3200 W 300 N, West Point, UT 84015
801.776.0970

WEST POINT CITY COUNCIL
MEETING NOTICE & AGENDA
AUGUST 17TH, 2021
WEST POINT CITY HALL

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

THIS PUBLIC MEETING WILL BE HELD IN-PERSON AT WEST POINT CITY HALL AND ALSO ELECTRONICALLY.

The Public may attend the meeting electronically and comment when appropriate by:

- **Join Zoom Meeting at**: https://us02web.zoom.us/j/87376220504 *or*
- **Connect via Telephone:** Dial 1(669) 900-6833 and enter **Meeting ID:** 873 7622 0504

The public may attend this meeting in-person at West Point City Hall under the following Guidelines:

- *Use of face coverings is required for all those not fully vaccinated*
- *Avoid entering if they have a fever of 100.4° or above, cough, trouble breathing, sore throat, muscle aches and pains, sudden changes in smell or taste, or feel generally unwell*
- *Maintain 6-foot physical distancing & avoid physical contact*
- *Sneeze/cough into cloth, tissue, elbow or sleeve (not hands*
- *Wash hands often, and for at least 20 seconds)*

The public may also participate in the Citizen Comment and Public Hearing Items prior to the meeting via email:

Comments must be received prior to the 7PM City Council Meeting

- **Email**: carnold@westpointcity.org
- **Subject Line:** Must be designated as "Citizen Comment – August 17, 2021 City Council Meeting"
- **Email Body**: **Must** include First & Last Name and Address and a succinct statement of your comment.

ADMINISTRATIVE SESSION

6:00 PM – OPEN TO THE PUBLIC

1. **Discussion Regarding the FY2022 Final Budget and 2021 Property Tax Rate for West Point City –** Mr. Ryan Harvey pg. 4
2. **Discussion Regarding Final Plat Approval of Bluff View Subdivision Phase 3 (3830 W 300 N) –** Mrs. Bryn MacDonald pg. 25
3. **Discussion Regarding a Cell Tower Request in the City –** Mr. Kyle Laws pg. 31
4. **Presentation of the 2021 Storm Drain Masterplan and Impact Fee Analysis –** Mr. Boyd Davis pg. 33
5. **Other Items**

SPECIAL BUDGET MEETING OF THE WEST POINT CITY COUNCIL

7:00 PM – OPEN TO THE PUBLIC

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer** (Please contact the City Recorder to request meeting participation by offering a prayer or inspirational thought)
4. **Communications and Disclosures from City Council and Mayor**
5. **Communications from Staff**
6. **Citizen Comment** *(Emailed comments received prior to the meeting using the instructions above will be read to the Council at this time)*
   - Please clearly state your name and address prior to commenting and keep comments to a maximum of 2 ½ minutes
   - Do not repeat positions already stated; public comment is a time for the Council to receive new information and perspectives
   - If attending the meeting in-person, please approach the podium
   - If attending the meeting electronically, use the "raise hand" icon if on a computer or dial *9 on the phone to indicate that you would like to make a comment; when it is your turn, the meeting host will unmute you.
7. **Consideration of Approval of Resolution No. 08-17-2021A, Adopting the Property Tax Rate for the 2021 Taxable Year for West Point City –** Mr. Ryan Harvey pg. 8
   - *a.* **Public Hearing** *(please refer to the Citizen Comment instructions above if you wish to comment during the public hearing.)*
   - b. **Adoption**
8. **Consideration of Approval of Ordinance No. 08-17-2021A, Adoption of the FY2022 Final Budget for West Point City and All Related Agencies –** Mr. Ryan Harvey pg. 10
   - *a.* **Public Hearing** *(please refer to the Citizen Comment instructions above if you wish to comment during the public hearing.)*
   - b. **Adoption**
9. **Motion to Adjourn the Special Budget Meeting**

GENERAL SESSION

IMMEDIATELY FOLLOWING THE SPECIAL BUDGET MEETING – OPEN TO THE PUBLIC

1. **Call to Order**
2. **Consideration of Approval of the Minutes from the July 20th, 2021 West Point City Council Meeting** pg. 100
3. **Consideration of Approval of Resolution No. 08-17-2021B, Expressing Intent to Adjust a Common Boundary Line with Clinton City –** Mrs. Bryn MacDonald pg. 108
4. **Consideration of Approval of Ordinance No. 08-17-2021B, Amending West Point City Code to Repeal Titles 16 & 18 and Chapters 2.60, 15.15, & 15.20, and Create a New "*Title 17 – Land Use and Development*" –** Ms. Bryn MacDonald pg. 112
5. **Motion to Move Into a Closed Session**

CLOSED SESSION

1. *Motion to Open Closed Session*
2. *Call to Order and Roll Call*
3. *Discussion Regarding Pending or Imminent Litigation, Pursuant to UCA §52-4-205(1)(c)*
4. *Motion to Adjourn the Closed Session and Return to the General Session*

6. **Motion to Adjourn the General Session**

POSTED AUGUST 13TH, 2021

Casey Arnold

CASEY ARNOLD, CITY RECORDER

If you plan to attend this meeting and, due to disability, will need assistance in understanding or participating therein, please notify the City at least (24) hours prior to the meeting and we will seek to provide assistance.

TENTATIVE UPCOMING ITEMS

*****Date: 08/24/2021*****

SPECIAL MEETING – ELECTION CANVASS

1. Approval of the 2021 Primary Election Canvass for West Point City – Ms. Casey Arnold

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Date: 09/07/2021

Administrative Session – 6:00 pm

1. Discussion Regarding Cemetery Ordinances – Ms. Casey Arnold/Mr. Paul Rochell

General Session – 7:00 pm

1. Youth Council Update
2. Consideration of Final Approval of the Bluff View Subdivision Phase 3 – Mrs. Bryn MacDonald
3. Consideration of Approval of Ordinance No. 09-07-2021A, Adopting an Impact Fee Facilities Plan and Impact Fee Enactment for the Storm Drain System – Mr. Boyd Davis
    a. Public Hearing
    b. Action

Date: 09/21/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

Date: 10/05/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update

Date: 10/19/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

Date: 11/16/2021

Administrative Session – 6:00 pm

1. Discussion Regarding the 2022 West Point City Council Meeting Schedule – Ms. Casey Arnold

General Session – 7:00 pm

1. Consideration of Approval of Ordinance No. 11-16-2021A, Approving the 2022 Meeting Schedule of the West Point City Council – Ms. Casey Arnold
2. Approval of the 2021 General Election Canvass – Ms. Casey Arnold

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Date: 12/07/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update

Date: 12/21/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

WEST POINT CITY
2021 CALENDAR

2021

JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	~~11~~	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY

SUN	MON	TUE	WED	THU	FRI	SAT
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH

SUN	MON	TUE	WED	THU	FRI	SAT
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28	29	30	31			

APRIL

SUN	MON	TUE	WED	THU	FRI	SAT
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MAY

SUN	MON	TUE	WED	THU	FRI	SAT
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30	31					

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
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27	28	29	30			

JULY

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
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25	26	27	28	29	30	31

AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
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28	29	30				

DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
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26	27	28	29	30	31	

*UPDATED AS OF December 1, 2020

IMPORTANT DATES

JANUARY

- 1 New Year's Day - CLOSED
- 5 City Council - 6 PM
- *11 Senior Lunch - CANCELED*
- 14 Planning Commission - 6 PM
- 18 MLK Jr. Day - CLOSED
- 19 City Council - 6 PM
- 28 Planning Commission - 6 PM
- TBD City Council Planning & Visioning Session

FEBRUARY

- 2 City Council - 6 PM
- *8 Senior Lunch - CANCELED*
- 11 Planning Commission - 6 PM
- 15 President's Day - CLOSED
- 16 City Council - 6 PM
- 25 Planning Commission - 6 PM

MARCH

- 2 City Council - 6 PM
- 11 Planning Commission - 6 PM
- *15 Senior Lunch - CANCELED*
- 16 City Council - 6 PM
- 25 Planning Commission - 6 PM

APRIL

- TBD EASTER EGG HUNT - 10 AM
- 6 City Council - 6 PM
- 8 Planning Commission - 6 PM
- *12 Senior Lunch - CANCELED*
- 20 City Council - 6 PM
- 22 Planning Commission - 6 PM

MAY

- TBD TAKE PRIDE IN WEST POINT
- 4 City Council - 6 PM
- 6 CEMETERY CLEANING
- 13 Planning Commission - 6 PM
- *17 Senior Lunch - CANCELED*
- 18 City Council - 6 PM
- 27 Planning Commission - 6 PM
- 31 Memorial Day - CLOSED

JUNE

- TBD MISS WEST POINT PAGEANT
- 1 City Council - 6 PM
- 10 Planning Commission - 6 PM
- *14 Senior Lunch - CANCELED*
- 15 City Council - 6 PM
- 24 Planning Commission - 6 PM

JULY

- 2-3 PARTY AT THE POINT EVENTS
- 5 Independence Holiday - CLOSED
- 6 City Council - 6 PM
- 8 Planning Commission - 6 PM
- *12 Senior Lunch - CANCELED*
- 20 City Council - 6 PM
- 22 Planning Commission - 6 PM
- 23 Pioneer Day Holiday - CLOSED

AUGUST

- 3 City Council - 6 PM
- 12 Planning Commission - 6 PM
- 17 City Council - 6 PM
- 18 Summer Party 5:30 - 7 PM
- 20 Senior Dinner - 5:30 PM
- 24 Special City Council Meeting - 7 P
- 26 Planning Commission - 6 PM

SEPTEMBER

- 6 Labor Day - CLOSED
- 7 City Council - 6 PM
- 9 Planning Commission - 6 PM
- 13 Senior Lunch - 11:30 AM
- 21 City Council - 6 PM
- 23 Planning Commission - 6 PM

OCTOBER

- TBD HALLOWEEN CARNIVAL - 7 PM
- 4 Senior Lunch - 11:30 AM
- 5 City Council - 6 PM
- 7 CEMETERY CLEANING
- 11 Employee Training - CLOSED
- 13 Council/Staff Lunch - 11:30 AM
- 14 Planning Commission - 6 PM
- 19 City Council - 6 PM
- 28 Planning Commission - 6 PM

NOVEMBER

- 2 ELECTION DAY
- 6 FLAGS ON VETERANS' GRAVES
- 11 Veterans Day - CLOSED
- 15 Senior Lunch - 11:30 AM
- 16 City Council - 6 PM
- 25-26 Thanksgiving - CLOSED
- 29 CITY HALL LIGHTING - 6 PM

DECEMBER

- 3 Christmas Party - 7 PM
- 6 CHILD REMEMBRANCE - 7 PM
- 7 City Council - 6 PM
- 9 Planning Commission - 6 PM
- 13 Senior Lunch - 11:30 AM
- 17 CEMETERY LUMINARY - 4 PM
- 21 City Council - 6 PM
- 23 Planning Commission - 6 PM
- 24-27 Christmas Holiday - CLOSED
- 31 New Year's Holiday - CLOSED

City Council Staff Report

Subject: Property Tax Discussion & FY2022 Final Budget
Author: Ryan Harvey
Department: Administrative Services
Date: Aug 17, 2021

WEST POINT
UTAH

BACKGROUND

The Fiscal Year 2022 budget process began in early 2021, and after many City Council discussions and public hearings, it is coming to a close. The Council voted to go through the Truth-in-Taxation process, which means that the final property tax rate, and final budget will need to be approved by the Council on August 17, 2021.

ANALYSIS

Property Tax Rate Approval

Each year the City is required to approve a property tax rate. The City is entitled to receive the same amount in total property tax revenue as received in the previous year, plus an additional amount from new growth. The County sets the Certified Tax Rate to ensure this. If the City wishes to collect more property tax revenue than is allowed by the certified tax rate, the Council must hold a public hearing and approve an alternative tax rate. The Council expressed an interest in holding a Truth-in-Taxation public hearing to consider a rate higher than the certified rate, but no more than the existing tax rate.

Property values in West Point City have increased again this year. As a result of the change in value, the County has set our certified rate at 0.000792, which is lower than the 2020 approved rate. The Council may choose to accept the certified rate, maintain the rate from 2020, or approve a rate somewhere between the two. A list of some possible rates, with corresponding revenue amounts, is shown in the table below.

Proposed Rate	Projected Revenue	Amount over Certified Rate
0.000910 – 2020 Rate	$655,347	$84,979
0.000900	$648,146	$77,778
0.000880	$633,743	$63,375
0.000860	$619,339	$48,971
0.000850	$612,138	$43,209
0.000840	$604,936	$34,568
0.000820	$590,533	$20,165
0.000800	$576,130	$5,762
0.000792 – 2021 Certified Rate	$570,368	$0

If the Council chooses to approve the certified rate, our estimated property tax revenue will be $570,368, an increase of $25,884 over 2020. The increase is a result of new growth. If the Council chooses to maintain the 2020 rate, our estimated property tax revenue will be $655,347, an increase of $110,863 over 2020. Choosing to maintain the rate would increase the property tax of a $369,000 residence by $23.94 per year, or $2.00 per month over the Certified Tax Rate.

As in most years, the biggest increase to the budget comes from employee salaries and benefits. The increase for the FY2022 budget includes $84,514 for Salaries and $76,112 for Benefits, for a total of $160,262.

In the past, Council Members have asked what has been done in past years. Below is a chart showing the Certified and Adopted Rates since 2006, the year that North Davis Fire District was formed. The Highlighted numbers are the years the Council adopted a rate above the certified rate:

Year	Certified Rate	Adopted Rate	Revenue	Increase
2021	0.000792	TBD	TBD	TBD
2020	0.000877	0.000910	544,484	35,201
2019	0.000859	0.000917	509,283	49,359
2018	0.000881	0.000917	459,924	25,664
2017	0.000902	0.000945	434,260	33,817
2016	0.000984	0.000984	400,443	23,794
2015	0.001005	0.001036	376,649	19,949
2014	0.000996	0.001036	356,700	18,730
2013	0.001041	0.001111	337,970	24,475
2012	0.001111	0.001111	313,495	5,169
2011	0.001008	0.001008	308,326	5,459
2010	0.000910	0.000936	302,867	20,941
2009	0.000876	0.000876	281,926	1
2008	0.000773	0.000895	281,925	53,215
2007	0.000834	0.000834	228,710	29,498
2006	0.000909	0.000909	199,212	N/A

We will hold a Truth-in-Taxation public hearing on August 17th and the Council will vote to approve a tax rate at that time. The Council will also approve the Final Budget for Fiscal Year 2022.

Changes to FY2022 Budget

Changes that have come up since the Council adopted the Tentative Budget include the following:

- **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.
- **Capital Projects –** The Budget has been updated to reflect Capital Project Expenditures that happened between the adoption of the Tentative Budget and the end of the 2021 Fiscal Year.
- **Public Works Supervisor: (Salary/Benefits Budget increase - $5,100)** – This position would replace the current Public Works Lead Position in the Public Work Department.
- **Building Inspector (back up position): (Salary/Benefits Budget Increase $2,700)** – This position/responsibility would be given to one of our current Public Works Employees. The idea is to get another employee certified as a building inspector to assist during particularly busy times or when our current inspector is off.
- **Management Analyst/Communications Specialist: (Salary/Benefits $84,020.87)** – This would be a full-time position in the Executive Department, reporting directly to the City Manager, and would be available to help on various projects for the different departments. This person would also handle the communications for the City (i.e., website, social media, poly platform app, etc). The initial hiring may be as an intern to see how well the position works and to determine the best employee "fit" for the organization, with the hope of turning it into a full-time position.

RECOMMENDATION

Approve the following:

- Resolution No. 08-17-2021A, Adoption of the Property Tax Rate for the 2021 Taxable Year for West Point City
- Ordinance 08-17-2021A, Adoption of the FY2022 Final Budget and Compensation Schedule for Employees and Officers of West Point City

SIGNIFICANT IMPACTS

- Possible increase to property tax bills.

ATTACHMENTS

- Resolution No. 08-17-2021A, Adoption of the Property Tax Rate for the 2021 Taxable Year for West Point City
- Ordinance 08-17-2021A, Adoption of the FY2022 Final Budget and Compensation Schedule for Employees and Officers of West Point City
- Pay Scale FY2022
- Proposed Budget FY2022

RESOLUTION NO. 08-17-2021A

A RESOLUTION AUTHORIZING THE PROPERTY TAX RATE FOR THE 2021 TAXABLE YEAR

WHEREAS, the provision of the "Uniform Fiscal Procedures Act for Utah Cities" (§10-6-101 et seq., Utah Code Annotated, 1953) provides and requires that the City Council of West Point City, (hereinafter referred to sometimes as the "City") shall adopt and certify to the County Auditor a Resolution specifying the Property Tax Rate to be levied for the coming year on all the taxable property within the City; and,

WHEREAS, a public hearing was duly noticed and held according to law during which said proposed Tax Rate was considered.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of West Point City, Utah, as follows:

SECTION 1. PROPERTY TAX RATE ESTABLISHED

The City Manager has recommended to set the Property Tax Rate on all taxable property lying and being within the corporate boundaries of West Point City for the tax year 2021, and based upon such recommendation, the same is hereby fixed, set and established at a tax rate which is 0.000910.

SECTION 2. CERTIFIED COPY OF RESOLUTION TO DAVIS COUNTY AUDITOR

The City Recorder of West Point City is hereby authorized and directed forthwith to certify a copy of this Resolution and forward and direct it to the Davis County Auditor in

DRAFT

Farmington, Utah, in accordance with and as required by the provisions of §10-6-134, Utah Code Annotated, 1953.

SECTION 3. LEVY, COLLECTION AND REMITTANCE OF TAXES

This City Council requests that the Board of County Commissioners of Davis County include this Property Tax Rate in its levying process for property taxes and that such taxes be assessed and collected in the manner provided by law for the collection of general county taxes and that the proceeds thereof, as collected, be turned over to West Point City and that said taxes in all respects be collected and delivered to the City according to law.

SECTION 4. EFFECTIVE DATE

This resolution shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED by the City Council of West Point City, Utah this 17th day of August, 2021.

WEST POINT CITY
A Municipal Corporation

_____
Erik Craythorne, Mayor

ATTEST:

_____
Casey Arnold, City Recorder

DRAFT

ORDINANCE NO. 08-17-2021A

AN ORDINANCE ADOPTING A BUDGET FOR FISCAL YEAR 2022, AND A COMPENSATION SCHEDULE FOR EMPLOYEES AND OFFICERS OF THE CITY.

WHEREAS, the City Council of West Point City, County of Davis, State of Utah (hereinafter referred to as the "City") is required by law to adopt a budget for the 2022 Budget Year in accordance with §10-6-118, UCA, 1953, as amended, and the other provisions of the "Uniform Fiscal Procedures Act for Utah Cities," §10-6-101 through §10-6-160, UCA, 1953, as amended; and,

WHEREAS, the West Point City Manager has heretofore caused to be prepared and submitted to the City Council a Tentative Budget for the City for the 2022 Budget Year; and,

WHEREAS, said Budget appears to be in proper form, subject to minor modifications, and appears correctly to set forth the anticipated disbursements and anticipated receipts of the City for the 2022 Budget Year; and,

WHEREAS, a Public Hearing on said Budget was duly advertised and held according to law,

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED, by the City Council of West Point City as follows:

SECTION 1 - BUDGET FOR FY2022. The hereto attached Budget, together with the modifications and adjustments made by the City Council after the public hearing, be and the same is hereby adopted as the Budget for the City for the 2022 Budget Year and that a copy of said Budget as finally adopted be deposited with the State Auditor within Thirty (30) days from the date hereof.

SECTION 2 – COMPENSATION SCHEDULE. A compensation schedule for employees and elected officials, and appointed officials of West Point City is hereby adopted as referenced in the hereto attached Budget.

