good enough to withstand the abuse they get from being in the park. We also need to replace the goals that we use for the 5th/6th grade league. They have been fixed many times but are now at a point where they can't be repaired.
- **Pitching Machines (+\$3,200)** – The City is in need of 2 new pitching machines, one for Baseball (\$2,200), and one for Softball (\$1,000). The current pitching machines are getting old and have to be repaired regularly, and if they went down it would shut down the program until it could be replaced.

Mayor Pro Tem Petersen thanked Mr. Harvey for the information presented and the Council had no further discussion at this time. The Council will approve the Property Tax Rate and FY2022 Final Budget at the Special Budget Meeting on August 17th after holding public hearings for both items.

2. Party at The Point Celebration Wrap-Up – Mrs. Shelby Sargent

Mrs. Sargent stated that although there were quite a few modifications to this year's celebration in light of the COVID-19 pandemic, she has received great feedback about the event from residents and also from Staff, Committee Members, and volunteers. In regards to participation, Mrs. Sargent provided the following statistics:

- Golf Tournament: 120 entries
- 3v3 Basketball Tournament: 48 entries
- Parade: 50+ entries and many spectators
- 5K/2-Mile Walk: approximately 400 participants
- Baby Contest: 30 participants
- Stage Games: Played over 30 games
- Kids Bingo: 300+ participants
- Adult Bingo: 550+ participants
- Horseshoe Tournament: 18 teams
- Art Contest: 10 entries
- Vendors: 25
- Community Sponsorships: 20+ local business donations
- Volunteers: 200+
- Staff Members: 25+
- Planning Committee Members: 10 Members
- Activity Revenue: appx. \$12,000
- Budget:
 - Budget - \$60,000
 - Expenditures - \$58,826

Mrs. Sargent then provided a brief summary of some of the changes or additions that were made to this year's event:

- Dinner was not provided to residents.
 - The decision to remove dinner from the schedule was done due to COVID-19 concerns. As a replacement, we increased the presence of food trucks options available to residents. The food options included: kettle corn, shaved ice, cotton candy, Filipino food, Mexican food, Cajun food, American food fried foods, corn dogs, and mixed sodas. Mrs. Sargent noted that all of the food vendors were consistently busy throughout the day and were each pleased with their sales numbers.
- Online Registration for 5k/ 2 Mile Walk and shirt pickups the week before.
 - To eliminate gathering in City Hall and hopes to move registration primarily online in the future, we opened registration up on June 1st to residents at www.westpointcity.org. Race shirts were available to be picked up at City

Hall from June 28th – July 2nd. This change helped slow down the traffic into City Hall and is a very common practice in running events. We had great feedback from staff and residents with this change.

- Stage power
 - We rented an additional generator solely for the stage and sound use. This eliminated the power problems we have every year and allowed for other areas like the vendors and kids bingo to use power freely.
- Miss West Point Royalty did not perform talents
 - This decision was made last year because it was very difficult for the girls to perform their talents, help on the stage and conduct the baby contest. The new royalty had a great presence on stage all day with their other involvement.
- Kids Bingo layout
 - We expanded the layout of kid's bingo to allow for more space. In the past use bowery #4 but extended to also use bowery #3 and the space in-between. This created a larger area for participants to enjoy kid's bingo with more space between each other.
- Golf Tournament Raffle
 - We usually offer a raffle after the tournament that is held in a room at the golf tournament. Instead, we gave each golfer a 9-hole golf pass to the course. This was done to give each golfer a prize but eliminate any gatherings.
- Postcards to the Troops
 - We had a booth available in Kids Corner for kids to write thank you letters and draw pictures for deployed troops from the 75th Logistics Readiness Squadron from Hill AFB. These letters were sent out to troop in Kuwait, Qatar, Africa and Jordan via Official Mail.

Council Member Chatterton thanked Mrs. Sargent, Staff, and all the volunteers for a great event. He stated that the Horseshoe Contest is always a well-liked event and he had received comments about adding a Cornhole Tournament as well. Mrs. Sargent stated that she also had received that suggestion and it is "at the top of her list" to look into for the future. Council Member Chatterton offered his assistance in organizing and putting on the event if it is added in the future.

Council Member Henderson expressed his appreciation to Mrs. Sargent for the great job that she did overseeing this event; there was a great crowd and everything from the parade to the fireworks was a success.