PASSED AND ADOPTED this 17th day of August, 2021

WEST POINT CITY,
A Municipal Corporation

By:_____
Erik Craythorne, Mayor

ATTEST:

_____
Casey Arnold, City Recorder

FY2022 Pay Scale

Exempt Positions

Position	Department	Minimum	Midpoint	Maximum
City Manager	Executive	$92,007	$108,485	$124,963
Assistant City Manager	Community Development	$75,077	$93,561	$112,045
Administrative Services Director	Administrative Services	$71,199	$87,411	$103,623
Public Works Director	Public Works	$70,972	$86,070	$101,167
Community Development Director	Community Development	$70,889	$85,875	$100,861
Recreation Director	Recreation	$48,854	$59,583	$70,311

Non-Exempt Positions

Position	Department	Minimum	Midpoint	Maximum
City Planner	Community Development	$25.97	$32.13	$38.29
City Recorder/HR Manager	Executive	$22.22	$27.50	$32.78
City Treasurer	Administrative Services	$22.03	$26.79	$31.55
Public Works Supervisor	Public Works	$23.38	$28.86	$34.33
Management/Communications Analyst	Executive	$22.76	$27.34	$31.92
Public Works Inspector	Public Works	$20.40	$25.25	$30.09
Building & Safety Inspector	Community Dev	$20.32	$25.56	$30.80
Parks Lead Worker	Public Works	$18.47	$22.65	$26.83
Public Works III	Public Works	$18.08	$22.39	$26.69
Recreation Program Coordinator	Recreation	$16.79	$20.74	$24.69
Community Relations Specialist	Executive	$16.47	$20.40	$24.32
Public Works II	Public Works	$16.47	$20.40	$24.32
Public Works I	Public Works	$15.01	$18.88	$22.74
Parks Worker I	Public Works	$14.18	$17.41	$20.64

Part-time Positions

Position	Department	Minimum	Midpoint	Maximum
Code Enforcement Officer	Community Dev	$18.17	$22.90	$27.64
Utility Billing Clerk	Administrative Services	$15.01	$18.88	$22.74
Planning Secretary	Community Dev	$15.01	$18.88	$22.74
Receptionist	Administrative Services	$13.99	$16.36	$18.73
Intern	Executive	$13.53	$14.59	$15.64
Municipal Building Coordinator	Administrative Services	$10.40	$12.34	$14.28

Seasonal Positions

Position	Season 1	Season 2	Season 3	Season 4	Season 5
Recreation Site Supervisor	$15.00	$16.00	$17.00	$18.00	$19.00
Crossing Guard	$30/day	$32/day	$34/day	$36/day	$38/day
Parks Worker III/Rec Aide III	$11.67	$12.26	$12.87	$13.51	$14.19
Parks Worker II/Public Works	$11.14	$11.70	$12.28	$12.90	$13.54
Rec Aide II	$10.61	$11.14	$11.70	$12.28	$12.90
Parks Worker I	$10.08	$10.59	$11.11	$11.67	$12.25
Recreation Aide I	$9.02	$9.47	$9.94	$10.44	$10.96

Elected & Appointed Officials

Position	Department	Pay	
Mayor	Elected Official	$13,546.56	per year
City Council Members	Elected Official	$6,773.28	per year
Planning Commission Chair	Appointed Official	$75.00	per meeting
Planning Commission Members	Appointed Official	$50.00	per meeting

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
GENERAL FUND						
TAXES						
10-31-10	Property Taxes	495,866.69	542,498.35	544,484.00	544,484.00	655,347.00
10-31-25	Vehicle - In lieu of prop. tax	36,583.04	38,686.53	35,000.00	35,000.00	35,000.00
10-31-30	General Sales and Use Taxes	1,467,655.77	1,626,926.58	1,300,000.00	1,700,000.00	1,500,000.00
10-31-40	Cable TV	52,314.28	59,076.49	30,000.00	30,000.00	50,000.00
10-31-50	Energy Sales and Use	352,054.17	386,092.10	365,000.00	365,000.00	365,000.00
10-31-60	Telecommunications	52,351.97	45,018.90	60,000.00	60,000.00	30,000.00
	Total TAXES:	2,456,825.92	2,698,298.95	2,334,484.00	2,734,484.00	2,635,347.00
LICENSES AND PERMITS						
10-32-10	Bus. License/Cond. Use Permits	2,801.50	9,232.00	2,000.00	2,000.00	10,000.00
10-32-21	Building Permits	187,027.83	310,374.33	200,000.00	400,000.00	400,000.00
10-32-25	Public Safety Fees	.00	136.68	.00	.00	.00
	Total LICENSES AND PERMITS:	189,829.33	319,743.01	202,000.00	402,000.00	410,000.00
INTERGOVERNMENTAL REVENUE						
10-33-56	Class C Roads	417,261.81	410,915.99	200,000.00	200,000.00	400,000.00
10-33-70	Cares Act Revenue	.00	318,362.00	200,000.00	200,000.00	.00
	Total INTERGOVERNMENTAL REVENUE:	417,261.81	729,277.99	400,000.00	400,000.00	400,000.00
CHARGES FOR SERVICES						
10-34-10	Zoning and Subdivision Fees	25,775.00	34,125.00	8,000.00	8,000.00	20,000.00
10-34-60	Recreation Fees	95,184.00	49,386.00	90,000.00	90,000.00	90,000.00
10-34-78	Park & City Hall Reservations	7,645.00	4,150.00	7,000.00	7,000.00	3,500.00
10-34-79	City Celeb. & Sponsorships	10,684.00	5,720.90	9,000.00	9,000.00	9,000.00
10-34-82	Cemetery Interment	22,700.00	22,850.00	15,000.00	15,000.00	15,000.00
10-34-90	Misc. Income & Concessions	216,051.18	1,379.03	2,000.00	2,000.00	2,000.00
	Total CHARGES FOR SERVICES:	378,039.18	117,610.93	131,000.00	131,000.00	139,500.00
MISCELLANEOUS REVENUE						
10-36-10	Interest Earnings	42,527.22	37,143.94	5,000.00	5,000.00	20,000.00
10-36-20	Donations	6,490.00	2,895.00	2,000.00	2,000.00	2,000.00
10-36-90	Miscellaneous	20,081.04	3,029.88	1,000.00	1,000.00	1,000.00
	Total MISCELLANEOUS REVENUE:	69,098.26	43,068.82	8,000.00	8,000.00	23,000.00
CONTRIBUTIONS & TRANSFERS						
10-39-10	Beginning Balance	.00	.00	800,000.00	800,000.00	800,000.00
	Total CONTRIBUTIONS & TRANSFERS:	.00	.00	800,000.00	800,000.00	800,000.00
GENERAL GOVERNMENT						
10-41-10	Mayor and Council Wages	39,813.53	45,616.25	46,200.00	46,200.00	47,413.00
10-41-13	Employee Benefits	5,391.62	5,946.09	7,186.00	7,186.00	7,375.00
10-41-33	Training and Education	9,198.82	1,309.20	9,000.00	9,000.00	9,000.00
10-41-35	Community Service Contracts	776.63	1,100.00	3,000.00	3,000.00	3,000.00
	Total GENERAL GOVERNMENT:	55,180.60	53,971.54	65,386.00	65,386.00	66,788.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
ADMINISTRATIVE SERVICES						
10-44-11	Salaries and Wages	95,596.45	102,094.77	111,562.00	111,562.00	116,024.00
10-44-13	Employee Benefits	39,902.14	44,028.50	48,638.00	48,638.00	49,719.00
10-44-20	Mileage Reimbursement	467.21	.00	800.00	800.00	800.00
10-44-21	Books, Subscrip. & Memberships	906.71	532.84	1,000.00	1,000.00	1,000.00
10-44-24	Postage	3,234.33	3,115.64	5,000.00	5,000.00	5,000.00
10-44-25	Equipment & Supplies	465.55	1,552.37	1,000.00	1,000.00	1,000.00
10-44-26	Equipment Lease & Maintenance	8,527.74	8,076.90	16,500.00	16,500.00	16,500.00
10-44-33	Training & Education	3,332.44	30.03	4,000.00	4,000.00	4,000.00
10-44-38	Auditor & Accounting Support	13,090.00	15,733.27	16,500.00	16,500.00	16,500.00
10-44-63	IT Support & Contracts	6,144.74	4,163.74	7,100.00	7,100.00	7,100.00
10-44-65	Emergency Management	.00	1,388.10	2,000.00	2,000.00	2,000.00
10-44-69	Office Supplies & Expense	4,461.66	2,671.85	4,000.00	4,000.00	4,000.00
10-44-75	Risk Management	20,358.18	18,810.94	40,000.00	40,000.00	40,000.00
10-44-95	Credit Card Processing Fees	1,121.24	1,241.98	1,000.00	1,000.00	1,000.00
10-44-98	Bank Service Charges	779.20	1,047.75	1,000.00	1,000.00	1,000.00
Total ADMINISTRATIVE SERVICES:		198,387.59	204,488.68	260,100.00	260,100.00	265,643.00
PUBLIC WORKS						
10-48-11	Salaries and Wages	111,372.95	109,967.85	158,708.00	158,708.00	165,165.00
10-48-13	Employee Benefits & Retirement	65,740.66	67,295.57	108,687.00	108,687.00	110,455.00
10-48-15	On call pay	5,804.44	5,730.17	5,950.00	5,950.00	5,950.00
10-48-20	Overtime	21,610.42	19,358.00	14,000.00	14,000.00	14,000.00
10-48-23	Travel and Education	103.85	.00	360.00	360.00	360.00
10-48-25	Equipment, Supplies & Maint.	7,222.96	9,114.70	9,000.00	9,000.00	9,000.00
10-48-26	Municipal Bldgs. Oper. & Maint	15,502.13	20,974.58	24,260.00	24,260.00	24,260.00
10-48-54	Prot. Clothing & Equipment	1,975.04	3,627.80	3,000.00	3,000.00	3,000.00
10-48-65	Fleet Operations & Maintenance	6,060.52	6,554.35	4,250.00	4,250.00	4,250.00
10-48-67	Fleet Fuel	9,032.74	7,657.19	12,865.00	12,865.00	12,865.00
10-48-69	Office Supplies & Expense	555.59	187.81	1,300.00	1,300.00	1,300.00
10-48-70	Fleet Leases	.00	.00	10,000.00	10,000.00	10,000.00
10-48-75	Crosswalk Power	543.47	609.89	900.00	900.00	900.00
10-48-77	Public Facilities Heating	4,475.40	5,881.81	5,000.00	5,000.00	5,000.00
10-48-82	Public Facilities Power	20,443.32	14,053.04	14,000.00	14,000.00	14,000.00
10-48-84	Street Lighting Pwr & Mnt.	44,109.91	49,582.85	52,000.00	52,000.00	52,000.00
Total PUBLIC WORKS:		314,553.40	320,595.61	424,280.00	424,280.00	432,505.00
EXECUTIVE						
10-49-11	Salaries and Wages	161,421.93	175,513.30	183,282.00	183,282.00	190,613.00
10-49-13	Employee Benefits	76,213.46	82,055.90	109,999.00	109,999.00	111,966.00
10-49-20	Mileage Reimbursements	702.59	387.44	750.00	750.00	750.00
10-49-21	Books, Subscrip. & Memberships	3,334.01	1,976.37	3,000.00	3,000.00	3,000.00
10-49-23	Travel and Education	7,707.10	8,273.34	6,000.00	6,000.00	6,000.00
10-49-24	Postage	.00	.00	320.00	320.00	320.00
10-49-25	New Equipment Purchase	13,825.92	19,088.38	17,000.00	17,000.00	17,000.00
10-49-37	Attorney	52,490.88	28,737.86	33,000.00	33,000.00	33,000.00
10-49-62	Miscellaneous	3,676.65	4,254.64	12,000.00	12,000.00	12,000.00
10-49-63	IT Support & Contracts	20,260.55	30,179.22	36,000.00	36,000.00	36,000.00
10-49-65	Emp. Awards, Rec. & Events	11,824.37	12,639.11	13,000.00	13,000.00	13,000.00
10-49-66	Education Reimb. Program	2,000.00	3,500.00	6,000.00	6,000.00	6,000.00
10-49-67	Emp. Benefits & Bonus Program	.00	.00	13,000.00	13,000.00	13,000.00
10-49-68	Wellness Program	871.26	67.35	2,000.00	2,000.00	2,000.00
10-49-69	Office Supplies & Expense	3,935.49	4,178.05	5,000.00	5,000.00	5,000.00
10-49-70	Cellular & Radio Serv. & Equip	9,325.80	8,750.47	12,000.00	12,000.00	12,000.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
10-49-72	Legal Advertising	4,331.75	5,306.50	9,000.00	9,000.00	9,000.00
10-49-80	Utah League Membership	5,112.94	5,446.40	5,500.00	5,500.00	5,500.00
10-49-82	City Newsletter	4,305.60	4,299.60	4,500.00	4,500.00	4,500.00
10-49-83	Economic Development	.00	.00	5,000.00	5,000.00	5,000.00
10-49-85	Volunteerism Program	.00	284.64	2,000.00	2,000.00	2,000.00
10-49-88	Recorders Office	6,433.78	4,982.10	8,000.00	8,000.00	8,000.00
10-49-89	Elections	.00	17,333.57	20,000.00	20,000.00	20,000.00
10-49-90	City Celebrations & Events	75,543.28	53,167.04	73,500.00	73,500.00	78,500.00
10-49-91	Youth Council	4,063.44	5,188.46	8,000.00	8,000.00	8,000.00
10-49-92	Miss West Point Pageant	21,257.14	18,354.64	18,900.00	18,900.00	19,600.00
10-49-93	Senior Program	1,716.17	895.93	2,500.00	2,500.00	2,500.00
10-49-94	Community Garden	.00	.00	300.00	300.00	300.00
10-49-96	Youth Court	.00	.00	3,000.00	3,000.00	5,000.00
10-49-97	COVID-19	.00	13,020.85	200,000.00	200,000.00	200,000.00
10-49-98	Arts Council	.00	.00	.00	.00	5,000.00
Total EXECUTIVE:		490,354.11	507,881.16	812,551.00	812,551.00	834,549.00
COMMUNITY DEVELOPMENT						
10-52-11	Salaries and Wages	173,739.51	181,812.68	277,208.00	277,208.00	291,781.00
10-52-13	Employee Benefits & Retirement	71,824.70	79,220.53	139,647.00	139,647.00	143,510.00
10-52-21	Books, Subscrip. & Memberships	433.00	674.50	750.00	750.00	1,000.00
10-52-23	Travel, Education & Certificat	3,578.11	4,060.42	4,000.00	4,000.00	4,000.00
10-52-25	Equipment & Supplies	5,178.24	4,170.14	6,500.00	6,500.00	2,000.00
10-52-51	GIS	1,850.00	.00	4,000.00	4,000.00	1,750.00
10-52-61	Miscellaneous Supplies	.00	.00	500.00	500.00	.00
10-52-62	Contract Planning & Insp Serv	1,575.00	32,060.00	34,000.00	34,000.00	5,000.00
10-52-63	IT Support & Contracts	.00	.00	10,400.00	10,400.00	5,000.00
10-52-65	State Building Surcharge	1,562.81	2,945.77	1,000.00	1,000.00	1,000.00
10-52-68	Planning Comm/Board of Adj.	1,025.00	1,612.54	3,000.00	3,000.00	3,000.00
10-52-69	Office Supplies & Expense	394.88	256.39	500.00	500.00	500.00
10-52-85	Code Enforcement	.00	.00	4,000.00	4,000.00	4,000.00
Total COMMUNITY DEVELOPMENT:		261,161.25	306,812.97	485,505.00	485,505.00	462,541.00
ENGINEERING						
10-53-11	Salaries and Wages	.00	.00	.00	.00	43,452.00
10-53-13	Emp. Benefits & Retirement	.00	.00	.00	.00	21,915.00
10-53-21	Books, Subscrip. & Memberships	.00	.00	.00	.00	1,000.00
10-53-23	Travel, Education & Certificat	.00	.00	.00	.00	4,000.00
10-53-25	Equipment & Supplies	.00	.00	.00	.00	5,500.00
10-53-51	GIS	.00	.00	.00	.00	3,000.00
10-53-63	IT Support & Contracts	.00	.00	.00	.00	5,400.00
10-53-69	Office Supplies & Expense	.00	.00	.00	.00	500.00
10-53-70	Engineering Services	.00	.00	.00	.00	22,000.00
Total ENGINEERING:		.00	.00	.00	.00	106,767.00
PUBLIC SAFETY & EMERGENCY PLAN						
10-54-11	Crossing Guards	31,865.60	28,191.05	47,240.00	47,240.00	60,011.00
10-54-13	Employee Benefits & Retirement	3,192.65	2,722.80	4,680.00	4,680.00	5,949.00
10-54-15	Crossing Guard Supplies/Equip.	775.83	1,157.71	1,000.00	1,000.00	1,000.00
10-54-60	Animal Control	36,311.00	48,129.92	55,000.00	55,000.00	55,000.00
10-54-62	Police Services	134,882.83	275,322.42	275,000.00	275,000.00	283,250.00
10-54-65	Narcotics Strike Force	8,743.68	8,743.68	8,800.00	8,800.00	8,800.00
10-54-75	Hometown Security (EPRT)	.00	.00	4,000.00	4,000.00	4,000.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
	Total PUBLIC SAFETY & EMERGENCY PLAN:	215,771.59	364,267.58	395,720.00	395,720.00	418,010.00
PARKS AND CEMETERY						
10-70-11	Salaries and Wages	52,690.87	47,991.37	104,008.00	104,008.00	104,008.00
10-70-13	Employee Benefits & Retirement	5,079.16	5,711.40	10,305.00	10,305.00	10,305.00
10-70-20	Uniforms	.00	300.00	600.00	600.00	600.00
10-70-25	Equipment & Supplies	13,266.45	12,863.35	14,000.00	14,000.00	14,000.00
10-70-26	Building and Grounds	85,314.23	72,548.72	68,600.00	68,600.00	68,600.00
10-70-29	Park & Cemetery Lights	4,498.95	3,846.65	3,400.00	3,400.00	3,400.00
10-70-61	Misc. Services and Supplies	1,355.49	.00	1,200.00	1,200.00	1,200.00
10-70-69	Office Supplies & Expense	.00	44.71	500.00	500.00	500.00
10-70-70	Gateways & Public Properties	1,950.00	3,675.23	4,000.00	4,000.00	4,000.00
	Total PARKS AND CEMETERY:	164,155.15	146,981.43	206,613.00	206,613.00	206,613.00
RECREATION						
10-71-11	Salaries and Wages	129,930.37	121,803.93	147,871.00	147,871.00	170,649.00
10-71-13	Employee Benefits & Retirement	56,421.21	61,222.22	77,475.00	77,475.00	80,441.00
10-71-20	Recreation Program Marketing	1,071.60	503.36	1,000.00	1,000.00	1,000.00
10-71-23	Travel & Education	103.85	395.00	2,400.00	2,400.00	2,400.00
10-71-26	Building and Grounds	2,059.52	78.78	2,300.00	2,300.00	2,300.00
10-71-30	Background Checks	616.85	509.05	2,000.00	2,000.00	2,000.00
10-71-60	Soccer	16,617.24	10,082.95	12,000.00	12,000.00	12,000.00
10-71-67	Junior Jazz	22,034.30	18,015.81	18,000.00	18,000.00	23,000.00
10-71-68	Football	25,866.67	18,361.36	34,500.00	34,500.00	34,500.00
10-71-69	Office Supplies & Expense	769.86	344.74	250.00	250.00	250.00
10-71-71	Baseball/Softball	11,101.09	25,559.54	20,500.00	20,500.00	20,500.00
10-71-73	Volleyball	1,472.31	1,599.56	3,000.00	3,000.00	3,000.00
10-71-74	Tennis	.00	.00	5,000.00	5,000.00	5,000.00
	Total RECREATION:	268,064.87	258,476.30	326,296.00	326,296.00	357,040.00
TRANSFERS, CONT. & OTHER USES						
10-90-63	Class C Trans. to Special Rev.	400,562.23	410,915.95	200,000.00	200,000.00	400,000.00
10-90-70	Trans. Debt. Serv. City Hall	107,000.00	107,000.00	107,000.00	107,000.00	107,000.00
10-90-86	TRANSFER TO CAP. PROJ. FUND	956,911.00	885,500.00	592,033.00	1,192,033.00	750,391.00
	Total TRANSFERS, CONT. & OTHER USES:	1,464,473.23	1,403,415.95	899,033.00	1,499,033.00	1,257,391.00
	GENERAL FUND Revenue Total:	3,511,054.50	3,907,999.70	3,875,484.00	4,475,484.00	4,407,847.00
	GENERAL FUND Expenditure Total:	3,432,101.79	3,566,891.22	3,875,484.00	4,475,484.00	4,407,847.00
	Net Total GENERAL FUND:	78,952.71	341,108.48	.00	.00	.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
SPECIAL REVENUE FUND						
DEVELOPMENT FEES						
45-30-57	Road Impact Fees	96,516.00	261,551.13	114,675.00	114,675.00	152,900.00
45-30-70	Park and Trails Impact Fees	152,298.48	356,612.22	178,565.00	178,565.00	238,086.00
45-30-75	North Davis Sewer Impact Fees	246,908.00	592,962.00	244,200.00	244,200.00	352,600.00
45-30-80	N.D. Fire Impact Fees	9,376.24	26,192.08	10,401.00	10,401.00	13,868.00
45-30-99	Beginning Balance	.00	.00	132,940.00	132,940.00	157,712.00
	Total DEVELOPMENT FEES:	505,098.72	1,237,317.43	680,781.00	680,781.00	915,166.00
OTHER FINANCING SOURCES						
45-33-46	Grants (Road Projects)	39,236.63	1,403,327.34	1,912,500.00	1,912,500.00	.00
45-33-47	Grants	.00	75,000.00	.00	.00	.00
45-33-90	Transfer from Other Funds	400,562.23	410,915.95	200,000.00	200,000.00	400,000.00
45-33-93	Local Option Roads	100,719.17	133,273.43	100,000.00	100,000.00	125,000.00
	Total OTHER FINANCING SOURCES:	540,518.03	2,022,516.72	2,212,500.00	2,212,500.00	525,000.00
Source: 36						
45-36-10	Interest Income	57,587.97	53,499.70	.00	.00	.00
	Total Source: 36:	57,587.97	53,499.70	.00	.00	.00
SPECIAL FUND PROJECTS						
45-51-15	Parks/Trails Impact Fee Proj.	.00	.00	1,648.00	1,648.00	1,648.00
45-51-71	Roads/Ped. Walkways Impact Fee	.00	.00	40,000.00	40,000.00	42,798.00
45-51-80	N.D. Sewer Impact Fees	249,220.00	592,962.00	244,200.00	244,200.00	352,600.00
45-51-85	N.D. Fire Impact Fees	8,889.78	27,328.28	10,401.00	10,401.00	13,868.00
45-51-93	Local Option Roads	.00	14,000.00	392,396.00	392,396.00	466,309.00
45-51-95	Class C Road Expenditures	508,059.85	275,823.16	519,155.00	519,155.00	540,480.00
45-51-97	Road & Sidewalk Grant Projects	51,334.89	1,481,164.01	1,685,481.00	1,685,481.00	22,463.00
	Total SPECIAL FUND PROJECTS:	817,504.52	2,391,277.45	2,893,281.00	2,893,281.00	1,440,166.00
	SPECIAL REVENUE FUND Revenue Total:	1,103,204.72	3,313,333.85	2,893,281.00	2,893,281.00	1,440,166.00
	SPECIAL REVENUE FUND Expenditure Total:	817,504.52	2,391,277.45	2,893,281.00	2,893,281.00	1,440,166.00
	Net Total SPECIAL REVENUE FUND:	285,700.20	922,056.40	.00	.00	.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
CAPITAL PROJECTS FUND						
REVENUE						
48-30-39	Misc. revenue	3,250.52	35,408.25	.00	.00	.00
48-30-45	Cemetery Permit & Perpet. Care	60,520.00	43,290.00	200,282.00	200,282.00	147,057.00
48-30-90	Beginning Balance	.00	.00	1,535,167.00	1,537,467.00	1,443,056.00
Total REVENUE:		63,770.52	78,698.25	1,735,449.00	1,737,749.00	1,590,113.00
OTHER FINANCING SOURCES						
48-33-10	Transfer from General Fund	956,911.00	885,500.00	592,033.00	592,033.00	750,391.00
48-33-35	Interest	68,528.21	63,381.74	.00	.00	.00
Total OTHER FINANCING SOURCES:		1,025,439.21	948,881.74	592,033.00	592,033.00	750,391.00
CAP. PROJ. FUND FINANCING USES						
48-51-15	Buildings	40,449.90	67,071.23	100,663.00	100,663.00	60,980.00
48-51-20	Road Projects	148,897.68	232,733.12	746,889.00	746,889.00	565,158.00
48-51-25	Park Improvement Projects	337,318.00	31,662.90	841,201.00	841,201.00	1,030,109.00
48-51-43	Capital Equipment Replacement	9,062.42	66,409.69	1,174.00	1,174.00	66,200.00
48-51-44	Vehicle Replacement	7,221.97	44,841.00	27,273.00	29,573.00	11,000.00
48-51-53	5 Year CIP	.00	.00	410,000.00	410,000.00	460,000.00
48-51-70	Cemetery Perpetual Care	.00	.00	200,282.00	200,282.00	147,057.00
Total CAP. PROJ. FUND FINANCING USES:		542,949.97	442,717.94	2,327,482.00	2,329,782.00	2,340,504.00
CAPITAL PROJECTS FUND Revenue Total:		1,089,209.73	1,027,579.99	2,327,482.00	2,329,782.00	2,340,504.00
CAPITAL PROJECTS FUND Expenditure Total:		542,949.97	442,717.94	2,327,482.00	2,329,782.00	2,340,504.00
Net Total CAPITAL PROJECTS FUND:		546,259.76	584,862.05	.00	.00	.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
WASTE FUND						
OPERATING REVENUE						
51-37-17	Penalties	24,532.50	15,127.50	20,000.00	20,000.00	10,000.00
51-37-26	Sewer Fees	1,048,396.43	1,069,381.56	1,000,000.00	1,000,000.00	1,100,000.00
51-37-50	Garbage Collection Fees	496,079.14	510,595.84	480,000.00	480,000.00	500,000.00
51-37-60	Greenwaste Collection Fees	106,625.16	110,855.18	100,000.00	100,000.00	110,000.00
51-37-70	Recycle Collection Fees	122,246.07	128,663.89	120,000.00	120,000.00	130,000.00
	Total OPERATING REVENUE:	1,797,879.30	1,834,623.97	1,720,000.00	1,720,000.00	1,850,000.00
OTHER FINANCING SOURCES						
51-38-05	Sewer Impact Fees	41,861.86	150,851.42	62,025.00	62,025.00	82,700.00
51-38-15	Can Purchase	11,560.00	11,560.00	5,000.00	5,000.00	17,000.00
51-38-21	Gain/Loss on Capital Assets	30,076.15-	.00	.00	.00	.00
51-38-80	Interest Earnings	16,465.02	12,741.74	10,000.00	10,000.00	10,000.00
51-38-90	MISCELLANEOUS	15.00	.00	.00	.00	.00
51-38-91	DEVELOPER CONTRIBUTIONS	329,795.04	128,196.25	.00	.00	.00
51-38-99	Pension	.00	.00	20,000.00	20,000.00	20,000.00
	Total OTHER FINANCING SOURCES:	369,620.77	303,349.41	97,025.00	97,025.00	129,700.00
TRANSFERS						
51-39-95	Beginning Fund Balance	.00	.00	97,921.00	99,071.00	32,494.00
51-39-96	Sewer Impact Fee Balance	.00	.00	186,560.00	186,560.00	229,303.00
	Total TRANSFERS:	.00	.00	284,481.00	285,631.00	261,797.00
PRIMARY OPERATING EXPENSES						
51-81-11	Salaries and Wages	159,972.91	157,786.38	202,198.00	202,198.00	210,482.00
51-81-13	Benefits and Bonus	75,089.31	73,314.32	122,849.00	122,849.00	125,108.00
51-81-15	On call pay	829.21	818.16	850.00	850.00	850.00
51-81-20	Overtime	253.82	52.11	2,000.00	2,000.00	2,000.00
51-81-27	Lift Station Pumps	1,656.05	1,536.87	2,400.00	2,400.00	2,400.00
51-81-42	Garbage	374,358.87	481,190.21	363,000.00	363,000.00	363,000.00
51-81-43	Greenwaste	102,368.87	106,472.71	98,000.00	98,000.00	98,000.00
51-81-44	Recycling	109,825.45	126,064.98	88,000.00	88,000.00	88,000.00
51-81-49	Sewer Collection and Disposal	813,468.22	827,384.54	668,000.00	668,000.00	668,000.00
51-81-55	Sewer Maintenance and Repair	21,431.76	26,091.92	30,000.00	30,000.00	30,000.00
51-81-63	IT Support & Contracts	18,581.21	15,721.22	23,825.00	23,825.00	23,825.00
51-81-65	Utility Refunds	.00	472.89	1,500.00	1,500.00	1,500.00
	Total PRIMARY OPERATING EXPENSES:	1,677,835.68	1,816,906.31	1,602,622.00	1,602,622.00	1,613,165.00
MATERIALS AND SUPPLIES						
51-82-24	Utility Bills - Postage/Equip.	8,454.82	8,778.32	11,000.00	11,000.00	11,000.00
51-82-47	Can Purchase	26,550.00	35,500.00	27,000.00	27,000.00	27,000.00
51-82-60	Travel and Education	689.08	.00	1,500.00	1,500.00	1,500.00
51-82-61	Misc. Supplies & Deposit Slips	.00	.00	1,000.00	1,000.00	1,000.00
	Total MATERIALS AND SUPPLIES:	35,693.90	44,278.32	40,500.00	40,500.00	40,500.00
WASTE - OTHER EXPENSES						
51-84-05	Sewer Impact Fee Projects	1,531.87	.00	248,585.00	248,585.00	400,000.00
51-84-20	Risk Management	5,380.24	5,513.94	10,000.00	10,000.00	10,000.00
51-84-30	Depreciation	87,565.00	96,038.74	85,000.00	85,000.00	85,000.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
51-84-35	Credit Card Processing Fees	9,642.70	9,540.23	8,100.00	8,100.00	8,100.00
51-84-39	Auditor & Accounting Support	4,760.00	5,498.00	6,000.00	6,000.00	6,000.00
51-84-44	Vehicle Replacement	.00	.00	11,000.00	12,150.00	11,000.00
51-84-81	IT	.00	.00	4,000.00	4,000.00	4,000.00
51-84-83	Capital Improvements	2,497.64	1,600.14	56,699.00	56,699.00	34,732.00
51-84-84	Blue Stakes	1,057.08	2,944.55	1,000.00	1,000.00	1,000.00
51-84-90	Fleet	4,516.35	3,828.59	8,000.00	8,000.00	8,000.00
	Total WASTE - OTHER EXPENSES:	116,950.88	124,964.19	438,384.00	439,534.00	567,832.00
TRANSFERS & CONTINGENCIES						
51-90-99	Pension	.00	.00	20,000.00	20,000.00	20,000.00
	Total TRANSFERS & CONTINGENCIES:	.00	.00	20,000.00	20,000.00	20,000.00
	WASTE FUND Revenue Total:	2,167,500.07	2,137,973.38	2,101,506.00	2,102,656.00	2,241,497.00
	WASTE FUND Expenditure Total:	1,830,480.46	1,986,148.82	2,101,506.00	2,102,656.00	2,241,497.00
	Net Total WASTE FUND:	337,019.61	151,824.56	.00	.00	.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
WATER FUND						
OPERATING REVENUE						
55-37-11	Metered Water Sales	766,723.60	771,619.78	750,000.00	750,000.00	800,000.00
55-37-13	Secondary Water Sales	806,615.66	816,593.12	790,000.00	790,000.00	820,000.00
55-37-14	Connection Fees - Water	20,400.00	20,500.00	15,000.00	15,000.00	11,500.00
55-37-17	Penalties	22,079.25	13,784.75	18,500.00	18,500.00	10,000.00
	Total OPERATING REVENUE:	1,615,818.51	1,622,497.65	1,573,500.00	1,573,500.00	1,641,500.00
OTHER FINANCING SOURCES						
55-38-05	Water Impact Fees	41,371.00	172,010.00	83,400.00	83,400.00	36,696.00
55-38-20	Gain/Loss on Capital Assets	23,964.73-	.00	.00	.00	.00
55-38-55	Miscellaneous Revenue	32.39-	.00	.00	.00	.00
55-38-80	Interest Earnings	37,375.34	32,188.91	20,000.00	20,000.00	20,000.00
55-38-91	DEVELOPER CONTRIBUTIONS	300,560.66	.00	.00	.00	.00
55-38-95	Fund Reserves	.00	.00	776,963.00	941,113.00	383,890.00
55-38-96	Water Impact Fee Balance	.00	.00	176,779.00	176,779.00	176,779.00
55-38-99	Pension	.00	.00	20,000.00	20,000.00	20,000.00
	Total OTHER FINANCING SOURCES:	355,309.88	204,198.91	1,077,142.00	1,241,292.00	637,365.00
PRIMARY OPERATING EXPENSES						
55-81-11	Salaries and Wages	185,368.07	181,322.89	238,474.00	238,474.00	248,234.00
55-81-13	Benefits and Bonus	89,031.48	86,370.39	147,691.00	147,691.00	150,355.00
55-81-15	On call pay	1,658.41	1,636.34	1,700.00	1,700.00	1,700.00
55-81-20	Overtime	891.03	1,669.14	4,000.00	4,000.00	4,000.00
55-81-28	Wells & Water Tank Power	7,040.31	6,583.17	11,500.00	11,500.00	11,500.00
55-81-35	Hooper Water District	1,610.00	855.00	1,500.00	1,500.00	1,500.00
55-81-41	Water Maintenance	26,692.96	42,494.59	18,000.00	93,000.00	18,000.00
55-81-42	Water Sample Testing	1,893.54	4,054.13	5,000.00	5,000.00	5,000.00
55-81-43	Secondary Water	775,983.57	786,503.89	770,000.00	770,000.00	770,000.00
55-81-45	Registration & Other Expenses	160.00	160.00	1,000.00	1,000.00	1,000.00
55-81-60	Travel and Education	2,245.78	1,630.71	4,140.00	4,140.00	4,140.00
55-81-63	IT Support & Contracts	15,887.93	13,001.24	24,000.00	24,000.00	24,000.00
	Total PRIMARY OPERATING EXPENSES:	1,108,463.08	1,126,281.49	1,227,005.00	1,302,005.00	1,239,429.00
WATER - MATERIALS AND SUPPLIES						
55-82-24	Utility Bills - Postage/Equip	8,454.76	8,778.33	8,250.00	8,250.00	8,250.00
55-82-47	Misc. Supplies & Deposit Slips	500.00	.00	750.00	750.00	750.00
55-82-50	Water Meters	87,708.65	98,902.97	115,000.00	115,000.00	115,000.00
	Total WATER - MATERIALS AND SUPPLIES:	96,663.41	107,681.30	124,000.00	124,000.00	124,000.00
WATER - OTHER EXPENSES						
55-84-05	Water System Impact Fee Proj.	1,447.63	.00	800,430.00	800,430.00	408,429.00
55-84-20	Risk Management	4,938.95	5,146.34	10,000.00	10,000.00	10,000.00
55-84-30	Depreciation	100,658.77	143,938.70	80,000.00	80,000.00	80,000.00
55-84-33	Capital Projects & Expenditure	5,937.24	1,048.93	119,042.00	119,042.00	119,087.00
55-84-35	Credit Card Processing Fees	10,315.46	10,205.85	8,800.00	8,800.00	8,800.00
55-84-38	Auditor & Accounting Support	4,760.00	5,498.00	6,000.00	6,000.00	6,000.00
55-84-40	Water Purchase - Weber Basin	167,922.00	187,410.00	205,865.00	293,865.00	213,620.00
55-84-44	Vehicle Replacement	.00	.00	11,000.00	12,150.00	11,000.00
55-84-82	Blue Stakes	1,272.58	1,487.16	1,500.00	1,500.00	1,500.00
55-84-83	IT	.00	.00	2,000.00	2,000.00	2,000.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
55-84-85	Engineering Studies & Planning	520.00	.00	20,000.00	20,000.00	20,000.00
55-84-90	Fleet	7,903.65	6,700.03	15,000.00	15,000.00	15,000.00
	Total WATER - OTHER EXPENSES:	305,676.28	361,435.01	1,279,637.00	1,368,787.00	895,436.00
TRANSFERS & CONTINGENCIES						
55-90-99	Pension	.00	.00	20,000.00	20,000.00	20,000.00
	Total TRANSFERS & CONTINGENCIES:	.00	.00	20,000.00	20,000.00	20,000.00
	WATER FUND Revenue Total:	1,971,128.39	1,826,696.56	2,650,642.00	2,814,792.00	2,278,865.00
	WATER FUND Expenditure Total:	1,510,802.77	1,595,397.80	2,650,642.00	2,814,792.00	2,278,865.00
	Net Total WATER FUND:	460,325.62	231,298.76	.00	.00	.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
STORM WATER UTILITY FUND						
OPERATING REVENUE						
58-37-11	Storm Sys. Maint. & Const. Fee	180,925.40	184,592.29	180,000.00	180,000.00	185,000.00
58-37-17	Penalties	2,453.25	1,512.75	2,000.00	2,000.00	1,000.00
58-37-90	Fund Balance	.00	.00	182,927.00	184,537.00	158,562.00
58-37-91	Storm Water Impact Fee Balance	.00	.00	37,500.00	37,500.00	13,937.00
	Total OPERATING REVENUE:	183,378.65	186,105.04	402,427.00	404,037.00	358,499.00
OTHER FINANCING SOURCES						
58-38-05	Storm Water Impact Fees	81,566.75	117,853.99	97,500.00	97,500.00	105,100.00
58-38-70	Interest Earnings	39,275.43	31,845.23	20,000.00	20,000.00	20,000.00
58-38-91	DEVELOPER CONTRIBUTIONS	669,378.93	360,765.16	.00	.00	.00
58-38-99	Pension	.00	.00	20,000.00	20,000.00	20,000.00
	Total OTHER FINANCING SOURCES:	790,221.11	510,464.38	137,500.00	137,500.00	145,100.00
PRIMARY OPERATING EXPENSES						
58-81-11	Salaries and Wages	63,564.73	62,672.06	74,791.00	74,791.00	77,923.00
58-81-13	Benefits	28,587.08	28,531.30	44,036.00	44,036.00	44,880.00
58-81-20	Overtime	66.69	.00	.00	.00	.00
58-81-27	Storm Sys. Maint. & Repair	11,005.57	20,219.53	11,000.00	11,000.00	11,000.00
58-81-28	Construction	.00	.00	10,000.00	10,000.00	10,000.00
58-81-34	Credit Card Fees	1,345.50	1,331.20	1,100.00	1,100.00	1,100.00
58-81-40	Sweeping & Preventative Care	13,033.20	16,535.82	12,000.00	12,000.00	12,000.00
58-81-42	Strm Sys Maint & Phs II Comp.	1,815.00	1,815.00	2,500.00	2,500.00	2,500.00
58-81-43	Secondary Water	.00	.00	5,000.00	5,000.00	5,000.00
	Total PRIMARY OPERATING EXPENSES:	119,417.77	131,104.91	160,427.00	160,427.00	164,403.00
STORM WTR UTILITY - OTHER EXP.						
58-84-05	Storm System Impact Fee Proj.	.00	81,685.00	135,000.00	135,000.00	119,037.00
58-84-20	Risk Management	2,206.00	1,838.00	3,500.00	3,500.00	3,500.00
58-84-30	Depreciation	93,960.61	110,201.63	64,000.00	64,000.00	64,000.00
58-84-38	Auditor & Accounting Support	1,190.00	1,374.50	1,500.00	1,500.00	1,500.00
58-84-44	Vehicle Replacement	.00	.00	11,000.00	12,610.00	11,000.00
58-84-83	Capital Projects	.00	.00	142,000.00	142,000.00	117,659.00
58-84-90	Fleet Expense	1,129.09	957.15	2,500.00	2,500.00	2,500.00
	Total STORM WTR UTILITY - OTHER EXP.:	98,485.70	196,056.28	359,500.00	361,110.00	319,196.00
Department: 90						
58-90-99	Pension	.00	.00	20,000.00	20,000.00	20,000.00
	Total Department: 90:	.00	.00	20,000.00	20,000.00	20,000.00
	STORM WATER UTILITY FUND Revenue Total:	973,599.76	696,569.42	539,927.00	541,537.00	503,599.00
	STORM WATER UTILITY FUND Expenditure Total:	217,903.47	327,161.19	539,927.00	541,537.00	503,599.00
	Net Total STORM WATER UTILITY FUND:	755,696.29	369,408.23	.00	.00	.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
DEBT SERVICE						
MISCELLANEOUS REVENUE						
70-36-10	Interest Earnings	250.89	1,117.67	.00	.00	.00
	Total MISCELLANEOUS REVENUE:	250.89	1,117.67	.00	.00	.00
TRANSFERS AND CONTRIBUTIONS						
70-39-20	General Fund Transfer	107,000.00	107,000.00	107,000.00	107,000.00	107,055.00
	Total TRANSFERS AND CONTRIBUTIONS:	107,000.00	107,000.00	107,000.00	107,000.00	107,055.00
FUNDING USES						
70-84-10	Debt Service - City Hall	99,000.00	101,000.00	103,000.00	103,000.00	106,000.00
70-84-15	Interest on Bonds	7,137.63	5,147.30	4,000.00	4,000.00	1,055.00
	Total FUNDING USES:	106,137.63	106,147.30	107,000.00	107,000.00	107,055.00
	DEBT SERVICE Revenue Total:	107,250.89	108,117.67	107,000.00	107,000.00	107,055.00
	DEBT SERVICE Expenditure Total:	106,137.63	106,147.30	107,000.00	107,000.00	107,055.00
	Net Total DEBT SERVICE:	1,113.26	1,970.37	.00	.00	.00

Account Number	Account Title	2019 Actual	2020 Actual	2021 Original Budget	2021 Amended Budget	2022 Final Budget
CDRA FUND						
REVENUE						
85-31-10	Property Tax Increment	149,462.00	157,890.00	140,000.00	140,000.00	140,000.00
Total REVENUE:		149,462.00	157,890.00	140,000.00	140,000.00	140,000.00
Source: 38						
85-38-80	Interest Earnings	135.93	393.51	.00	.00	.00
Total Source: 38:		135.93	393.51	.00	.00	.00
EXPENDITURES						
85-44-62	Project Expenses	1,402.00	.00	.00	.00	.00
85-44-63	Administration	50.00	.00	.00	.00	.00
85-44-65	Long-term Debt Expense	103,000.00	107,000.00	111,000.00	111,000.00	115,000.00
Total EXPENDITURES:		104,452.00	107,000.00	111,000.00	111,000.00	115,000.00
Department: 84						
85-84-15	Interest Expense	33,674.20	29,976.50	29,000.00	29,000.00	25,000.00
Total Department: 84:		33,674.20	29,976.50	29,000.00	29,000.00	25,000.00
CDRA FUND Revenue Total:		149,597.93	158,283.51	140,000.00	140,000.00	140,000.00
CDRA FUND Expenditure Total:		138,126.20	136,976.50	140,000.00	140,000.00	140,000.00
Net Total CDRA FUND:		11,471.73	21,307.01	.00	.00	.00
Net Grand Totals:		2,476,539.18	2,623,835.86	.00	.00	.00