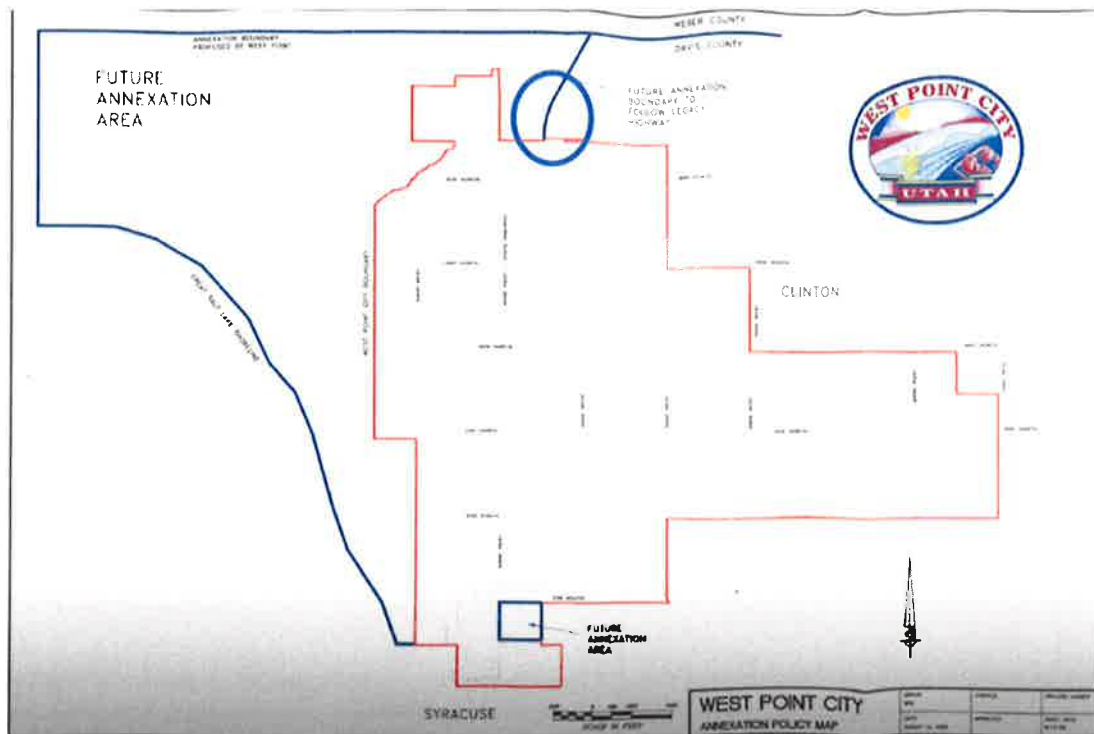
Council Member Judd also expressed her appreciation to Mrs. Sargent, the Committee, Staff, and all the volunteers for a fantastic celebration. She stated that everyone she saw working or volunteering at the event looked like they were having a great time. She added that Mrs. Sargent and the Committee had some innovative ideas that made the best of the current situation and everyone did a great job.

In regards to the resident dinner that was not provided this year, Mayor Pro Tem Petersen inquired as to the Council's thoughts on whether it should be permanently discontinued or resume as usual next year. Council Member Dawson stated that the dinner is a lot of extra work for Staff and not only does it also cost a lot of money, there has been a myriad of issues throughout the years, such as not having enough food or having too much food leftover, or when the vendor provided bad chicken and gave residents food poisoning. His suggestion is that the City provide some sort of free, pre-packaged treat (like ice cream sandwiches) rather than a full dinner. Council Member Chatterton agreed with this suggestion, especially because of the burden the dinner places on the Public Works Departments in getting it delivered, unloaded, garbage cleaned-up, keeping lines moving, etc. Council Member Henderson also agreed, adding that the Council and Planning Commission would still get the same face-to-face interaction with residents when handing out an ice cream sandwich as they did when serving the dinner. Council Member Judd also agreed and felt that it would be appreciated by residents.

Mrs. Sargent thanked the Council for the discussion and stated that next year's celebration will be on Monday, July 4th, with the Golf Tournament being held on Friday, July 1st and the 3v3 Basketball Tournament on Saturday, July 2nd.

3. Discussion Regarding a Boundary Line Adjustment with Clinton City – Mrs. Bryn MacDonald

Mrs. MacDonald stated that the City has received a request from a developer to do a boundary line adjustment with Clinton City. The applicant originally planned to submit a petition to annex all of this property, but has withdrawn the application and is requesting a boundary line adjustment for the portion of the property that is in Clinton City. The City's General Plan shows the boundary of the future annexation area following the West Davis Corridor, which location has since shifted to the east into Clinton City from the time the future annexation area was adopted over 10 years ago, leaving about 25 acres on West Point's side of the highway. This adjustment would move that area into West Point rather than remain in Clinton City. Below is a map of the adjustment area (circled in blue):



Mrs. MacDonald stated that the boundary line adjustment process is much simpler than the annexation process, even with some of the property in this case being owned by UDOT; State Statute requires an extra time requirement to provide notice to all publicly-owned property. She outlined the process for the Council as follows:

1. Adopt a resolution indicating the intent to adjust a common boundary.
2. Hold a public hearing on the proposed adjustment NO LESS THAN 60 days after adoption of the resolution of intent.
3. Post public notice at least 3 weeks before the public hearing.
4. Provide notice at least 50 days before the public hearing to UDOT.
5. After holding a public hearing, the City Council may adopt an ordinance approving the adjustment of the common boundary, unless a protest is received at or before the hearing.