City Council Staff Report

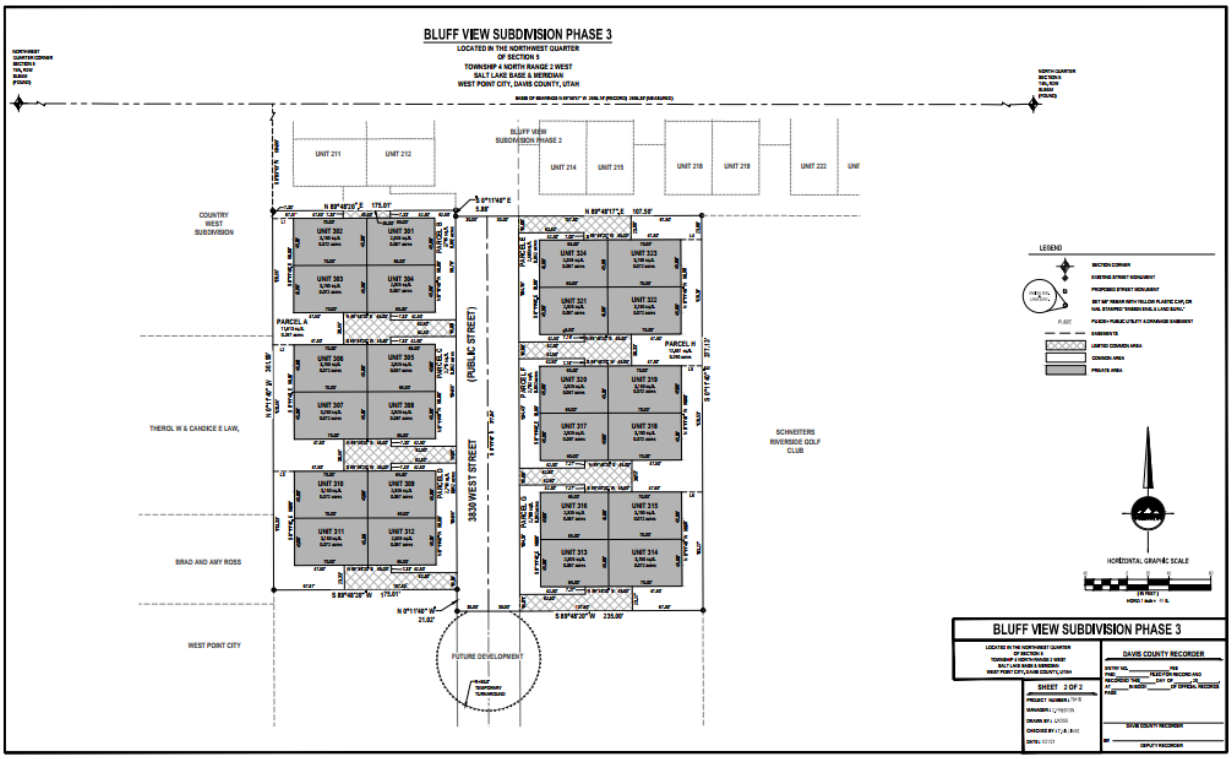
Subject: Final Plat – Bluff View Subdivision Phases 3
Author: Bryn MacDonald
Department: Community Development
Date: August 17, 2021

Background

The applicant, NHM8, LLC, is seeking final plat approval for the Bluff View Subdivision phases 3, located at approximately 3700 West 300 North.

The City Council rezoned this property to R-4 (Residential- 8 units per acre). The Planning Commission granted preliminary approval for this project on August 13, 2020. The development consists of 27.5 acres of land with 202 units (7.3 units per acre) that are divided up into 6 phases. The development will be a mix of "patio" style homes (116) and traditional "townhomes" (86). The project will consist of private and public streets and will provide adequate off-street parking spaces. Phase 3 (located directly south of phase 2) will consist of 6 buildings (each building having 4 attached units) for a total of 24 units.

Analysis



Staff has reviewed the plans submitted and has provided comments back to the developer and project engineer. All of the items that are required before Final Plat have been addressed including the required approval letters.

Recommendation

The Planning Commission recommended approval of the Final plat for Phase 3 of the Bluff View subdivision. This item is on for discussion only. No action will be taken at this time.

Attachments

A. Plans

811 Know what's below. Call before you dig.

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

BENCHMARK

NORTH QUARTER CORNER
SECTION 5
TOWNSHIP 4 NORTH, RANGE 2 WEST
SALT LAKE BASE AND MERIDIAN

ELEV = 4297.17'

BLUFF VIEW SUBDIVISION
PHASE 3

3830 WEST 300 NORTH
WEST POINT, UTAH

FOR REVIEW
NOT FOR CONSTRUCTION

DATE PRINTED
June 21, 2021

INDEX OF DRAWINGS

1 OF 2	SUBDIVISION PLAT
2 OF 2	SUBDIVISION PLAT
C-001	GENERAL NOTES
C-100	SITE PLAN
C-200	GRADING PLAN
C-201	DRAINAGE PLAN
C-202	STORM DRAIN CALCULATIONS
C-300	UTILITY PLAN
C-400	EROSION CONTROL PLAN
PP-1	3830 WEST STREET PLAN AND PROFILE
C-500	DETAILS

NOTICE TO CONTRACTOR

ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK SHOWN ON OR RELATED TO THESE PLANS SHALL CONDUCT THEIR OPERATIONS SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK AND THE PUBLIC IS PROTECTED. ALL CONTRACTORS AND SUBCONTRACTORS SHALL COMPLY WITH THE "OCCUPATIONAL SAFETY AND HEALTH REGULATIONS OF THE U.S. DEPARTMENT OF LABOR AND THE STATE OF UTAH DEPARTMENT OF INDUSTRIAL RELATIONS CONSTRUCTION SAFETY ORDERS." THE CIVIL ENGINEER SHALL NOT BE RESPONSIBLE IN ANY WAY FOR THE CONTRACTORS AND SUBCONTRACTORS COMPLIANCE WITH SAID REGULATIONS AND ORDERS.

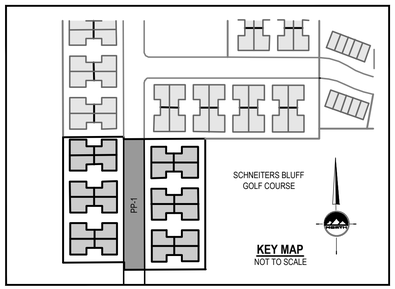
CONTRACTOR FURTHER AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE CIVIL ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

NOTICE TO DEVELOPER/ CONTRACTOR

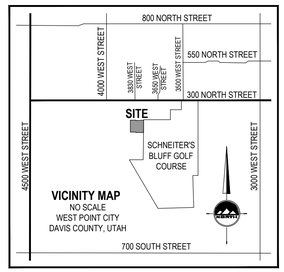
UNAPPROVED DRAWINGS REPRESENT WORK IN PROGRESS, ARE SUBJECT TO CHANGE, AND DO NOT CONSTITUTE A FINISHED ENGINEERING PRODUCT. ANY WORK UNDERTAKEN BY DEVELOPER OR CONTRACTOR BEFORE PLANS ARE APPROVED IS UNDERTAKEN AT THE SOLE RISK OF THE DEVELOPER, INCLUDING BUT NOT LIMITED TO BIDS, ESTIMATION, FINANCING, BONDING, SITE CLEARING, GRADING, INFRASTRUCTURE CONSTRUCTION, ETC.

UTILITY DISCLAIMER

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND / OR ELEVATIONS OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.



KEY MAP
NOT TO SCALE



VICINITY MAP
NO SCALE
WEST POINT CITY
DAVIS COUNTY, UTAH

GENERAL NOTES

1. ALL WORK SHALL CONFORM TO WEST POINT CITY STANDARDS & SPECIFICATIONS.
2. CALL BLUE STAKES AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

APPROVED FOR CONSTRUCTION

BY: _____ DATE: _____
CITY ENGINEER

ENSIGN
THE STANDARD IN ENGINEERING

LAYTON
919 North 400 West
Layton, UT 84041
Phone: 801.547.1100

SALT LAKE CITY
Phone: 801.255.0529

TOOELE
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CEDAR CITY
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RICHFIELD
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WWW.ENSIGNENG.COM

FOR:
NHMB, LLC
P.O. BOX 2000
LAYTON, UTAH 84041
CONTACT:
BRYAN BAYLES
PHONE: 801-634-2129

BLUFF VIEW SUBDIVISION
PHASE 3
3830 WEST 300 NORTH
WEST POINT, UTAH

PROFESSIONAL ENGINEER
No. 5049039
6-21-21
STATE OF UTAH
CAMERON HESS PRESTON

NO.	DATE	REVISION	BY
1		FOR REVIEW	
2			
3			
4			
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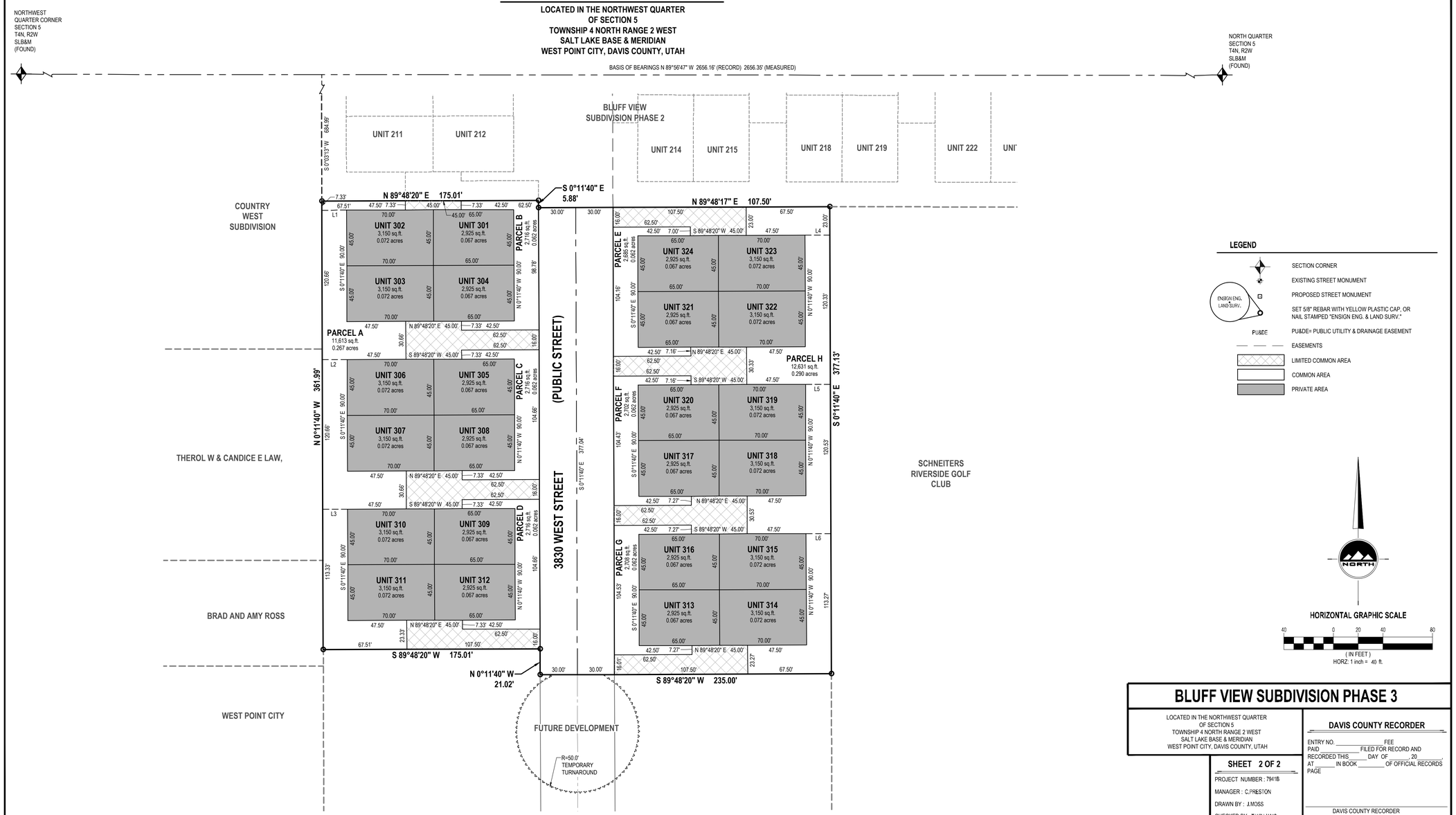
6			
7			
8			

COVER

PROJECT NUMBER 7941B
PRINT DATE 6/21/21
DRAWN BY J.MOSS
CHECKED BY C. PRESTON
PROJECT MANAGER C. PRESTON

BLUFF VIEW SUBDIVISION PHASE 3

LOCATED IN THE NORTHWEST QUARTER
OF SECTION 5
TOWNSHIP 4 NORTH RANGE 2 WEST
SALT LAKE BASE & MERIDIAN
WEST POINT CITY, DAVIS COUNTY, UTAH



BLUFF VIEW SUBDIVISION PHASE 3

LOCATED IN THE NORTHWEST QUARTER
OF SECTION 5
TOWNSHIP 4 NORTH RANGE 2 WEST
SALT LAKE BASE & MERIDIAN
WEST POINT CITY, DAVIS COUNTY, UTAH

SHEET 2 OF 2

PROJECT NUMBER : 7941B
MANAGER : C.PRESTON
DRAWN BY : J.MOSS
CHECKED BY : T.WILLIAMS
DATE : 5/21/21

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE
PAID _____ FILED FOR RECORD AND
RECORDED THIS _____ DAY OF _____, 20 _____,
AT _____ IN BOOK _____ OF OFFICIAL RECORDS
PAGE

DAVIS COUNTY RECORDER

BY _____
DEPUTY RECORDER

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

811 Know what's below. Call before you dig.

BENCHMARK

NORTH QUARTER CORNER
SECTION 5
TOWNSHIP 4 NORTH, RANGE 2 WEST
SALT LAKE BASE AND MERIDIAN

ELEV = 4297.17'

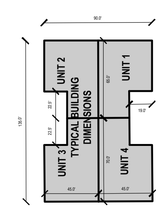
NOTES

1. ALL WORK TO COMPLY WITH WEST POINT CITY'S STANDARDS AND SPECIFICATIONS.
2. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
3. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
4. ALL CONSTRUCTION SIGNAGE, BARRICADES, TRAFFIC CONTROL DEVICES, ETC. SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. THE CONTRACTOR WILL MAINTAIN SUCH SO THAT THEY ARE PROPERLY PLACED AND VISIBLE AT ALL TIMES.
5. SIDEWALKS AND CURBS DESIGNATED TO BE DEMOLISHED SHALL BE DEMOLISHED TO THE NEAREST EXPANSION JOINT, MATCHING THESE PLANS AS CLOSELY AS POSSIBLE.
6. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
7. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
8. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
9. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
10. FIRE HYDRANTS AND ACCESS ROADS SHALL BE INSTALLED PRIOR TO THE CONSTRUCTION OF ANY BUILDINGS.
11. ALL HYDRANTS SHALL BE PLACED WITH THE 4-1/2" CONNECTION FACING THE POINT OF ACCESS FOR FIRE DEPARTMENT APPARATUS.
12. PRIOR TO BEGINNING CONSTRUCTION OF ANY BUILDINGS, A FIRE FLOW TEST OF THE NEW HYDRANTS SHALL BE CONDUCTED TO VERIFY THE ACTUAL FIRE FLOW FOR THIS PROJECT. THE FIRE PREVENTION DIVISION OF NORTH DAVIS FIRE DISTRICT SHALL WITNESS THIS TEST AND SHALL BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO THE TEST.
13. ALL SECONDARY WATER IMPROVEMENTS TO BE INSTALLED PER DAVIS AND WEBER COUNTIES CANAL COMPANY STANDARDS AND SPECIFICATIONS.
14. CULINARY WATER AND SANITARY SEWER LATERALS SHALL BE INSTALLED WITH A MINIMUM OF 10' HORIZONTAL SEPARATION.
15. SEE SHEET C-101 FOR IMPROVEMENTS WITHIN THE UDOT RIGHT-OF-WAY.

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

1. INSTALL FIRE HYDRANT AND VALVE PER WEST POINT CITY STANDARDS AND SPECIFICATIONS
2. INSTALL 2.5' TYPE "A" CURB & GUTTER PER APWA PLAN # 205 (TYP)
3. INSTALL 5' SIDEWALK PER APWA PLAN # 231 (TYP)
4. MATCH EXISTING IMPROVEMENTS
5. DRIVEWAY TO UNITS PER INDIVIDUAL BUILDING PLANS (TYP)
6. 2.0' WATERWAY (TYP)



THESE BUILDING DIMENSIONS ARE APPROXIMATE AND WILL BE FINALIZED AND APPROVED WITH BUILDING PERMITS

NORTH

HORIZONTAL GRAPHIC SCALE

30 0 15 30 60

(IN FEET)
HORZ: 1 inch = 30 ft.

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PHONE: 801-634-2129

BLUFF VIEW SUBDIVISION PHASE 3

3830 WEST 300 NORTH
WEST POINT, UTAH

PROFESSIONAL ENGINEER
No. 5349039
6-21-21
STATE OF UTAH
CAMERON HESS PRESTON

NO.	DATE	REVISION	BY
1		FOR REVIEW	
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SITE PLAN

PROJECT NUMBER 7941B	PRINT DATE 6/21/21
DRAWN BY J.MOSS	CHECKED BY C. PRESTON
PROJECT MANAGER C. PRESTON	

C-100

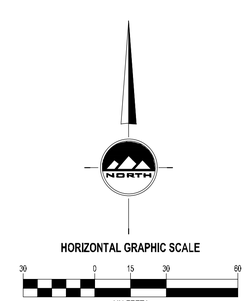
CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

Know what's below. Call before you dig.

BENCHMARK

NORTH QUARTER CORNER
SECTION 5
TOWNSHIP 4 NORTH, RANGE 2 WEST
SALT LAKE BASE AND MERIDIAN

ELEV = 4297.17'



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FOR:
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CONTACT:
BRYAN BAYLES
PHONE: 801-634-2129

BLUFF VIEW SUBDIVISION PHASE 3

3830 WEST 300 NORTH
WEST POINT, UTAH

PROFESSIONAL ENGINEER
No. 5049039
CAMERON HESS PRESTON
STATE OF UTAH

NO.	DATE	REVISION	BY
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DRAINAGE PLAN

PROJECT NUMBER 7941B	PRINT DATE 6/21/21
DRAWN BY J.MOSS	CHECKED BY C. PRESTON
PROJECT MANAGER C. PRESTON	

C-201

City Council Staff Report

Subject: Cell Tower Placement in the City
Author: Kyle Laws
Department: Executive
Date: August 17, 2021

Background

The City has been approached by two cell tower companies desiring to place a cell tower in the City. The desire is to place the tower on the west end of town, preferable below the bluff somewhere. Both companies have suggested Bingham Park as their preferred location.

Analysis

In the past the City has been cautious about, or maybe even uninterested in, having a cell tower in the City. Both companies have asked that it be revisited to see if the Council has any interest in pursuing a cell tower and having in located in our City. In both cases, the City would enter into a lease agreement with a set monthly fee that would have an escalation rate. It appears that the escalation rate would be 2% and the monthly fee could range from $800-$1500 per month. Further details of the agreement are currently unknown at this point in the conversation.

The desire is to have a 100' monopole, although the height of the tower may be negotiable. The footprint desired would be about 50'x50', but is also somewhat flexible.

Here are some images of existing poles. There are options to disguise them or to leave it open as a pole.

City Council Staff Report

Subject: Impact Fee – Storm Drain
Author: Boyd Davis
Department: Engineering
Date: August 17, 2021

Background

During the past several months we have been in the process of updating the impact fee facilities plans (IFFP) for the storm drainage systems. We have also been updating the impact fee analysis for the storm drainage system. We have worked closely with Lewis Young, a consulting firm, to complete the impact fee analysis. They will be at the City Council meeting to answer any questions that you may have.

Analysis

The purpose of the impact fee facilities plan is to identify new projects and upgrades that will be required to meet the future needs of the City. It also provides an estimated cost of the improvements and possible financing sources. The Executive Summary for the storm drain Impact Fee Analysis states the following:

1. The service area for the storm drain impact fees includes all areas within the City.
2. The demand units utilized in this analysis are based on undeveloped residential and commercial land. As residential and commercial growth occurs within the City, additional impervious surface will generate additional run-off. The storm drain capital improvement identified in the IFFP are based on maintaining the current level of service.
3. Impact fees can not be used to finance an increase in the level of service to current or future users of capital improvements. The IFFP identifies the future storm drain system improvements that are needed to manage the runoff caused by 10-year and 100-year events. Therefore, the City's storm drain infrastructure is sized to manage runoff safely and adequately from the storm intensities and durations indicated in the Impact Fee Facilities Plan.
4. The IFFP identifies the percentage of existing facilities that the ten-year demand will use is 17.19% with an estimated buy-in component of $272,187 based upon a total system value of $5,178,479.
5. The total estimated construction year cost for capital projects needed over the next ten years equals $4,497,641. Approximately $1,456,915 has been identified as growth-related capital improvements that are impact fee eligible.
6. This analysis assumes future growth-related will be funded on a pay-as-you-go basis when possible, utilizing impact fee and utility fee revenues to pay for capital facilities.

An impact fee analysis is based upon the findings of the impact fee facilities plan. The methodology used to calculate the fee is as follows:

1. The next ten years projects were taken from the Capital Facilities plan.
2. The projects were divided into impact fee eligible and non-impact fee eligible projects.
3. A value was determined for the remaining capacity in the existing system that will serve future residents. This is the buy in amount and must be the original "book value" of the improvement by state code.
4. The cost of the existing capacity was added to the cost of next ten year's impact fee projects.
5. A credit was given for anticipated interest earnings on impact fee revenues.
6. The total cost is divided by the number of expected acres to be developed that will be supported by the projects.
7. This becomes the recommended impact fee.

The recommended impact fee is as follows:

Existing Fee	Proposed Fee	Difference
$4,204/acre	**$3674/acre**	-13% (decrease)

Before enacting the impact fee ordinance, the State Code requirements must be followed as outlined below:

1. Publish a notice of a public hearing on the State Website.
2. Make a copy of the report available to the public.
3. Obtain a written certification from the consultant.
4. Make a copy of the ordinance available to the public.
5. Hold a public hearing.
6. Adopt the impact fee ordinance.

Following the public hearing, the Council will consider adopting the new fee. If adopted, the fee will go into effect 90 days after the date the ordinance is passed.

Recommendation

No action required; this is for discussion only. Staff recommends that a public hearing be set for Sept. 7th.

Significant Impacts

The impact fees will decrease by 13% if adopted as proposed.

Attachments

Draft Impact Fee Analysis
Draft Capital Facilities Plan

WEST POINT CITY, UTAH

STORM WATER IMPACT FEE ANALYSIS (IFA)

REVIEW
DRAFT

3200 West 300 North
West Point, UT 84015

Prepared By
Lewis Young Robertson & Burningham, Inc.

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REVIEW DRAFT

IMPACT FEE CERTIFICATION

IFA CERTIFICATION

Lewis Young Robertson & Burningham, Inc. certifies that the Impact Fee Analysis prepared for storm drain services:

1. Includes only the costs of public facilities that are:
   a. allowed under the Impact Fees Act; and
   b. actually incurred; or
   c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
   a. costs of operation and maintenance of public facilities;
   b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
   c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
   d. offsets costs with grants or other alternate sources of payment; and,
3. Complies in each and every relevant respect with the Impact Fees Act.

LYRB makes this certification with the following caveats:

1. All recommendations for implementation of the Impact Fee Analysis are followed by City staff and elected officials.
2. If all or a portion of this document is modified or amended, this certification is no longer valid.
3. All information provided to Lewis Young Robertson & Burningham, Inc. is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

REVIEW
DRAFT

SECTION 1: EXECUTIVE SUMMARY

The purpose of the Storm Drain Impact Fee Analysis ("IFA") is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act", and assist the City of West Point (the "City") in financing and constructing necessary capital improvements for future growth. This document will address the future storm water infrastructure needed to serve the service area through the next ten years, as well as the appropriate impact fees the City may charge to new growth to maintain the existing level of service ("LOS"). The Storm Drain Capital Facilities Plan ("CFP") and Impact Fee Facilities Plan ("IFFP") prepared by Gardner Engineering in 2021, as well as input from the City, provide much of the information utilized in this analysis.

- **Impact Fee Service Area:** The service area for storm drain impact fees includes all areas within the City, as shown in **FIGURE 3.1**.
- **Demand Analysis:** The demand units utilized in this analysis are based on undeveloped residential and commercial land. As residential and commercial growth occurs within the City, additional impervious surface will generate additional run-off. The storm drain capital improvements identified in the IFFP are based on maintaining the current level of service.
- **Level of Service:** Impact fees cannot be used to finance an increase in the level of service to current or future users of capital improvements. The IFFP identifies the future storm drain system improvements that are needed to manage the runoff caused by 10-year and 100-year events. Therefore, the City's storm drain infrastructure is sized to manage runoff safely and adequately from the storm intensities and durations indicated in the Impact Fee Facilities Plan.
- **Excess Capacity:** The IFFP in **Section 4** identifies the percentage of existing facilities that the ten-year demand will use is 17.19% with an estimated buy-in component of $272,187 based upon a total system value of $5,178,479.
- **Capital Facilities Analysis:** The total estimated construction year cost for capital projects needed over the next ten years equals $4,497,641. Approximately $1,456,915 has been identified as growth-related capital improvements that are impact fee eligible.
- **Funding of Future Facilities:** This analysis assumes future growth-related facilities will be funded on a pay-as-you-go basis when possible, utilizing impact fee and utility fee revenues to pay for capital facilities.

REVIEW DRAFT

PROPOSED STORM DRAIN IMPACT FEE

The calculation of impact fees relies upon the information contained in this analysis. Impact fees are then calculated based on many variables centered on proportionality share and level of service. **TABLE 1.1** illustrates the appropriate buy-in fee, the fee associated with projects occurring in the next ten years, and other costs related to the storm drain impact fee. The proportionate share analysis determines the proportionate cost assignable to new development based on the proposed capital projects and the acres served by the proposed projects. The proposed impact fee per acre is $3,674, which represents a 13 percent decrease when compared to the City's existing fee per acre of $4,204.

TABLE 1.1: CALCULATION OF IMPACT FEE PER ACRE

STORM DRAIN PROPORTIONATE SHARE ANALYSIS	GROWTH RELATED COSTS	FUTURE DEVELOPED ACRES	COST PER ACRE
Buy-In to Component	$272,187	452	$603
Future Storm Drain Projects	$1,456,915	452	$3,226
Professional Expense	$15,000	452	$33
Impact Interest Earnings Credit	-$85,000	452	-$188
Total	**$1,659,102**		**$3,674**

TABLE 1.2: PROPOSED IMPACT FEE

DEVELOPMENT TYPE	PROPOSED IMPACT FEE PER ACRE	EXISTING IMPACT FEE PER ACRE	% CHANGE
Developed Acre (Residential, Commercial, or Industrial)	$3,674	$4,204	-13%

NON-STANDARD STORM DRAIN IMPACT FEES

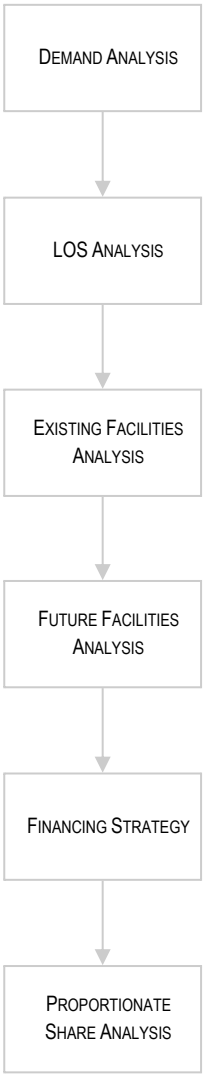
The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.[1] This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use.

[1] UC 11-36a-402(1)(c)

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFA[2]. The IFFP, completed by Gardner Engineering, is designed to identify the demands placed upon the City's existing facilities by future development and evaluate how these demands will be met by the City, as well as the future improvements required to maintain the existing LOS. The purpose of the IFA is to proportionately allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. The following elements are important considerations when completing an IFA.

FIGURE 2.1: IMPACT FEE METHODOLOGY



DEMAND ANALYSIS

The demand analysis serves as the foundation for this analysis. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will impact system facilities.

LEVEL OF SERVICE ANALYSIS

The demand placed upon existing public facilities by existing development is known as the existing LOS. Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the LOS which is provided to a community's existing development and ensures that future facilities maintain these standards.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, the analysis provides an inventory of existing system facilities. The inventory of existing facilities is important to properly determine the excess capacity of existing facilities and the utilization of excess capacity by new development. Any excess capacity identified within existing facilities can be apportioned to new development.

FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities, as well as future system improvements necessary to maintain the level of service. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.[3] In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.[4]

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future (UCA 11-36a-302).

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[2] UC 11-36a-301,302,303,304
[3] UC 11-36a-302(2)
[4] UC 11-36a-302(3)

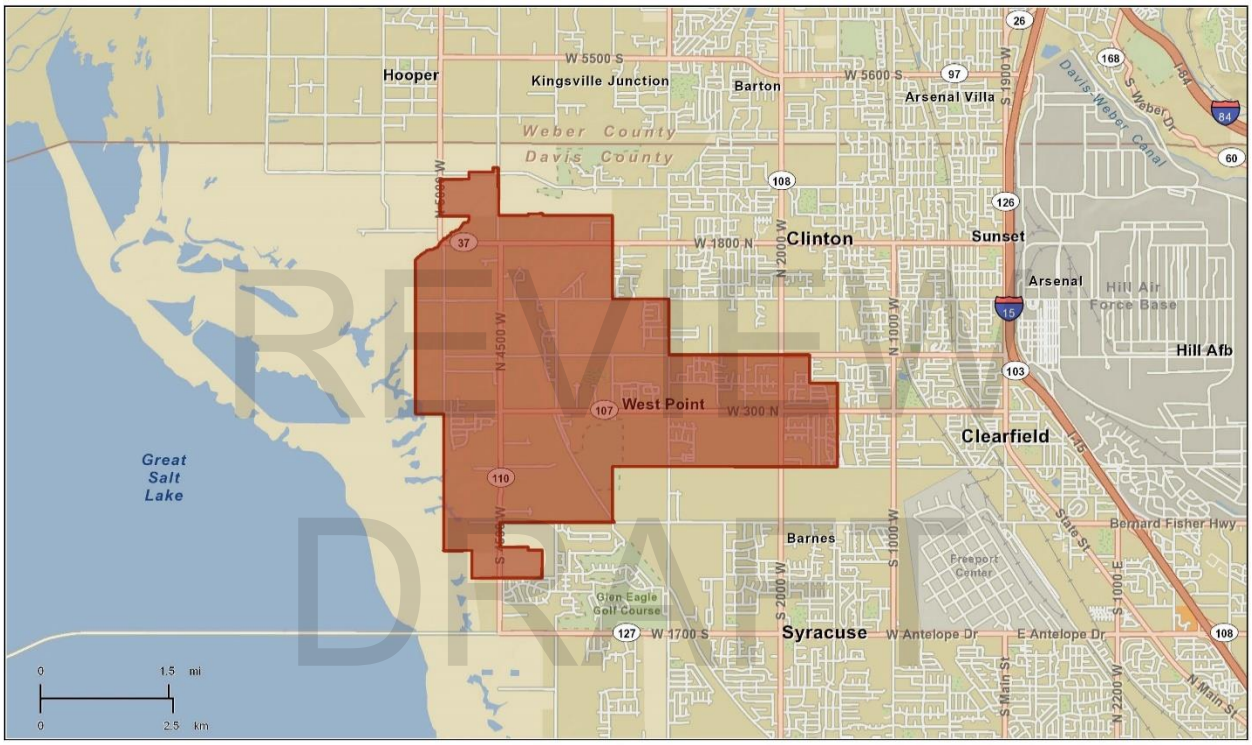
SECTION 3: OVERVIEW OF SERVICE AREA AND DEMAND ANALYSIS

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.[5] The service area for storm drain impact fees includes all areas within the City. This document identifies capital projects that will help to maintain the same level of service enjoyed by existing residents into the future.

It is anticipated that the growth projected over the next ten years will impact the City's existing services. Public facilities will need to be expanded in order to maintain the existing level of service. The IFFP, in conjunction with the impact fee analysis, are designed to accurately assess the true impact of a particular user upon the City's infrastructure.

FIGURE 3.1: STORM DRAIN IMPACT FEE SERVICE AREA



DEMAND UNITS

The demand unit used in this analysis is acreage of developed property. As residential and commercial growth occurs within the City, the impervious surface within the City will increase, resulting in additional run-off. West Point City requires that development detain storm water with a maximum release rate of 0.2 cfs/acre.

With this in mind, the storm system has been designed to handle maximum release per acre, which is the same for all development types. The storm drain capital improvements identified in this study are based on maintaining the current level of service as defined in the IFFP. The proposed impact fees are based upon the projected growth in developed acres, which is used to quantify the impact that future users will have upon the City's system.

According to the City's data, there are 1,963 acres currently developed and 2,534 acres yet to be developed. To be conservative, the City has chosen to use a two percent average annual growth rate (AAGR) for future development. **TABLE 3.2** and **3.3** illustrate the projected growth in developed acres.

[5] UC 11-36a-402(a)

TABLE 3.2: ESTIMATE OF IMPERVIOUS AREA BY ACREAGE

LAND USE	ASSOCIATED ZONING CLASSIFICATION	CURRENT DEVELOPED ACREAGE	UNDEVELOPED ACREAGE	EST. UNDEVELOPED SQUARE FOOTAGE
Residential	R-1	530	1,073	46,731,168
Residential	R-2	285	672	29,259,252
Residential	R-3	719	78	3,415,104
Residential	R-4	44	79	3,428,172
Residential	R-5	5	-	-
Agriculture	A-40	1	169	7,348,572
Commercial	N-C	21	15	635,976
Commercial	C-C	76	134	5,845,752
Commercial	R-C		49	2,141,410
Office	P-O	24	-	-
Research/Industrial Park	R/I-P		29	1,246,252
Parks and Public	PUBLIC	256	237	10,332,432
Totals		**1,963**	**2,534**	**110,384,089**

Source: IFFP Table 1, Gardner Engineering

TABLE 3.3: GROWTH IN POPULATION AND ACREAGE

YEAR	POPULATION	DEVELOPED ACRES	YEAR	POPULATION	DEVELOPED ACRES
2020	11,286	1,963	2027	13,091	2,277
2021	11,624	2,022	2028	13,353	2,322
2022	11,857	2,062	2029	13,620	2,369
2023	12,094	2,103	2030	13,892	2,416
2024	12,336	2,145	2031	14,170	2,464
2025	12,582	2,188	2032	14,453	2,514
2026	12,834	2,232		**Total IFFP Demand**	**452**

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LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the level of service to current or future users of capital improvements. Therefore, it is important to identify the storm water level of service to ensure that the capacities of projects financed through impact fees do not exceed the established standard. The storm water level of service is summarized in **TABLE 3.4**. Additional information on LOS can be found in the IFFP.

TABLE 3.4: STORM DRAIN LEVEL OF SERVICE

DESCRIPTION	PERFORMANCE STANDARD
Allowable Runoff	Development within the City is required to detain storm water with a release rate of 0.2 cfs/acre. This release rate is intended to maintain predevelopment runoff rates.
Detention	Volume required to hold the 100 - year design storm with at least 1 ft of freeboard. Release rate per Allowable Runoff.
Storm Drain Conveyance	Pipes shall be designed to carry the minor 10-year storm. The major 100-year storm is planned to be conveyed in detention ponds, pipes, and within road right of ways. Minimum pipe size is 15" RCP with adequate slope to carry necessary flows.

Source: CFP & IFP 2021

SECTION 4: EXISTING FACILITIES INVENTORY

EXCESS CAPACITY

In order to estimate the remaining excess capacity and the appropriate buy-in valuation, the IFFP identifies storm drain collection improvements that were funded by the City with potential excess capacity. The method used to determine excess capacity is based on the existing linear feet (LF) of collection improvements compared to the linear feet of excess capacity within the system. This is then weighted based on the relative value of each pipe category according to diameter (e.g. larger diameter pipes are more expensive and thus are weighted more when determine proportionate excess capacity). Based on this analysis, there is a total of 420,323 weighted LF of pipe, with 72,245 of weighted pipe LF of excess capacity. This represents 17.19 percent of the total system. Based on the City's depreciation schedule, the existing system is valued at $5,178,479. However, many of these improvements are project improvements. In addition, only infrastructure with a useable lifespan greater than ten years can be counted towards new development. Once project improvements and non-eligible costs are removed, the remaining system improvement value totals $1,583,599. Based on the calculated excess capacity of 17.19 percent, the buy-in value equals $272,187, as shown below.

TABLE 4.1: STORM DRAIN EXCESS CAPACITY

PIPE DIAMETER	COST	RATIO	LINEAR FEET (EXISTING)	LF (EXCESS CAPACITY)	WEIGHTED LF (EXISTING)	WEIGHTED LF (EXCESS CAPACITY)
12	$50.00	1.00	32,956	-	32,956	-
16	$60.00	1.20	58,724	399	70,469	479
18	$69.00	1.38	39,553	4,179	54,583	5,767
21	$72.00	1.44	-	-	-	-
24	$75.00	1.50	36,990	6,919	55,484	10,379
27	$80.00	1.60	379	-	607	-
30	$85.00	1.70	10,778	1,878	18,323	3,193
36	$90.00	1.80	15,346	5,177	27,622	9,319
42	$134.00	2.68	4,733	3,612	12,686	9,680
48	$200.00	4.00	1,776	-	7,104	-
		Weighted LF	**279,834**	**38,816**	**420,323**	**72,245**
					Weighted Percent of Total	**17.19%**
					Value of Total System	$5,178,479
					System Improvements	$1,583,599
					Buy-In Valuation	$272,187

Source: LYRB, CFP & IFFP Table 4

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MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City has funded existing facilities using several revenue sources including utility rate revenues, general fund revenues (property taxes, sales taxes, etc.), grants, donations, impact fee revenues and debt. Utility rate revenues serve as the primary funding mechanism within enterprise funds. Rates are established to ensure appropriate coverage of all operations and maintenance expenses, as well as debt service and capital project needs, while considering future impact fee revenue collections.

The City anticipates these funding mechanisms will be available for the funding of future facilities. As shown in the next section, the City has determined the portion of future projects that will be funded by impact fees as growth-related, system improvements, as well as alternative funding mechanism related to future facilities.

SECTION 5: CAPITAL FACILITY ANALYSIS

The estimated costs attributed to new growth were analyzed based on existing development versus future development patterns. From this analysis, a portion of future development costs were attributed to new growth and included in this impact fee analysis as shown in **TABLE 5.1.** The costs of capital projects related to curing existing deficiencies cannot be funded through impact fees and were not included in the calculation of impact fees. The table below describes the specific capital improvements necessary to meet the future growth needs anticipated to occur within the City in the next ten-year period. The anticipated ten-year cost of future project construction is $1,456,914.91. The anticipated cost of impact fee eligible projects is $1,103,790.15.

TABLE 5.1: ILLUSTRATION OF CAPITAL IMPROVEMENTS RELATED TO GROWTH

#	PROJECT	% IFF ELIGIBLE	COST OF IMPACT FEE ELIGIBLE PROJECTS	INFLATION	CONSTRUCTION YEARS COSTS	IFA CONSTRUCTION YEAR COSTS
1	1300 N (4150 West to 4300 W)	2024	$22,275.91	2022	$45,888.36	$22,944.18
2	1300 N (West of canal to Existing 48' Pipe)	80%	$58,091.34	2023	$77,036.37	$61,629.10
4	4500 West (1000 S to 1100 S)	100%	$142,492.53	2027	$170,143.53	$170,143.53
5	4500 West (210 South to outlet A19)	90%	$27,894.39	2028	$38,118.43	$34,306.58
5	4500 West (250 South to 500 South)	90%	$109,904.42	2029	$154,692.92	$139,223.63
7	4200 West (300 North to 200 South)	100%	$345,378.66	2032	$478,084.84	$478,084.84
8	4000 West (1800 North to outfall)	60%	$321,385.88	2032	$741,455.38	$444,873.23
8	4000 West	70%	$76,367.03	2032	$151,014.03	$105,709.82
Total			**$1,103,790.15**			**$1,456,914.91**

Source: CFP & IFP 2021

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The IFFP details the projects shown above and considered in the calculation of the impact fees. The engineers used capital project and engineering data, planning analysis, and other information to determine the future needs of the service area, as well as the ability of the existing system to serve future development. All future capital project data, including project descriptions and estimated project costs, is included in the Master Plan and IFFP. The accuracy and correctness of this analysis is contingent upon the accuracy of the data and assumptions included therein. Any deviations or changes in the assumptions due to changes in the economy or other relevant information used by the City for this study may cause this plan to be inaccurate and require modifications.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities that are intended to provide services to service areas within the community at large.[6] Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.[7] This analysis only includes the costs of system improvements related to new growth within the proportionate share analysis.