The Council must also apply a zoning designation to the property, which could be a “holding zone” such as an A-5 or A-40 until the developer goes through the rezoning process, or could be zoned with the density the Council would like to see for the area concurrently with the boundary adjustment.

Mrs. MacDonald confirmed for the Council that besides UDOT, the only owner whose property is in Clinton that would be affected by the boundary adjustment is the actual developer. She also confirmed that in her conversations with Clinton City officials, they are in agreeance that with the adjusted route of the West Davis Corridor, the boundary line should also be adjusted as they recognize that the highway was informally agreed upon many years ago by the Boundary Annexation Commission to be the separation between the two cities.

The Council will consider approval of the resolution noticing the intent to adjust the boundary line at the next meeting and will continue the discussion at that time.

4. Discussion Regarding the Revised Land Use and Development Code – Mrs. Bryn MacDonald

Mrs. MacDonald noted that there is a public hearing scheduled for tonight’s General Session regarding the final draft of proposed revisions to the City’s land use and development code. She explained that this project began over a year ago, and the primary purpose of revising these parts of the City’s code is to make sure that it is in conformity with State Code and also to consolidate standards in other titles, streamline approval processes, and address and update standards on specific topics. During the process, there has also been some formatting and clarification revisions. Mrs. MacDonald stated that she would review the proposed amendments before tonight’s public hearing, but there were a few items in regards to the general plan amendment process that arose during the Council’s last discussion that she would like to review at this time.

During the last discussion, the Council indicated that they would like to place a restriction on when amendment applications would be accepted; while the Planning Commission had also discussed this, they ultimately voted not to include a designated application

period in the proposed code they approved for recommendation to the Council. However, after discussion, the Council felt that it would be beneficial to do so. With that direction, Staff proposes the following language be included in the final draft:

- *The City Council shall only accept applications to amend the General Plan twice a year, during the months of April and October. This section shall not limit the City Council, Planning Commission, or authorized City staff from imitating a general plan amendment at any time.*

The Council also discussed and was in favor of placing a time limit on how soon a new application for the same property could be submitted after being denied. Mrs. MacDonald proposed the following language to meet that intent:

- *Effect of Disapproval: City Council denial of an application to amend the General Plan shall preclude a person from filing another application covering substantially the same subject or property, or any portion thereof, for one-year from the date of disapproval. This section shall not limit the City Council, Planning Commission, or authorized City staff from imitating a general plan amendment at any time.*

The Council was in favor of these restrictions as proposed, agreeing that the process can always be amended if needed.

Mrs. MacDonald reiterated that she will review all of the amendments before tonight's public hearing and the Council had no further discussion at this time.

5. Other Items

No other items were discussed.

The Administrative Session adjourned.



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WEST POINT CITY COUNCIL MEETING MINUTES West Point City Hall August 3rd, 2021

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 on August 3, 2021 at 7:00 PM with Mayor Pro Tem Gary Petersen presiding. This meeting was also available via electronic Zoom Meeting and was accessible to attendees by entering Meeting ID #819 1035 5712 at <https://zoom.us/join> or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Pro Tem Gary Petersen, Council Member Annette Judd (electronically), Council Member Kent Henderson, Council Member Andy Dawson and Council Member Jerry Chatterton

EXCUSED: Mayor Erik Craythorne

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

EXCUSED: Kyle Laws, City Manager

VISITORS PRESENT: Brian Vincent, Bruce Jeppsen, Dennis & Ralene Montgomery, Jeremy Durman, Jed Hamblin, Dee Manning, Laura Richins, Ryan Forsgren, Donna Payne, Emily Hamblin, Jaren Smith, Sharon Cammack, Jason Cammack, Mark & Mary Montgomery, Scott & Thomas Wolford, Melissa & Logan Payne, Deana & Emma Griffin, McCarrey Family, Lola Ward, Marge Hawkes, and Douglas Hawkes. No sign-in required for online attendees.

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

Council Member Chatterton – none

Council Member Dawson – none

Council Member Henderson – none

Council Member Judd – none

Mayor Pro Tem Petersen – None

5. **Communications from Staff**

Ms. Arnold reminded the Council that a Special Meeting will be held on August 24th in order to approve the Primary Election Canvass. The meeting will begin with the General Session at 7 PM (there will not be an Administrative Session) and approval of the canvass will be the only action item on the agenda. This will be a public meeting that is available to attend either in-person at City Hall or via Zoom. Mayor Pro Tem Petersen encouraged residents to research the candidates running for election and cast their ballots by the Primary Election Date of August 10th.