FUNDING OF FUTURE FACILITIES

The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication (donation) of system improvements, which may be used to finance system improvements.[8] In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.[9] In considering the funding of future facilities, the City has determined the portion of future projects that will be funded by impact fees as growth-related, system improvements (see Table 5.1, and the IFFP). Utility rate revenues serve as the primary funding mechanism within enterprise funds. Rates are established to ensure appropriate coverage of all operations and maintenance expenses, as well as all non-growth-related debt service and capital project needs.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure (system improvements) that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot

[6] UC 11-36a-102(20)
[7] UC 11-36a102(13)
[8] UC 11-36a-302(2)
[9] UC 11-36a-302(3)

cover the annual growth-related expenses. In those years, growth-related projects may be delayed, or other revenues such as general fund revenues or user rate revenues may be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

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SECTION 6: STORM DRAIN IMPACT FEE CALCULATION

The calculation of impact fees relies upon the information contained in this analysis. Impact fees are calculated based on many variables centered on proportionality and LOS. As a result of new growth, the storm drain system needs expansion to perpetuate the LOS that the City has historically maintained. The Storm Drain Capital Facilities and Impact Fee Facilities Plan, created in April 2021, outline the recommended capital projects that will maintain the established LOS.

PROPOSED STORM DRAIN IMPACT FEE

The IFFP must properly complete the legislative requirements found in the Impact Fee Act if it is to serve as a working document in the calculation of appropriate impact fees. The following paragraph describes the methodology used for calculating impact fees in this analysis.

PLAN BASED (FEE BASED ON DEFINED CAPITAL IMPROVEMENT PLAN)

Impact fees can be calculated using a specific set of costs specified for future development. The improvements are identified in the IFFP as growth related projects. The total project costs are divided by the total demand units the projects are designed to serve. Under this methodology, it is important to identify the existing LOS and determine any excess capacity in existing facilities that could serve new growth.

STORM DRAIN IMPACT FEE CALCULATION

The storm drain impact fees proposed in this analysis will be assessed based on the service area defined in this analysis. **TABLE 6.2** below illustrates the appropriate buy-in component, the fee associated with projects occurring in the next ten years, and other applicable costs. The professional expense includes the cost to update the IFFP and IFA and the Impact Interest Earnings Credit is based on an estimate of future interest earnings within the impact fee fund, based on an interest rate of 1.5 percent.[10]

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TABLE 6.1: ESTIMATED INTEREST EARNINGS FROM IMPACT FEE COLLECTIONS

	DEVELOPED ACRES	NET DEVELOPED ACRES	IMPACT FEE REVENUE	IFA CAPITAL PROJECTS	NET REVENUES	INTEREST EARNINGS
2022	2,062					
2023	2,103	41	$151,520	($22,944)	$128,576	$1,929
2024	2,145	42	$154,550	($61,629)	$221,497	$3,322
2025	2,188	43	$157,641	$0	$379,139	$5,687
2026	2,232	44	$160,794	$0	$539,933	$8,099
2027	2,277	45	$164,010	$0	$703,943	$10,559
2028	2,322	46	$167,290	($170,144)	$701,090	$10,516
2029	2,369	46	$170,636	($34,307)	$837,419	$12,561
2030	2,416	47	$174,049	($139,224)	$872,244	$13,084
2031	2,464	48	$177,530	$0	$1,049,774	$15,747
2032	2,514	49	$181,080	($1,028,668)	$202,187	$3,033
Total		**452**	**$1,659,102**			**$84,537**

TABLE 6.2: CALCULATION IMPACT FEE PER ACRE

STORM DRAIN PROPORTIONATE SHARE ANALYSIS	GROWTH RELATED COSTS	FUTURE DEVELOPED ACRES	COST PER ACRE
Buy-In to Component	$272,187	452	$603
Future Storm Drain Projects	$1,456,915	452	$3,226
Professional Expense	$15,000	452	$33
Impact Interest Earnings Credit	-$85,000	452	-$188
Total	**$1,659,102**		**$3,674**

[10] Based on average Utah Public Treasurer's Investment Fund historic rates from 2016 to 2021.

The cost per acre is then applied as shown below in **TABLE 6.3.** The proposed impact fee per acre is $3,674, which represents a 13 percent decrease when compared to the City's existing fee per acre of $4,204.

TABLE 6.3: IMPACT FEE BY DEVELOPMENT TYPE

DEVELOPMENT TYPE	PROPOSED IMPACT FEE PER ACRE	EXISTING IMPACT FEE PER ACRE	% CHANGE
Developed Acre (Residential, Commercial, or Industrial)	$3,674	$4,204	-13%

NON-STANDARD STORM DRAIN IMPACT FEES

The City reserves the right under the Impact Fees Act[11] to assess an adjusted fee that more closely matches the true impact that the land use will have upon the City's storm drain system. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure. See **SECTION 5** for further discussion regarding the consideration of revenue sources.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next five to six years should be spent only on those projects outlined in the IFFP as growth related costs.

PROPOSED CREDITS OWED TO DEVELOPMENT

Credits may be applied to developers who have constructed and donated system facilities to the City that are included in the IFFP in-lieu of impact fees. Credits for system improvements may be available to developers up to, but not exceeding, the amount commensurate with the LOS identified within this IFA. Credits will not be given for the amount by which system improvements exceed the LOS identified within this IFA. This situation does not apply to developer exactions or improvements required to offset density or as a condition of development. Any project that a developer funds must be included in the IFFP if a credit is to be issued.

In the situation that a developer chooses to construct system facilities found in the IFFP in-lieu of impact fees, the decision must be made through negotiation with the developer and the City on a case-by-case basis.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. A three percent annual construction inflation adjustment is applied to projects completed after 2021 (the base year cost estimate).

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[11] UC 11-36a-402(1)(c)

WEST POINT CITY CORPORATION

STORM DRAIN CAPITAL FACILITIES AND IMPACT FEE FACILITIES PLAN

MAYOR
ERIK CRAYTHORNE

SIGNATURE DATE

CITY COUNCIL
JERRY CHATTERTON
ANDY DAWSON
KENT HENDERSON
GARY PETERSEN
ANNETTE JUDD

CITY ENGINEER
BOYD DAVIS, P.E.

AUGUST 10, 2021

Prepared by:
GARDNER ENGINEERING

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I. Executive Summary

This Storm Drain Capital Facilities Plan (CFP) is an update of the Storm Drain Master Plan, dated 2009.

This CFP will lay out the anticipated projects to be undertaken by the City through buildout. Projects include the construction, purchase or replacement of the City's storm drain needed storm drain facilities.

It is intended that this CFP will be used as a guide to assist the City in determining the location and size of system improvements through buildout[1]. It is recognized that not all lands will be developed as densely as allowed by zoning, and some zoning may be changed to allow higher densities. The variability of development density and location is accounted for by a regular review and update of the City's CFP.

Facilities recommended in this study have been sized to accommodate flows at buildout[1] conditions. Population Data and estimated growth rates have been used to estimate the buildout population and year. The estimated buildout population is 39,314. Using estimated growth rates, the estimated the buildout year is approximately 2082.

The current storm drain facilities consist of storm drain pipes and drainage/irrigation ditches conveying runoff throughout the City. The ditches used to convey storm water are often under sized and therefore concerns of flooding increase with development. The drainage ditches typically replaced with piping to allow for needed roadway capacity improvements. Projects identified in this study include installing storm drain pipe to replace these open ditches. This storm water form the City eventually reaches county drains or sloughs that flow into the Great Salt Lake.

With the assistance of West Point City Staff, the City was delineated into drainage basins based on the current and proposed future outfalls. These outfalls enter into the following drainages: 200 South Drain (A), 700 South Drain (B), Great Salt Lake (C), Howard Slough (D), South Arm of the Howard Slough (E) and the Clinton Drain (F). Each basin was further delineated into subbasins based on existing storm drain pipes and contour data. Autodesk Storm and Sanitary software was used to model the drainage basins to generate peak flows from each subbasin. The peak flows were used to size future storm drain pipes.

West Point City consists of both developed and undeveloped areas. The western portion of the City is largely undeveloped while the east is more heavily developed. The City's General Plan was used to determine land use densities for use in the model on areas with partial development or future development. It is assumed that undeveloped areas will be completed with onsite detention. These areas were modeled with 0.2 cubic feet per second release rates.

Some of the projects identified in this Plan will be necessitated by new development. The growth-related projects should appropriately be paid for by the new development that necessitate the project. Utah Code provides a mechanism for the City to collect from new development their proportionate share of the costs related to providing the capital facilities needed within the City. The mechanism is collection of an impact fee. The amount of the impact fee is established through creation of an Impact Fee Facilities Plan (IFFP), which is a subset of this CFP that identifies the capital projects necessitated by new development.

[1] Buildout is the point at which no additional growth is theoretically possible, given zoning restraints.

The resulting IFFP will then be analyzed by others to establish an appropriate impact fee in a separate document called an Impact Fee Analysis (IFA).

The preliminary estimate of probable cost of all of the impact fee eligible improvements projected for buildout is $4,280,160[1]. These improvements will take place over the course of time it takes for the projected buildout growth to occur.

Pipe locations and sizes in this study are based on delineated basins and subbasins. Any change from the estimated drainage areas may require pipe sizes and locations to be reevaluated. It is recommended that this plan be reevaluated and modified within six years or as growth within the City dictates.

A. CERTIFICATION of Compliance with Utah State Code (11-36a-306(1)):

To the extent the following items are addressed in the IFFP, Gardner Engineering certifies that the following impact fee facilities plan:

1. Includes only costs of public facilities that are:

a. allowed under the Impact Fees Act; and

b. actually incurred; or

c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;

2. Does not include:

a. costs of operation and maintenance of public facilities;

b. cost for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by the existing resident's;

c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal reimbursement; and

3. Complies in each and every relevant respect with the Impact Fee Act.

_____

Ryan Christensen, P.E.

[1] Refer to Total Cost of Impact Fee Eligible Projects Needed At Buildout. Dollar amount is shown in current value.

II. Introduction

West Point City has retained Gardner Engineering to update their Storm Drain Capital Facilities Plan (CFP) from the 2009 Storm Drain Master Plan.

The CFP is being updated using the City's current General Plan to estimated density future development.

The steps shown below have been followed in preparing this *West Point City Storm Drain Capital Facilities Plan.*

- Complete existing storm drain system inventory – manhole and catch basin data gathered by City staff and surveyed by Gardner Engineering;
- Identify existing and future storm drain outfalls then delineate drainage basins;
- Create storm drain model for build out conditions and calculate peak flows in each sub basin;
- Based on the peak flows – size future storm drain pipes along existing and future roads or as directed by City staff;
- Identify Capital Facilities Plan projects to be reviewed with City Staff;
- Prepare cost estimates for future projects and identify impact fee eligible projects.

The objectives of the CFP update are to estimate future storm water runoff in order to size future storm drain pipes, and prepare costs estimates for proposed projects to be used for impact fee analysis. The Impact Fee Act requires that an impact fee be imposed only when based on and Impact Fee Facilities Plan (IFFP). An IFFP must document the following:

A. Identify the existing level of service (LOS).

B. Establish a proposed level of service (LOS.

C. Identify any excess capacity to accommodate future growth at the proposed level of service

D. Identify demands placed upon existing public facilities by new development activity at the proposed level of service.

E. Identify the means by which the political subdivision or private entity will meet those growth demands identified in D, above, through "Selling" the excess capacity in C, or The acquisition of new capacity, which acquisition would be financed through grants, bonds, interfund loans, impact fees and anticipated or accepted dedication of system improvements.

III. Demographics

Current and buildout population estimates have been prepared to assist in the evaluation of current and future infrastructure. In order to prioritize Capital Facilities Plan projects, it is necessary to estimate buildout population and project the buildout year. Population data and estimated growth rates were used to determine buildout population and year. This data is presented below.

A. Projected Population at Buildout

The West Point City General Plan (*Figure 1*) was used to estimate buildout population. See *Table 1 – Projected Total Population By Land Use At Buildout*.

The number of acres and the densities of each land use zone, taking into account a percentage of land for roadways and other public and undevelopable lands, were averaged and summarized as shown in the following table[1]:

TABLE 1 - PROJECTED TOTAL POPULATION BY LAND USE AT BUILDOUT

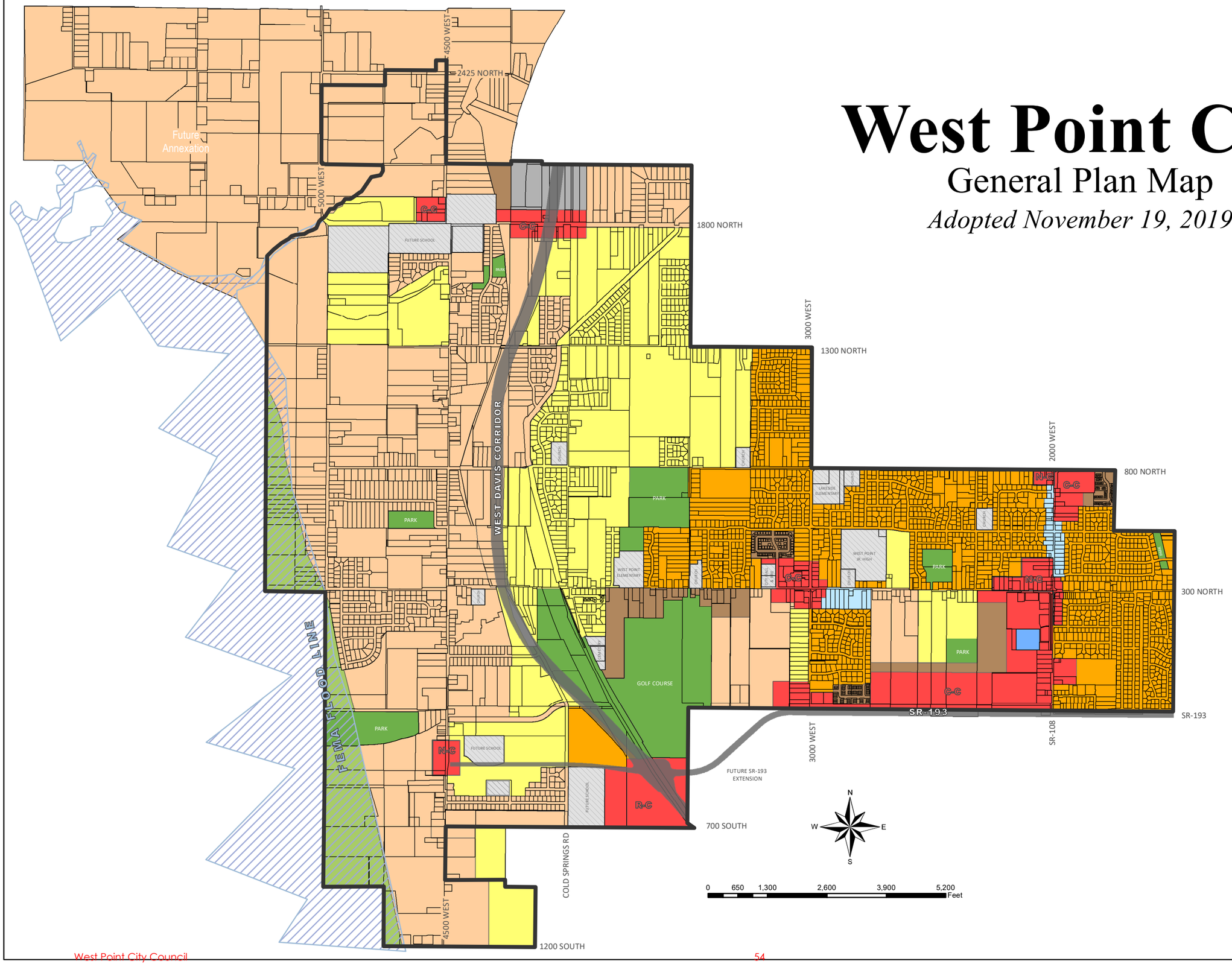
Average Land Use Density	Total Acres	Units/ Acre	Units at Buildout	Population at Buildout	Undeveloped acres
R-1 Zoning (12,000 ft^2 Lots)	1602.95	2.2	3,526	12,343	1072.8
R-2 Zoning (10,000 ft^2 Lots)	957.07	2.7	2,584	9,044	671.7
R-3 Zoning (9,000 ft^2 Lots)	797.15	3.6	2,870	10,044	78.4
R-4 Zoning	122.94	8	984	3,442	78.7
R-5 (Residential 20 Units Per Acre)	5.44	20	109	381	0.0
A-40 (Agricultural 1 Unit Per 1 Acre)	169.88	0.2	34	119	168.7
N-C Zoning (Neighborhood Commercial)	35.39	2.5	88	310	14.6
C-C Zoning (Community Commercial)	210.62	2.5	527	1,843	134.2
R-C Zoning (Regional Commercial)	49.16	5	246	860	49.2
P-O Zoning (Professional Office)	24.42	5	122	427	0.0
R/I-P Zoning (Research/Industrial Park)	28.61	5	143	501	28.6
Parks and Public	493.24	-	-	-	237.2
Total (used for planning infrastructure)	4496.87		11,233	39,314	2,534

[1] Units-per acre density multipliers were provided by the City.
*R-1 includes additional area outside of existing city boundary

West Point City

General Plan Map

Adopted November 19, 2019



R-1	(RESIDENTIAL 2.2 UNITS PER ACRE - 12,000 SQ. FT.)
R-2	(RESIDENTIAL 2.7 UNITS PER ACRE - 10,000 SQ. FT.)
R-3	(RESIDENTIAL 3.6 UNITS PER ACRE - 9,000 SQ. FT.)
R-4	(RESIDENTIAL 8.0 UNITS PER ACRE)
R-5	(RESIDENTIAL 20 UNITS PER ACRE)
A-5	(AGRICULTURAL AND FARM INDUSTRY 1 UNIT PER 5 ACRES)
A-40	(AGRICULTURAL 1 UNT PER 1 ACRES)
N-C	(NEIGHBORHOOD COMMERCIAL)
C-C	(COMMUNITY COMMERCIAL)
R-C	(REGIONAL COMMERCIAL)
P-O	(PROFESSIONAL OFFICE)
R/I-P	(RESEARCH AND INDUSTRIAL PARK)
PARKS / RECREATIONAL	
PUBLIC / INSTITUTIONAL	
WEST DAVIS CORRIDOR	

WEST POINT
UTAH

FIGURE 1

B. Current Population

Miscellaneous data are shown in *Table 2 – Growth Projections*. The data summarizes growth projections within the City's boundary. The Utah Governor's Office of Planning and Budget has estimated average annual rate of growth in the City at 3.0% between the years 2000-2060. Using United States Census population for 2019 and a 2% growth rate Table 2 was populated. It is estimated that the year of buildout will occur around the year 2082.

TABLE 2 - GROWTH PROJECTIONS, CURRENT SERVICE AREA 2019-2083[1]

Year	% Increase, Population	Pop. / Conn.	Pop.
2019		3.50	10,957
2020	3.0%	3.50	11,286
2021	3.0%	3.50	11,624
2022	2.0%	3.50	11,857
2023	2.0%	3.50	12,094
2024	2.0%	3.50	12,336
2025	2.0%	3.50	12,582
2030	2.0%	3.50	13,892
2040	2.0%	3.50	16,934
2050	2.0%	3.50	20,643
2060	2.0%	3.50	25,164
2065	2.0%	3.50	27,783
2070	2.0%	3.50	30,674
2075	2.0%	3.50	33,867
2080	2.0%	3.50	37,392
2081	2.0%	3.50	38,140
2082	2.0%	3.50	38,902
2083	2.0%	3.50	39,680

C. Service Area and Projected Land Use

The service area boundary used in development of this Capital Facilities Plan includes the entire city of West Point, as it currently exists. The acreages and density factors of service areas were compiled from the General Plan Land Use Map. There are a few areas outside of the City that flow into West Point. These areas are also addressed in this study. Future Annexation areas should be addressed separately as necessary.