6. **Citizen Comment**

Jason Cammack – 4177 W 300 N: Mr. Cammack stated that the comments he would like to make are cynical in nature, beginning with the fact that he only has “150 seconds to talk about a 164-page proposal that is most likely already decided on anyways” (*referring to the proposed land use code*). He stated that when he attended the public hearing held by the Planning Commission, Commissioner Jake Shepherd made the comment that residents rarely come to meetings, but if they (residents) want to know what is going on, they need to actually go to the meetings. Mr. Cammack stated that even if they go to the meetings, residents are not “actually going to be listened to anyways.” He further stated that a “city usually represents their residents – they don’t sue them, but that seems to be the ‘go-to’ in West Point these days. We have multiple families now getting sued either by developers or the City. In fact, we have Planning Commissioners telling & encouraging developers to sue residents.” He continued to comment on the proposed land use code, stating that “one of the first things is talking about eminent domain” because West Point “loves property rights so much that we’re going to take the property from the people and hold on to it ourselves for the developers because that is how we progress.” He referenced large cities like Los Angeles, Philadelphia, and Salt Lake as being very progressive cities that have a lot of problems, but West Point still wants to progress the same way and make sure “the developers get theirs, because those millionaires need a few more million.” He stated that he had an exam he should be studying for tonight, but thought he would come to the meeting instead to make [Commissioner] Shepherd “happy” and to tell the City that they should be worrying about citizens and not developers, as “developers make money and money makes monsters out of men.” He referenced Edmund Burke, quoting him as saying that “all it takes, all that is necessary for evil to triumph is for good men to do nothing.” He ended his comment by saying that when [the Council] is “deciding on these things, suing people, taking people’s land, encouraging developers to sue people, maybe you should go home and think – am I the evil or am I the good?”

- Mayor Pro Tem Petersen thanked him for his comments and his “manner of teaching our youth here how to be sarcastic in public.”

Melissa Payne – 1200 S 4500 W: In regards to the proposed land use code, noting that it is a lot of paperwork to review, Mrs. Payne stated that there is new language being proposed that she believes means that city staff can now approve conditional land use permits and bypass having to go through the Planning Commission. Noting that she is sure the Council is already going to approve the language, she would still like to express her opinion that the Planning Commission is supposed to act as the advisory board to the City Council and although she is not “the number one fan” of the Planning Commission, this change allows city staff to “basically fast track anything they think is good” and although city staff is likely very qualified, passing this type of decision along to “someone that is hired, who I have not chosen to represent me, that doesn’t necessarily represent my beliefs or my plans and hopes for the future of West Point is stepping over citizens and going straight to what can be a personal agenda...and that is not okay.” She feels that the elected officials are supposed to be representing the residents and be the decision-making body.

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated that she would like to echo the previous comments that have been made, and also further comment that the General Plan needs to be what the Planning Commission and the City Council work through and deem to be what is best for West Point. She doesn’t feel that developers should have “the right to try and amend it to give us some pretty picture of what they see and for us to just be okay with that.” She would also like to comment on the West Davis Corridor, stating that the intent of the highway was to take traffic off of I-15, but what is actually happening is that because it is coming through the City, “we feel it necessary to increase our numbers and developers are looking at it as a great time to jump in and put in as much density as they can, because now we have this highway that is giving them access that wasn’t there before.” She continued to comment that care needs to be taken before adding all of this density to consider environmental concerns because of how close the west side of the City is to the Great Salt Lake and Antelope Island, feeling that environmental studies need to be done because of the flooding and soil problems this creates. Ms. Caruso stated that she noticed on the General Plan that there is retail and high-density zoning right off of Antelope Drive and 4500 W, which she feels is a “horrible idea considering its close proximity to the park.” She is also concerned (in regards to more density) about the dark sky ordinance the City is supposed to be adhering to and all of the water these new homes are going to need. She summarized her comments by saying, “I feel like we just really need to slow down and be more thoughtful about how we proceed and how we build the City as we move forward.”

Jed Hamblin – 467 N 4000 W: Mr. Hamblin stated that there are a lot of youth attending tonight's meeting to be sworn into this year's Youth Council, and he would like Mayor Pro Tem Petersen to clarify what he referenced as being "sarcastic" in Mr. Cammack's earlier comments. As the comments referred to the City suing and/or encouraging developers to sue residents, he would like to have it clarified for the youth what parts were and were not sarcastic so that they have a better understanding of what the City is or is not actually doing.

- Mayor Pro Tem Petersen stated that his reference to sarcasm was only acknowledging Mr. Cammack's use of it in his comments to make his point; he stated that he "can vouch" that Mr. Cammack's representation of what the City is doing is not accurate, but was not obligated to provide any further response to a citizen comment during the meeting.