[1] U.S. Census Bureau, Population Estimates Program (PEP) July 1, 2019 West Point, Utah

IV. Capital Facilities Plan / Impact Fee Facility Plan

A. Design Standards for Planning

Autodesk® Storm and Sanitary Analysis*, is modeling package used for analyzing and designing storm drain systems. The West Point storm drain system is comprised of major and minor systems.* The minor system consists of the components including curbs, gutters, ditches, inlets, pipes, open channels, etc. The minor system is normally designed to carry runoff from the 10-year storm event. The major system provides overland relief for stormwater flows exceeding the capacity of the minor system. This usually happens during more infrequent storm events such as the 50 and 100-year storms. The major storm drainage system consists of a combination of storm drain pipes and channelizing surface flows, including the streets and frontages within the right of way. The roadways in newly developed areas should be constructed lower than the adjacent lots, which allow roadways to convey the runoff exceeding the capacity of the minor system. This CFP analyzes the minor storm drainage system designed to handle the 10-year storm event. Applying the 100-year storm event to the major storm drainage system is a more complex issue and is not addressed in this CFP. Detailed topography citywide would be necessary to model the flow patterns of a 100-year storm event. It is recommended that the City require that the major storm system in new development be designed to meet the design criteria of the 100-year storm event. The following design criteria are used in this study:

Pipe – Size: New storm drain pipes shall be a minimum of 15” as required by West Point City. The maximum pipe size is restricted due to the water table level. It is recommended that the maximum pipe size be 42” based on necessary cover. Certain areas may allow for larger pipe or require smaller maximum diameter depending on the actual water table elevation.

Pipe – Slope: Pipes slopes that were used in the model were taken from the data gathered as part of the field survey. Future pipes were sized using an estimated 0.50% slope.

Flow Calculations: The Manning’s Equation was used for flow calculations to analyze pipe capacity. For future concrete pipe flow calculations, a Manning’s Coefficient (n) of 0.013 was used.

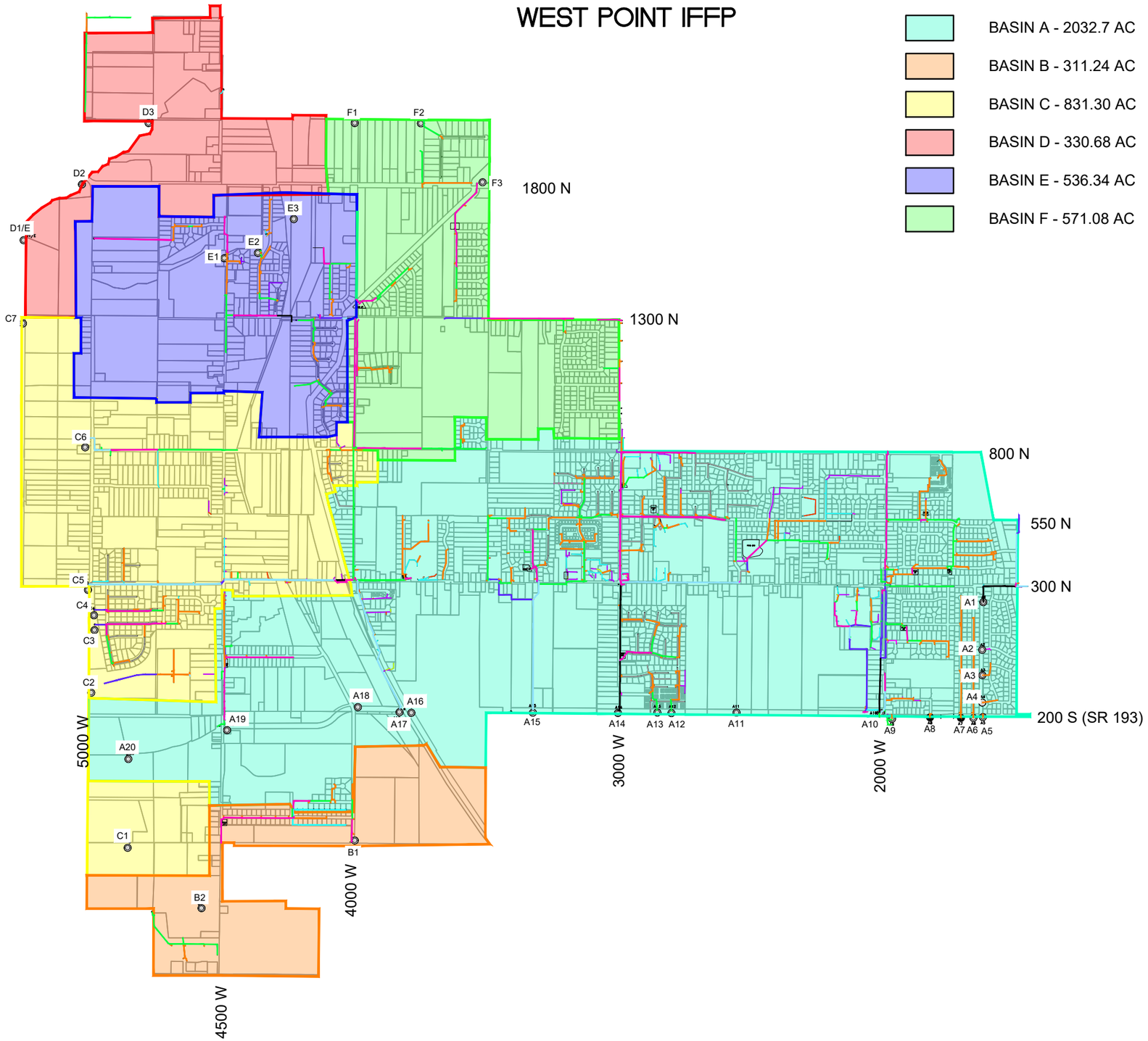
B. Storm Drainage Computer Model

The modeling software used to develop the storm drainage model was Autodesk® Storm and Sanitary Analysis. The methodology and process behind the storm drainage model for West Point City is included in *Appendix C*.

C. Inventory of Existing System

Inventory of the existing storm drain system was completed by both City and Gardner Engineering staff. The City staff gathered data on the existing storm drain pipes, inlets and manholes. Storm drain facilities were mapped by hand and data was gathered including pipe size, inlet / manhole size, and invert depths. Gardner Engineering surveyed the location of each manhole and inlet. Those points were overlaid on a map of West Point and City staff drafted in all objects and attached data indentifying each structure.

OVERALL BASIN MAP
WEST POINT IFFP



BASIN OUTLET	PEAK DISCHARGE cfs
A1	2.24
A2	7.32
A3	3.12
A4	2.12
A5	1.09
A6	3.81
A7	4.77
A8	1.01
A9	0.94
A10	32.56
A11	40.61
A12	2.09
A13	2.21
A14	30.53
A15	20.58
A16	25.34
A17	10.69
A18	14.56
A19	8
A20	12.06
	225.654
B1	21.93
B2	33.72
	55.65
C1	21.11
C2	12.76
C3	15.3
C4	12.84
C5	40.27
C6	31.74
C7	8.18
	142.2
D1	58.09
D2	30.6
D3	23.57
	112.26
E1	43.71
E2	14.26
E3	21.36
	79.33
F1	83.39
F2	17.13
F3	16.73
	117.25

FIGURE 2

Date: 3-22-21
Scale: Custom
Designed: KAN
Drafted: KAN
Checked: RC

Revisions

Date	Description

OVERALL BASIN MAP
WEST POINT IFFP
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CITY, COUNTY, UTAH

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The existing detention ponds were modeled using AutoCAD grading objects based on the ponds footprint, side slopes, and depth to determine capacity. Pond outlet control was determined and a storage versus discharge relationship was created to be used in the model.

The completed inventory of the storm drain system was used to delineate basins and to prepare the storm drain model. Due to the amount of information gathered, a copy this inventory is not included in this study. Both the City and the Engineer have a copy of all inventory data including maps and data sheets. Components of the existing system have been drafted and are included on the Storm Drain System sheets 1-17. These sheets are located in *Appendix B - Storm Drain System* of this report. The Storm Drain System sheets include maps of the existing facilities, proposed projects, and basin flows.

D. Method of Financing Assets

Existing facilities have been financed through general taxes, monthly storm drain utility fees, and impact fees.

E. Level of Service Summary

The level of service for the West Point Storm Drain system is summarized below. The proposed level of service is the same as the existing level of service. There is not a minimum State standard for storm drain. The level of service is established to provide infrastructure needed to protect residents and property from flooding. Standards are set to find a balance between cost, feasibility, and acceptable water levels throughout the city during a storm event. The table below includes the existing and proposed level of service standards.

Level of Service

Description	Standard
Allowable Runoff	Development within the City is required to detain storm water with a release rate of 0.2 CFS / AC. This release rate is intended to maintain predevelopment runoff rates
Detention	Volume required to hold the 100 – year design storm with at least 1 ft of freeboard. Release rate per Allowable Runoff.
Storm Drain Conveyance	Pipes shall be designed to carry the minor 10-year storm. The major 100-year storm is planned to be conveyed in detention ponds, pipes, and within road right of ways. Minimum pipe size is 15” RCP with adequate slope to carry necessary flows.

F. Excess Capacity

In order to estimate the remaining excess capacity and the appropriate buy-in valuation, storm drain pipes that were funded by the City with potential excess capacity were identified. The method used to determine excess capacity is based on the existing linear feet (LF) of collection improvements compared to the linear feet of excess capacity within the system. This is then weighted based on the relative value of each pipe category according to diameter (e.g. larger diameter pipes are more

expensive and thus are weighted more when determine proportionate excess capacity). Based on this analysis, there is a total of 420,323 weighted LF of pipe, with 72,245 of weighted pipe LF of excess capacity. This represents 17.19 percent of the total system. Based on the City's depreciation schedule, the existing system is valued at $5,178,479. However, many of these improvements are project improvements. In addition, only infrastructure with a useable lifespan greater than ten years can be counted towards new development. Once project improvements and non-eligible costs are removed, the remaining system improvement value totals $1,583,599. Based on the calculated excess capacity of 17.19 percent, the buy-in value equals $272,187, as shown below.

Table 3 – Available Excess Capacity

Outfall	Total Acres	Developed Acres	Undeveloped Acres	% of undeveloped	PIPE LOCATION - (LENGTH)	
A10	245.79	185.82	59.97	24.40%	2000 W - (5266')	
					size	length
					42	1090
					30	1878
					24	2298
A14	427.56	387.93	39.63	9.27%	3000 W (800 N to 200 S) – (5172')	
					size	length
					42	2522
					24	2650
A15	314.51	276.14	38.37	12.20%	3335 W (225 N to 200 S) – (2267')	
					size	length
					36	2267
A19	242.84	66.14	176.7	72.76%	4500 W (25 S to 200 S) – (1035')	
					size	length
					24	1035
C5	274.76	97.62	177.14	64.47%	300 N (4500 W to 5000 W) – (2633')	
					size	length
					36	2633
C6	257.57	130.35	127.22	49.39%	800 N (4100 W to 5000 W) – (4709')	
					size	length
					36	277
					24	936
					18	3495
E1	176.55	91.09	85.46	48.41%	4500 W (1300 N to 1550 N) – (1083')	
					size	length
					18	684
					15	399

Table 4 - Excess Capacity Cost Evaluation

Pipe Diameter	Cost	Ratio	Linear Feet (Existing)	LF (Excess Capacity)	Weighted LF (Existing)	Weighted LF (Excess Capacity)
12	$50.00	1.00	32,956	-	32,956	-
15	$60.00	1.20	58,724	399	70,469	479
18	$69.00	1.38	39,553	4,179	54,583	5,767
21	$72.00	1.44	-	-	-	-
24	$75.00	1.50	36,990	6,919	55,484	10,379
27	$80.00	1.60	379	-	607	-
30	$85.00	1.70	10,778	1,878	18,323	3,193
36	$90.00	1.80	15,346	5,177	27,622	9,319
42	$134.00	2.68	4,733	3,612	12,686	9,680
48	$200.00	4.00	1,776	-	7,104	-
		Weighted LF	**279,834**	**38,816**	**420,323**	**72,245**
					Weighted Percent of Total	**17.19%**
					Value of Total System	$5,178,479
					System Improvements	$1,583,599
					Buy-In Valuation	$272,187

Source: LYRB, CFP & IFFP Table 4

G. Land Drain System

One objective to this CFP is to include mapping of the land drain system throughout the City. This data is included in *Appendix D – Land Drain System*. Similar to the existing storm drain system, the existing land drain system data was gathered by City staff and surveyed by Gardner Engineering in order to map for future use. In many instances the land drain flows into storm drain pipes. To account for this flow into the storm drain system, a constant source flow of 0.5 cfs was used. This flow consists of an 8" land drain flowing half full. This estimate was suggested by City Engineer because there is no flow data available on the land drain system.

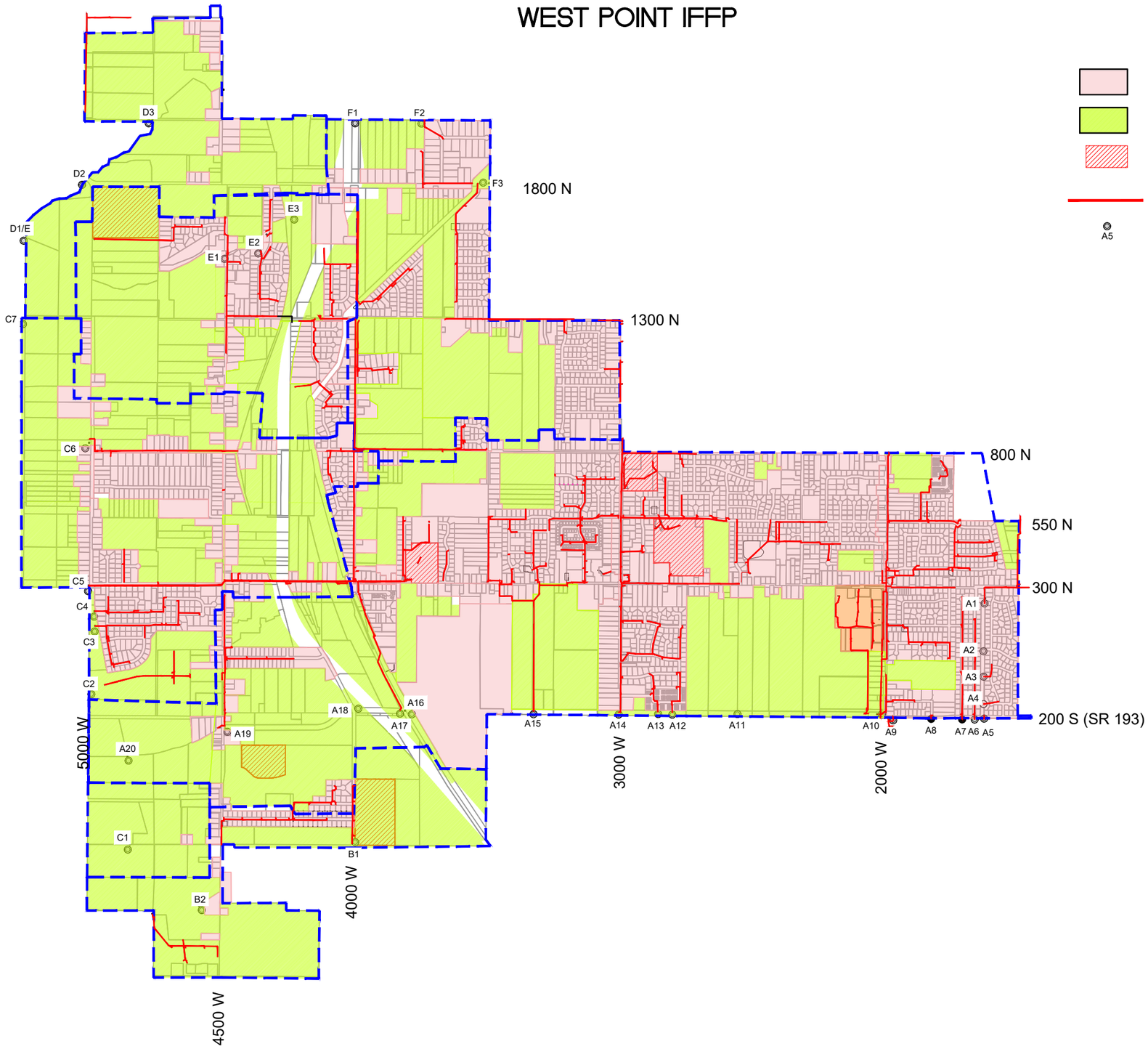
H. Collection System Analysis

Drainage Basins: The City delineated into 6 different drainage basins A-F. The basins were delineated based on where the basin outfall is located. A map of the drainage basins is shown in *Figure 2 – Drainage Basins*. The following is a description of each basin:

- <u>Basin A – Drains to 200 South County Drain</u>

  The 200 South County Drain originates just south of 300 North and east of 1650 West. A County storm drain pipe flows into the open ditch that runs south to 200 South then west until eventually flowing into the Great Salt Lake. This Basin is the largest basin of the 6. The Basin covers the majority of the eastern portion of the City and continues west through the middle of the City to the western boundary. This basin consists of both developed and largely undeveloped areas.

DEVELOPED AND UNDEVELOPED
WEST POINT IFFP



DEVELOPED

UNDEVELOPED

SCHOOL PROPERTY

EXISTING STORM DRAIN

A5 BASIN OUTLET

FIGURE 3

Revisions	
Date	Description

Date: 3-22-21
Scale: Custom
Designed: KAN
Drafted: KAN
Checked: RC

DEVELOPED AND UNDEVELOPED
WEST POINT IFFP
PROJECT ADDRESS
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MUNICIPAL • LAND SURVEYING
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There are a total of 20 existing and proposed outfalls into the 200 South Drain (Basins A1 – A20). This study analyzes the drainage basins up to the point of the drainage outfall in order to size storm drain pipes throughout the basin. A more detailed study of the 200 South Drain and its contributing areas may be needed to determine capacity of the Drain.

- Basin B – Drains to 700 South County Drain

  The 700 South County Drain runs along the side of 700 South flowing west until 4500 West. From the 4500 West 700 South intersection the Drain flows south along 4500 West until flowing west under 4500 West toward the Great Salt Lake. The open ditch along 4500 West is currently being piped with a 48" HDPE by the County. The majority of Basin B is undeveloped land. This Basin consists of 2 basins that flow into the 700 South Drain (Basins B1 – B2). Based on the capacity of the 700 South Drain and under the direction of Davis County, the release rate for this basin is 0.2 cfs / acre.

- Basin C – Drains to Great Salt Lake

  Basin C consists of much of the land in the western portion of the City. There are 7 basins that flow directly into the Great Salt Lake (Basins C1-C7). The largest of these basins being C5 and C6 are located between 1000 North and 300 North and 4100 West and the Western City Boundary. These Basin outfalls are located at approximately 300 North and 800 North respectively. Basin C consists of both fully developed and undeveloped areas. Future outfall easements maybe necessary as development occurs. The majority of the storm runoff currently flows into the lake unrestricted.

- Basin D – Drains to Howard Slough

  Basin D consists of the northwest corner of the City. The storm water from this basin runs into the Howard Slough. The Howard Slough originates in Weber County and flows southwest until cutting across the northwest part of the City before entering the Great Salt Lake. This basin is almost completely undeveloped and is planned for 0.2 cfs / acre release rates. As development occurs a more detailed approach should be taken in determining flows into the Slough.

- Basin E – Drains to the South Arm of the Howard Slough

  The South Arm of the Howard Slough begins inside of West Point City at approximately 4000 West and 1650 North. The South Arm of the Howard Slough joins up with the main Howard Slough before flowing into the Great Salt Lake. Basin E consists of the area between approximately 4000 West and 5000 West and 1000 North and 1800 North. The area contributing to the South Arm are both developed and undeveloped. Due to storm drain structure limitations in this Slough the County has limited the allowable flow into the South Arm of the Howard Slough to 150 cfs or 0.2 cfs / acre.

- Basin F – Drains to the Clinton Drain

  Basin F consists of 3 basins that drain to the Clinton Drain located north of the City (Basin F1-F3). This basin has both developed and undeveloped areas. Runoff from some of the developed areas is currently detained and some is unrestricted. The undeveloped areas are planned to be detained with a release rate of 0.2 cfs / acre upon development. This study does not analyze the capacity of the Clinton Drain and a more detailed study might be necessary to determine allowable flow from the City to the Clinton Drain. Approval from Davis

County may be needed in order to install the major reach proposed to connect Basin F1 to the Clinton Drain.

Developed and Undeveloped Area: The West Point City General Plan was used to obtain land use densities to apply to areas of the City that are currently undeveloped. Areas of the City that currently have detention ponds were modeled in their current condition taking into account the detention facilities. Runoff was not restricted in subbasins currently close to full buildout and where storm water runoff is not currently being detained.

Areas in the western portion of the City are largely undeveloped. These areas are mostly open fields. For these undeveloped areas where significant development is expected, runoff was limited to an allowable release rate to represent future detention. West Point City currently allows a maximum of 0.2 cfs / acre release rate. Figure 3 shows the areas of developed and undeveloped areas. The undeveloped areas will be allowed to release 0.2 cfs/ acre into the storm drain system.

Results and Recommendations: The modeling software Autodesk Storm and Sanitary was used to create a model of West Point City's storm drainage system. The model was created using a 10-year synthetic storm distribution. A more detailed description of the modeling process and methodology can be found in *Appendix B*. The model was used to model both existing and proposed infrastructure. The results of the model provided peak flows from each subbasin. The results were used to analyze the existing system and indentify deficiencies. Peak flows were also used to plan and size future storm drain infrastructure.