7. Swearing-In of the 2021-2022 West Point City Youth Council – Mayor Pro Tem Petersen

Mayor Pro Tem Petersen stated that he is excited to preside over this meeting in the Mayor's absence particularly because of this item. He expressed his appreciation to the youth and their families for their involvement with the City's Youth Council and wanted to especially thank Brenda Pehrson as the Youth Council Advisor for the service she is willing to give to the group and to our community.

Mayor Pro Tem Petersen announced the name of each member, calling him or her to the front of the podium to be sworn-in as a 2021-2022 West Point City Youth Council Member:

Youth Council Officers

Mayor - Emily McCarrey
Mayor Pro-Tem - Jacob Orton
City Manager - Angelina Orton
City Recorder - Lydia Merrill
City Treasure - Brooklyn Hamblin
City Historian - Matt Bodiker

Youth Council Advisor

Brenda Pehrson

Youth Council Service Members

Lexi Alberts
Rylee Baptist
Lucia Dorman
Emma Griffin,
Emma Hamblin
Lillia Hamblin
Matthew McCarrey
Cooper Merrill
Blake Miles
Carson Miles
Sydnee Oliver
Isaac Pehrson

Madi Pehrson
Brinlee Price
Karlee Price
Sariah Richins
Jaren Smith
Shailynn Spangler
Corban Tobler
Dallan Tobler
Kendall Visser
Lola Ward
Tommy Wolford

8. Consideration of Approval of the Amended Plat for the Sandy Meadows Subdivision – Mr. Boyd Davis

Mr. Davis stated that this item was actually approved by the Council at the previous meeting and is on tonight's agenda in error. No action needs to be taken.

9. Consideration of Approval of Resolution No. 08-03-2021A, Approving the Real Estate Purchase Contract for Property Located at Approximately 2143 W 470 N – Mr. Boyd Davis

Mr. Davis stated that this item has been discussed by the Council in previous meetings and summarized that the property is currently owned by the City and located in the Sandy Meadows Subdivision at 2150 W 470 N. The property was originally designated as a detention pond for the subdivision, however, that detention pond was no longer needed once the Bison Pointe Subdivision to the west was developed, and at that point, the lot was converted into use as a community garden lot.

The community garden will no longer be in operation and the City would like to change the use of the parcel into a buildable lot, with the intent to sell the property to the Davis School District to use for the high school's home building program. To do so, the subdivision plat needed to be amended to designate the lot with the existing home as Lot 1 and the City's property as Lot 2 on the new "Sandy Bison West" plat map. The Council approved the amended plat at the previous meeting.

The Real Estate Purchase Contract has been prepared between the City and the School District for a purchase price of \$125,000. A copy of the REPC is attached to the Staff Report for this item and requires approval by the City Council through a resolution. Mr. Davis stated that Staff recommends approval of the resolution and purchase contract.

Council Member Chatterton stated that he had thought the Council discussed requiring the Davis School District to pay all of the closing costs, but that is not reflected on the REPC. Mayor Pro Tem Petersen stated that he does not remember having that discussion, and Mr. Davis commented that he did not recall it either, but would be happy to review the audio and/or meeting minutes to verify. There were no other comments in response or direction given to Staff on this issue.

The Council had no further discussion.

Council Member Dawson motioned to approve Resolution No. 08-03-2021A

Council Member Henderson seconded the motion

The Council unanimously agreed.

10. Consideration of Approval to Place the Craythorn Homestead Subdivision Phase 3 on One-Year Warranty – Mr. Boyd Davis

Mr. Davis stated that this subdivision is located at approximately 550 S 4250 W. All of the required improvements have been completed and inspected for Phase 3 and Staff recommends placing this phase on the one-year warranty period. Mr. Davis noted that during the one-year warranty period, the City holds 10% in escrow as a guarantee to complete any items that may need to be repaired.

Mayor Pro Tem Petersen inquired as to whether any of the properties in this subdivision have been allowed to delay landscaping of the lots due to the drought. Mr. Davis stated that this subdivision did not have the specific requirement (through a developer's agreement) that the developer landscape each lot, but those that do have that requirement have been told that the City is not holding them to that deadline this year because of the drought situation.

The Council had no further discussion.

Council Member Henderson motioned to approve

Council Member Dawson seconded the motion

The Council unanimously agreed.

11. Consideration of Approval of the Final Plat for the Craythorn Homestead Subdivision Phase 4 – Mrs. Bryn MacDonald

Mrs. MacDonald stated that with the completion of Phase 3, the developers would like to begin construction of Phase 4 of this subdivision and are seeking final plat approval. She stated that all of the approval letters have been received and the plat has been approved by the required City Staff and the Planning Commission. Staff recommends approval of the final plat.

In response to Council Member Dawson's inquiry, Mr. Davis stated that that the detention pond for the whole subdivision is actually part of Phase 5, however, Phase 4 will have a retention pond with no outlet until SR-193 is built by UDOT; once that storm drain is built, this phase will connect to that system and the retention pond will not be needed. He noted that this is only for the short-term, as SR-193 is expected to be built within the next three years.

In regards to subdivision warranties, Mr. Davis confirmed for Council Member Chatterton that sidewalks are not required to be installed until the end of the warranty period, which is done so that they do not get broken and damaged during the home building process, which requires heavy equipment traffic.

The Council had no further discussion.

Council Member Judd motioned to approve the final plat for Phase 4

Council Member Chatterton seconded the motion

The Council unanimously agreed.

12. Consideration of Approval to Place Phase 2 of the Murray Place Subdivision on One-Year Warranty – Mr. Boyd Davis

Mr. Davis stated that similar to a previous item, all of the required items needed to be placed on warranty have been completed and inspected, and the City will hold in escrow the 10% guarantee amount for that one-year period.

The Council had no further discussion.

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

13. Public Hearing Regarding Amendments to West Point City Code: Title 15 – Buildings & Construction, Title 16 – Subdivisions, Title 17 – Zoning, and Title 18 – Land Use, and the Creation of Title 17 – Land Use and Development – Mrs. Bryn MacDonald

Mrs. MacDonald reviewed the purpose for this code revision project and the steps that have brought it to this point, explaining that the main purpose was to bring the City's land use codes into compliance with State Code. The City hired Land Use Consultants to help with the project, and Staff spent many months with them reviewing and working through how to best resolve all of the issues with the current Code. The main issues were brought to the City Council and Planning Commission at a joint meeting, and also many subsequent meetings, and more work was done by Staff to incorporate all that was discussed and the direction given. Staff presented a final draft to the Planning Commission in June of this year. The Planning Commission has had several discussions on the proposed revisions of the City's land use and development codes, having gone through the entire draft twice before holding a public hearing and approving a final draft for recommendation of approval to the City Council. The City Council has also had numerous discussions and made some amendments throughout its review, and the proposed code is now ready for a public hearing. She noted that this is only a public hearing and the Council is not being asked to take any action at this time. The following is a summary of the project timeline:



Mrs. MacDonald explained that this major code revision removes all sections of the current City Code regarding land use and development and replaces them with one new "Land Use and Development" title. The proposed changes can be placed in one of four categories and are summarized as follows (*the proposed draft is included in its entirety with the Staff Report for this item and is color-coded, with blue representing State Code changes, red representing policy changes, and green representing text/technical changes*):

1. Compliance: Several proposed changes/additions fall within this category. The current code does have language that is not in line with the current State Code. For example, the Conditional Use chapter allows for the City to "deny" an applicant, whereas State Code states that conditional uses are permitted and should be allowed as long as reasonable conditions are used. The following are specific areas where this category applies:

- Temporary regulations, exactions, and vested rights
- Noticing requirements for zoning amendments
- Appeal authority
- Conditional uses
- Cannabis production and pharmacy

- f. Manufactured homes
- g. Nonconforming use and noncomplying structures

2. Repeal and Replace: In the process of consolidating standards the following titles were affected and brought into the updated Title 17 Land Use and Development Code:

- a. Title 2.60 (Planning Commission) – Moved planning commission from Title 2.60 to Title 17
- b. Title 15 (Building and Construction Standards) – Residential construction (15.15) and commercial development standards (15.20) all moved to Title 17 while the rest stays
- c. Title 16 (Subdivision) – All moved to Title 17
- d. Title 18 (Land Use) – All moved to Title 17

3. Minor Text Changes: There are over 200 “minor text” changes in the proposed document. Some of those changes include adding “as adopted by the City” to the end of a sentence or adding “Community Development Director or designee” in place of “Zoning Administrator” to be consistent throughout the code and help clarify the text.

4. Policy Changes: The changes listed above in the other categories only add clarification and are not major policy changes. There are, however, several proposed policy changes throughout the code, including the following:

- a. Process for amendments to the Land Use code and/or General Plan (17.00.090)
- b. Addition of “Zoning Conditions” (17.00.090(J))
- c. Clarifying standards and approval procedures for Conditional Uses (17.20.030)
- d. Adding “administrative review/approval” for certain uses in the Table of Land Use Regulations (17.60.050)
- e. Addition of “Zoning Chapters” (17.60.060) Each zone will be represented by each chapter with individual standards and references to applicable regulations
- f. Deck and patio encroachment standards (17.70.020 (D))
- g. New setback standards for Accessory Buildings (17.70.030)
- h. Subdivision approving bodies (17.130.040)(17.130.050) Planning Commission will see all preliminary plats and will not see final plat. City Council will only see final plats

The following is a summary of these policy changes and where they are located in the proposed code:

Type	Current	Proposed	Proposed Code Reference
Amendments to the Land Use Code and/or General Plan	Amendments to the Land Use Code or General Plan are initiated by City Council, Planning Commission, or Staff.	Changes can be initiated with an application and supporting documentation by any person seeking an amendment to the code, map, or General Plan. Changes to the General Plan and Zoning Map can be done at the same time. Amendment applications will only be accepted in the months of April or October, and a new application cannot be submitted for the same piece of property for one year after being denied.	17.00.090 (page 2)
Zoning Conditions	Not allowed or defined	This will allow the Land Use Authority at the time of rezoning to set conditions on the property. Some of those conditions could be the type of use, density, building square footage, or height of structures. The Zoning Map will have a “ZC” showing those conditions.	17.00.090(J) (page 3)
Appeal Authority	Currently, the Board of Adjustment serves this role.	City Council will appoint a Hearing Officer that will serve for 2 years. That person will be law trained or significant experience with land use law.	17.20.040 (page 37)
Conditional Uses	Conditional Uses have been the “catch-all” for most land use items. The current code language violates State Code (however practice has been in line with State Code) that allows the Land Use Authority the right to deny any application.	This section uses State Code language like: “The applicant shall adequately demonstrate that the reasonably anticipated detrimental effects of the proposed use can be mitigated through the imposition of reasonable conditions based on standards in this chapter.”	17.40 (page 44)
Administrative Review (Staff)	Administrative review is done for items like minor home occupations, house plans, commercial licensing, fence permits, smaller accessory buildings, etc.	The proposed changes allow Administrative Review to include daycares, preschools, model homes, accessory buildings up to 1,500 square feet. The Table of Land Use Regulations was also updated to show these changes and clarify other uses.	17.60.050 (page 53-57)

Residential Encroachment Standards	Architectural features like porches, decks, and balconies are allowed to project into the rear yard. No minimum distance is defined to the rear property line.	The proposed changes allow the architectural features to project but not closer than 10' from the rear property line.	17.70.020(D) (page 100)
Accessory Building Setback Standards	Accessory buildings are allowed to a minimum distance of 1' from the property line including the drip line of the roof.	Accessory building setbacks are based on the size of the "wall height" of the structure as defined in the code. A sliding scale was created to push the structure further away based on the height of the wall adjacent to that property line.	17.70.030(A) (page 101)
Subdivision approving bodies	The Preliminary Plan is approved by Planning Commission. Final Plat is approved by Planning Commission and City Council.	Planning Commission will not see Final Plat. Only City Council will see the Final Plat for subdivisions	17.130 (page 140-142)

Mrs. MacDonald noted that in regards to conditional use permits, they are not "easily denied" due to State Statute because if a conditional use is allowed in the zone of a property, it has to be approved and cities can only place reasonable conditions to mitigate potential (reasonable) negative effects. Further, the standards upon which to base those conditions have to be included in a city's code – they cannot be discretionary. She noted that there was an earlier citizen comment expressing concern about Staff being able to approve some conditional uses, and wanted to clarify that it would be the City Council that approves the standards, and only those applications that meet those standards could be approved by Staff.

In regards to the subdivision approval process, Mrs. MacDonald stated that while the new code states that only the City Council will review and consider the final plat, a concept plan and attendance at a technical review meeting is first required for all developments. The concept plan would be distributed to the relevant staff departments, such as engineering and public works, and also go to the different utility and special services districts and agencies (i.e., fire district, sewer district, etc.) for thorough review before the meeting so that all issues can be addressed with the developer and resolved before a preliminary plat is submitted to the Planning Commission for approval. This technical, in-depth review step at the beginning of the subdivision approval process will help make sure that all standards and requirements have been met and any changes requested by the Planning Commission made before the Council is presented with an extensively reviewed final plat to approve.

Mrs. MacDonald stated that there was considerable discussion from both the Planning Commission and the City Council about residential encroachment standards in the rear yards of homes, and during the last meeting, the Council ultimately concluded to leave the Planning Commission's proposed setback requirement of 10' from the rear property line and revisit the item as a separate issue in the near future.

In response to Mayor Pro Tem Petersen's question, Mr. Davis stated that the land use consultants hired were Meg Ryan, current Senior Land Use Manager for the Utah League of Cities and Towns, and John Janson, Principal of Planning Solutions. Both have extensive resumes in land use planning for cities and communities and are highly qualified to work with the City on this project.

Mayor Pro Tem Petersen opened the item for public hearing.

Mary Montgomery – 696 S 4500 W: Mrs. Montgomery asked the Council why it is only the City that "gets to know what is going on" when a property is getting rezoned and the surrounding property owners are not notified. She stated that the community needs to know what is going on, and she has been watching the meetings electronically for a year now and listening to the comments made and "people don't care what we as residents say."

Melissa Payne – 1200 S 4500 W: Mrs. Payne thanked Mrs. MacDonald for her simple explanation of the changes in the proposed code as it helped her and others understand what the sometimes complicated language means. In regards to conditional use permits, she would like to know what the regulations are going to be for when staff can give approval or when it needs to go to a higher body, or if there is no limitation. Mrs. Payne also stated that there needs to be better communication with residents and access to information that is being considered because it isn't easy to find information or be aware of upcoming items.

- Mayor Pro Tem Petersen stated that there are specific limits stated in the Code in regards to approval of conditional use permits by staff.

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated that one issue she is concerned about is the application process for developers to amend the City's General Plan; she feels that putting limitations on when applications will be accepted is a good step, but there may be such a high number of applications in those two months that the City could get overwhelmed. She is also concerned about the jump in density from the R-3 to the R-4 zone, which she knows both the Planning Commission and the City Council have discussed in previous meetings about the need for a middle zone, but would like for it to be addressed soon because it has already created an issue with a high-density development on 300 N being surrounding by large lots and

homes. She feels that the City's Code is supposed to be protecting the City from developments overwhelming the land, creating too much traffic, etc., that she still feels need to be fixed. Ms. Caruso also stated that when the Planning Commission is not in favor of a rezone application, they table the item and tell the developer to work with City Staff to "come up with a product that they can approve" rather than just denying it. She feels that this does not seem to be in the best interest of residents, but is rather for the benefit of the developers. Her concern is that this will also be the case with applications to amend the General Plan and she would prefer that there is a more "concrete" process of denial or approval, rather than giving the chance for the developer to make changes.

- Council Member Dawson stated that developers can currently apply for changes to the general plan at any time and so this will at least limit when applications can be accepted. Further, the revised code also gives the Council the authority to deny a rezone even if it is on the General Plan.
- Mayor Pro Tem Petersen added that the Council is in agreeance that the difference in density between the R-3 and the R-4 zones is too high and this will be one of the next issues to be addressed because "we don't intend that much density."

Logan Payne – 1200 S 4500 W: Mr. Payne stated that he is strongly against "this density stuff" and has "already been affected by a high-density housing project and it is awful, absolutely awful, and goes against everything that [he] believes West Point is supposed to be." He continued to state that the road that was installed in front of his house as part of that project has a park strip covered in weeds and junk garbage that "the City had absolutely no plan to finish." He stated that he "does not like the idea of let's just cram as many houses into one acre as we can so that developers can make money." He added that he agrees with Mrs. Montgomery's comments that the rights of property owners that have been in the City a lot longer than developers need to be protected.

- Mayor Pro Tem Petersen wanted to quickly agree with Mr. Payne's comments about the development he referred to, and hopes that residents are aware of the "battle we went through to try to not get that subdivision" and wishes that it hadn't been built in the City.

Joelle Caruso – 457 N 3650 W: Ms. Caruso wished to also mention that although the State requires that cities have a certain percentage of affordable or high-density housing available, she wants to make sure that the City is aware of that percentage and does not exceed it so that West Point can keep its rural feel. She feels that once that requirement is met, no more high-density projects should be approved.

- Mayor Pro Tem Petersen stated that the City is not desirous to have more high-density housing just to meet a requirement from the State, but there *are* criteria that the City is obligated to meet. As Ms. Caruso stated, the City is currently meeting those requirements.

Tash Montgomery – 696 S 4500 W: Mr. Montgomery would like to know how the City can fix the issue of making surrounding property owners aware of when a property is going to be rezoned.

- Mayor Pro Tem Petersen stated that this is a valid conversation that needs to be had to make sure that the noticing requirements are appropriate and being met. He instructed Staff to have a discussion on this with the Council in a future meeting.

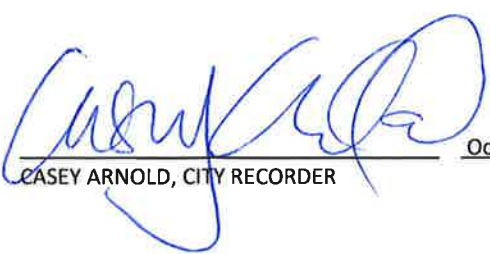
Council Member Chatterton motioned to close the Public Hearing
Council Member Henderson seconded the motion
The Council unanimously agreed.

14. Motion to Adjourn the General Session

Council Member Chatterton motioned to adjourn the General Session
Council Member Henderson seconded the motion
The Council unanimously agreed


ERIK R. CRAYTHORNE, MAYOR

October 19th, 2021


CASEY ARNOLD, CITY RECORDER

October 19th, 2021