A list was compiled made up of existing undersized pipes, existing problems identified by City staff, and proposed new projects. The *Model Results* list, in *Appendix A – Projects*, shows this list of projects. This list was reviewed in a meeting between Gardner Engineering and West Point City staff. The *Model Results* list was thinned down after the recommendations of the City staff and the results were compiled into a new list of projects. The projects were grouped together as applicable and were assigned project numbers. This list of *Capital Facilities Plan Projects* is shown in *Appendix A – Projects.* The *Capital Facilities Plan Projects* list includes Gardner Engineering project numbers and project descriptions. A map of the City is shown with the projects and numbers on the *Projects Map* in *Appendix A – Projects*. It should be noted that the recommended pipe locations and sizes are all based on the delineated basins and subbasins. Any change from the estimated drainage areas may require pipe sizes and locations to be reevaluated.

Total Cost of Projects Needed At Buildout: Cost estimates were developed using current construction costs. The costs are preliminary estimate of probable construction costs including cost associated with materials and installation, engineering, construction management, and contingency. A cost per foot was developed for each size of storm drain pipe. This cost was applied to the proposed project lengths to determine project costs. Estimates are shown under *Per Foot Cost Estimates* in *Appendix A – Projects.* The total cost of additional expected projects as listed in *Appendix A – Projects* on the *Capital Facilities Plan Projects* list is estimated at $6,066,112.

Total Cost of Impact Fee Eligible Projects Needed At Buildout: As development occurs the existing storm drain system will be required to take on increased flows. In some locations, existing pipelines will need to be upgraded to support the buildout demands. Some projects cannot legally be funded entirely from Impact Fees

collected. Each Capital Facilities Plan project was listed with a percentage of the project that is impact fee eligible. *Non-Impact Fee Eligible Projects and Impact Fee Eligible Projects* tables in *Appendix A – Projects* shows the Capital Facilities Plan projects separated based on impact fee eligibility. The total amount of project costs that are eligible for impact fee funding is estimated at $4,280,160. The remaining non-impact fee eligible projects total a cost of $1,785,952.

I. Suggested Capital Improvement Projects

The rate and location of new development will determine which projects the City actually undertakes. Upon review of the Capital Facilities Plan projects, with the City staff, the list was prioritized. The prioritized list was broken down in 5-year increments from 2021 to buildout. The prioritized list is shown on the *Capital Facilities Plan Projects* in *Appendix A – Projects*. This priority schedule is a suggested course of action only and maybe adjusted periodically as future development occurs.

J. Method of Financing Needed Facilities

Impact fees collected shall be used within 6 years of receipt in most cases except as described in Utah Code Section 11-36-302 Impact fees – Expenditure. It is anticipated that the cost of Impact fee eligible projects will be financed through development impact fees where appropriate. In the event that the timing of the rate of collection of impact fees is not sufficient to pay cash for the CFP-related project, outside financing may be sought. Non-impact fee eligible projects will be financed from user fees and taxes, not from impact fees. Non-impact fee projects were recommended by City staff in order to improve maintenance issues with the collection system.

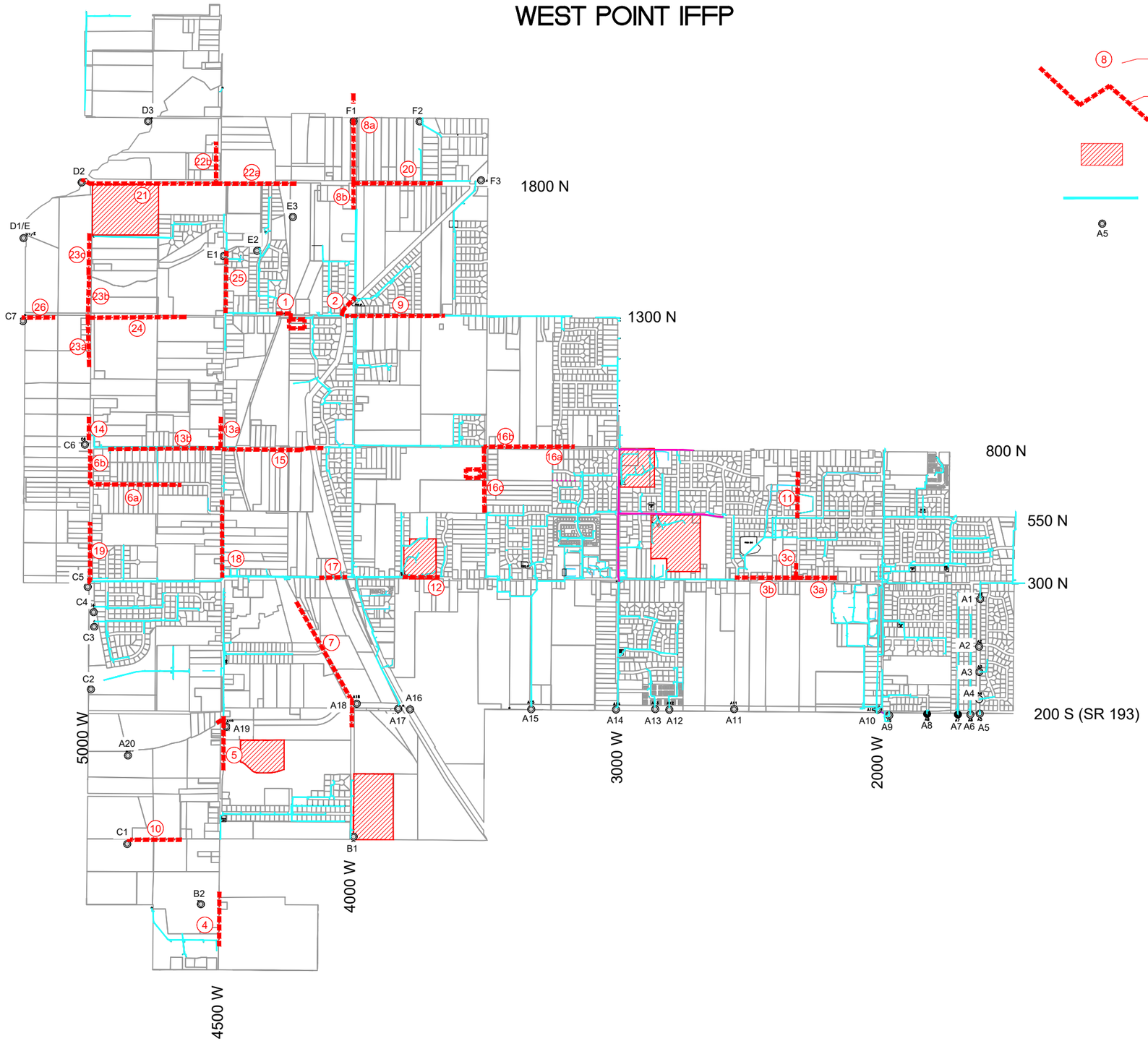
ABBREVIATIONS

AC:	Acre(s)
CFP:	Capital Facilities Plan
EA:	Each
ft:	Feet
LF:	Linear Feet
SD:	Storm Drain
SS:	Sanitary Sewer
WPC:	West Point City
yrs.:	Years

CAPITAL FACILITIES PLAN PROJECTS 2021

Priority Number	Location	Project Description	% Impact Fee Eligible	TOTAL ESTIMATED PROJECT COST 2022-2027	2027-2032	2032-2037	2037-2042	2042-2047	2047-2052	2052-2057	2021 Cost of Impact Fee Eligible Projects
1	1300 N (4150 West to 4300 W)	Connection to eleminate retention pond include siphon and piping	50%	$44,551.81							$22,275.90
2	1300 N (west of canal to Exising 48" pipe)	Connect to exsiting 36" SD under under canal tie to existing 48" SD	80%	$72,614.17							$58,091.34
3a	300 North (west of 2000 West to 2300 West)	New Pipe needed to replace storm drain that flows in irrigation pipe	0%	$90,774.31							$0.00
3b	300 North (2300 West to 2550 West)	New Pipe needed to replace storm drain that flows in irrigation pipe	0%	$150,486.41							$0.00
3c	2300 West	No Storm drain abandon side yard storm drain	0%	$31,743.16							$0.00
4	4500 West (1000 S to 1100 S)	To be detemined as land is developed	100%	$142,492.53							$142,492.53
5	4500 West 210 South to outlet A19	Upsize existing 18" to 24"	90%	$30,993.77							$27,894.39
5	4500 West (250 South to 500 South)	New Pipe needed to replace ditch	90%	$122,116.02							$109,904.42
6a	650 North (4675 West to 5000 West)	New Pipe needed abandon pipe that runs along lot lines Pipe-(165) this pipe is undersized.	0%		$240,070.36						$0.00
6b	5000 West (650 North to 800 North)	New Pipe needed to connect storm drain from 650 North	0%		$91,930.66						$0.00
7	4200 West (300 N to 200 S)	For future roadway improvements	100%		$345,378.66						$345,378.66
8a	4000 West (1800 North to outfall)	No road developed at this time	60%		$535,643.14						$321,385.88
8b	4000 West	Verify there is an existing 48" pipe connect to	70%		$109,095.75						$76,367.03
9	1300 North (3625 West to Layton Canal)	Replace existing ditch with pipe	80%			$301,046.24					$240,837.00
10	700 South (4700 W to Outfall)	To be detemined as land is developed	100%			$142,492.53					$142,492.53
11	2300 West (550 North to 670 North)	No storm drain in roadway	20%			$114,098.31					$22,819.66
12	300 North at West Point Elementary	Connect existing retention pond to storm drain system	0%			$90,045.15					$0.00
13a	4500 West (875 N to 800 North)	New Pipe needed	80%			$75,859.95					$60,687.96
13b	800 North (Canal to Existing 36" Pipe)	Replace existing pipes with 30" Pipe	80%			$325,416.42					$260,333.14
14	5000 West (850 North to 950 North)	New Pipe- replace ditch	100%				$59,886.26				$59,886.26
15	800 North (4150 West to Canal)	Tie Paterson Estates development storm drain that runs in a ditch to canal need to pipe along roadway and under canal	80%				$249,782.78				$199,826.22
16a	800 North (3150 West to Church)	New pipe - replace ditch	95%				$97,569.47				$92,691.00
16b	800 North (Church to 3500 W)	New pipe - replace ditch	95%				$128,358.24				$121,940.32
16c	3500 West to new detention pond	New pipe - replace ditch	95%				$95,744.74				$90,957.51
16c	3500 West outlet of detention pond to 550 N	Pond is needed to reduce flows for connection to existing storm drain	95%				$71,951.17				$68,353.61
17	New Pipe from 4050 W to 4100 W	Replace old pipe	0%				$82,447.34				$0.00
18	4500 West (300 N to 600 North)	Replace exsitng 10" pipe it is under sized	70%					$191,191.76			$133,834.23
19	5000 West (300 North to 550 North)	New Pipe needed to replace ditch (North of 200 South pipe is undersized see model A19)	80%					$162,191.96			$129,753.57
20	1800 North (3675 West to 4000 West)	No curb and gutter storm water runs in ditch	70%					$226,664.35			$158,665.04
21	1800 North (4500 West to 5000 West)	Connect to the Howard Slough (combine 25-1 and 25-2)	100%					$411,480.29			$411,480.29
22a	1800 North (3900 West to 4500 West)	Collect flows east of canal (Part of subbasin D2-1) pipe under canal	100%						$220,767.23		$220,767.23
22b	4500 West (1800 N to 2000 N)	4500 West new pipe	100%						$110,316.80		$110,316.80
23a	5000 West (925 N to 1300 N)	New Pipe- replace ditch	100%						$129,359.58		$129,359.58
23b	5000 West (1300 North to Howard Slough)	New pipe - replace ditch	100%						$127,377.36		$127,377.36
23c	5000 West (1750 N to Howard Slough)	New pipe - replace ditch	100%						$108,346.85		$108,346.85
24	1300 North (4600 West to 5000 West)	New Pipe replace ditch (begin pipe approx 4750 west with 21" depending on development)	100%							$285,643.30	$285,643.30
25	4500 West (1300 N to 1550 N)	Existing pipe is undersized upsize to 30"	80%							$163,505.25	$130,804.20
26	1300 North (5100 West to outfall C7)	New pipe - replace ditch	100%							$86,677.48	$86,677.48
				$685,772.18	$1,322,118.57	$1,048,958.60	$785,740.00	$991,528.35	$696,167.82	$535,826.04	$4,280,159.60
							TOTAL=	$6,066,111.56			

PROJECT OVERVIEW
WEST POINT IFFP



8 — PROJECT ID

PROJECT LOCATION

SCHOOL PROPERTY

EXISTING STORM DRAIN

A5 — BASIN OUTLET

Revisions	
Date	Description

Date: 3-22-21
Scale: Custom
Designed: KAN
Drafted: KAN
Checked: RC

PROJECT OVERVIEW
WEST POINT IFFP
PROJECT ADDRESS
CITY, COUNTY, UTAH

GARDNER ENGINEERING
CIVIL · LAND PLANNING
MUNICIPAL · LAND SURVEYING
5150 SOUTH 375 EAST OGDEN, UT
OFFICE: 801.476.0202 FAX: 801.476.0066

P1

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Per Foot Cost Estimate - Storm Drain

1/7/2011

12" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
12" RCP		1	$ 50.00	LF	$ 50.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 3,000.00	EA	$ 12.00
SD Manhole	1 per 500 ft	0.002	$ 2,500.00	EA	$ 5.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075		TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05		TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 5.98
Construction Management	5%				$ 3.74
Contingency	20%				$ 14.95
Total					**$ 99.41**

15" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
15" RCP		1	$ 60.00	LF	$ 60.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 2,500.00	EA	$ 10.00
SD Manhole	1 per 500 ft	0.002	$ 3,000.00	EA	$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075		TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05		TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 6.70
Construction Management	5%				$ 4.19
Contingency	20%				$ 16.75
Total					**$ 111.38**

18" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
18" RCP		1	$ 69.00	LF	$ 69.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 2,500.00	EA	$ 10.00
SD Manhole	1 per 500 ft	0.002	$ 3,000.00	EA	$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075	$ -	TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05	$ -	TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 7.42
Construction Management	5%				$ 4.64
Contingency	20%				$ 18.55
Total					**$ 123.35**

21" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
21" RCP		1	$ 72.00	LF	$ 72.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 2,500.00	EA	$ 10.00
SD Manhole	1 per 500 ft	0.002	$ 3,000.00	EA	$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075		TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05		TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 7.66
Construction Management	5%				$ 4.79
Contingency	20%				$ 19.15
Total					**$ 127.34**

24" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
24" RCP		1	$ 75.00	LF	$ 75.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 2,500.00	EA	$ 10.00
SD Manhole	1 per 500 ft	0.002	$ 3,000.00	EA	$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075		TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05		TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 7.90
Construction Management	5%				$ 4.94
Contingency	20%				$ 19.75
Total					**$ 131.33**

27" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
27" RCP		1	$ 80.00	LF	$ 80.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 2,500.00	EA	$ 10.00
SD Manhole	1 per 500 ft	0.002	$ 3,000.00	EA	$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075		TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05		TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 8.30
Construction Management	5%				$ 5.19
Contingency	20%				$ 20.75
Total					**$ 137.98**

30" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
30" RCP		1	$ 85.00	LF	$ 85.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 2,500.00	EA	$ 10.00
SD Manhole	1 per 500 ft	0.002	$ 3,000.00	EA	$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075		TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05		TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 8.70
Construction Management	5%				$ 5.44
Contingency	20%				$ 21.75
Total					**$ 144.63**

36" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
36" RCP		1	$ 90.00	LF	$ 90.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 2,500.00	EA	$ 10.00
SD Manhole	1 per 500 ft	0.002	$ 3,000.00	EA	$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075		TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05		TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 9.10
Construction Management	5%				$ 5.69
Contingency	20%				$ 22.75
Total					**$ 151.28**

42" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
42" RCP		1	$ 134.00	LF	$ 134.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 2,500.00	EA	$ 10.00
SD Manhole	1 per 500 ft	0.002	$ 3,000.00	EA	$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075		TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05		TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 12.62
Construction Management	5%				$ 7.89
Contingency	20%				$ 31.55

Total	**$ 209.80**

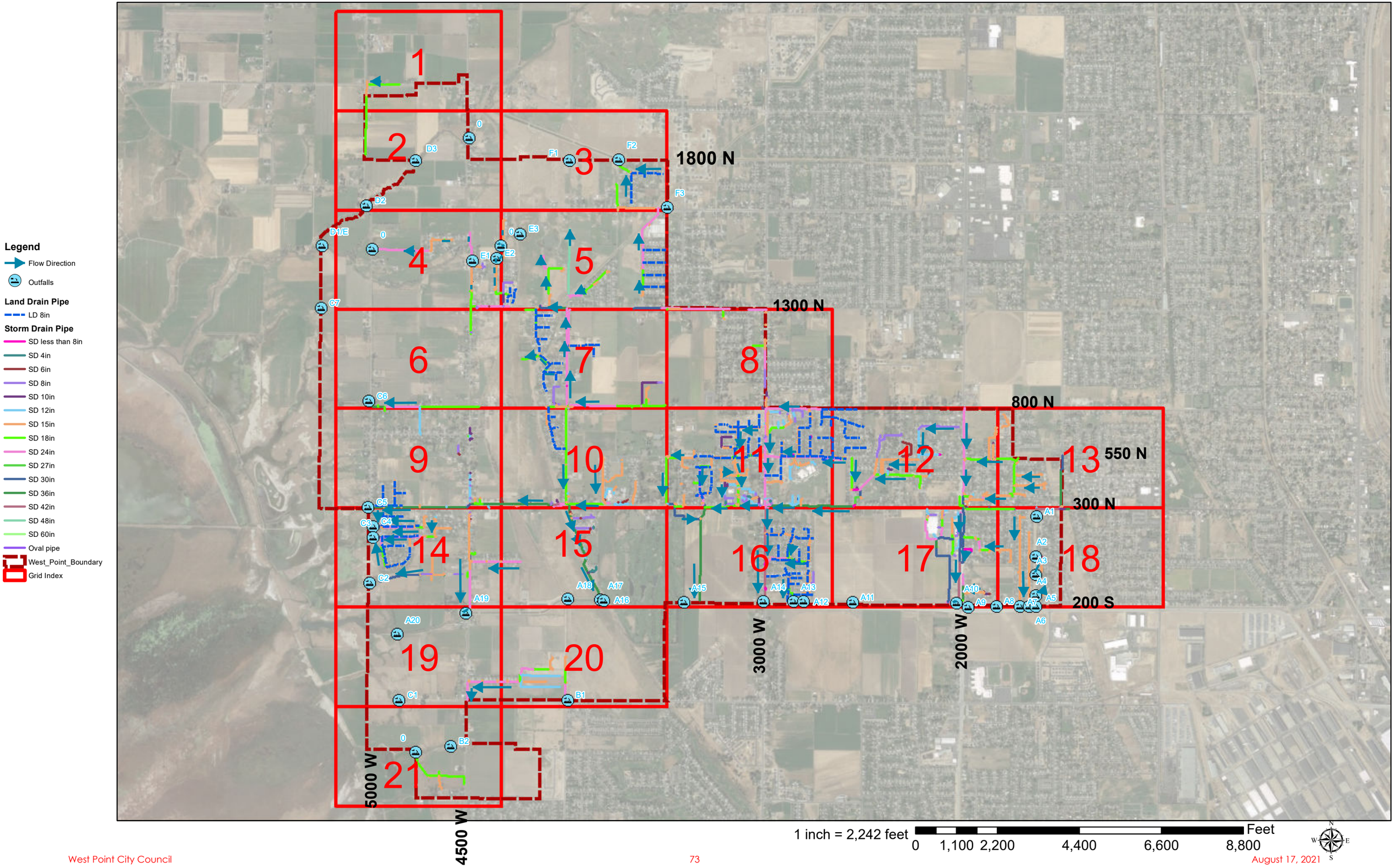
48" RCP					
Description	**Quantity**	**Quantity Per Foot of Pipe**	**Unit Price**	**Unit**	**Total Cost Per Foot of Pipe**
48" RCP		1	$ 200.00	LF	$ 200.00
Catch Basins w/ Laterals	**2** per 500 ft	0.004	$ 2,500.00	EA	$ 10.00
SD Manhole	1 per 500 ft	0.002	$ 3,000.00	EA	$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	0.075		TON	$ -
Granular Fill	50% Length - 6'D x 5'W	1.05		TON	$ -
Asphalt Patch	50% Length - 4"D x 6'W	0.074925	$ 80.00	TON	$ 5.99
Signage and Flagging	1 Per 2000 ft	0.0005	$ 3,500.00	LS	$ 1.75
Engineering	8%				$ 17.90
Construction Management	5%				$ 11.19
Contingency	20%				$ 44.75

Total	**$ 297.58**

APPENDIX B

Storm Drain System

West Point Storm Drain Overview



West Point Storm Drain 2021

Legend

Flow Direction

Storm Drain

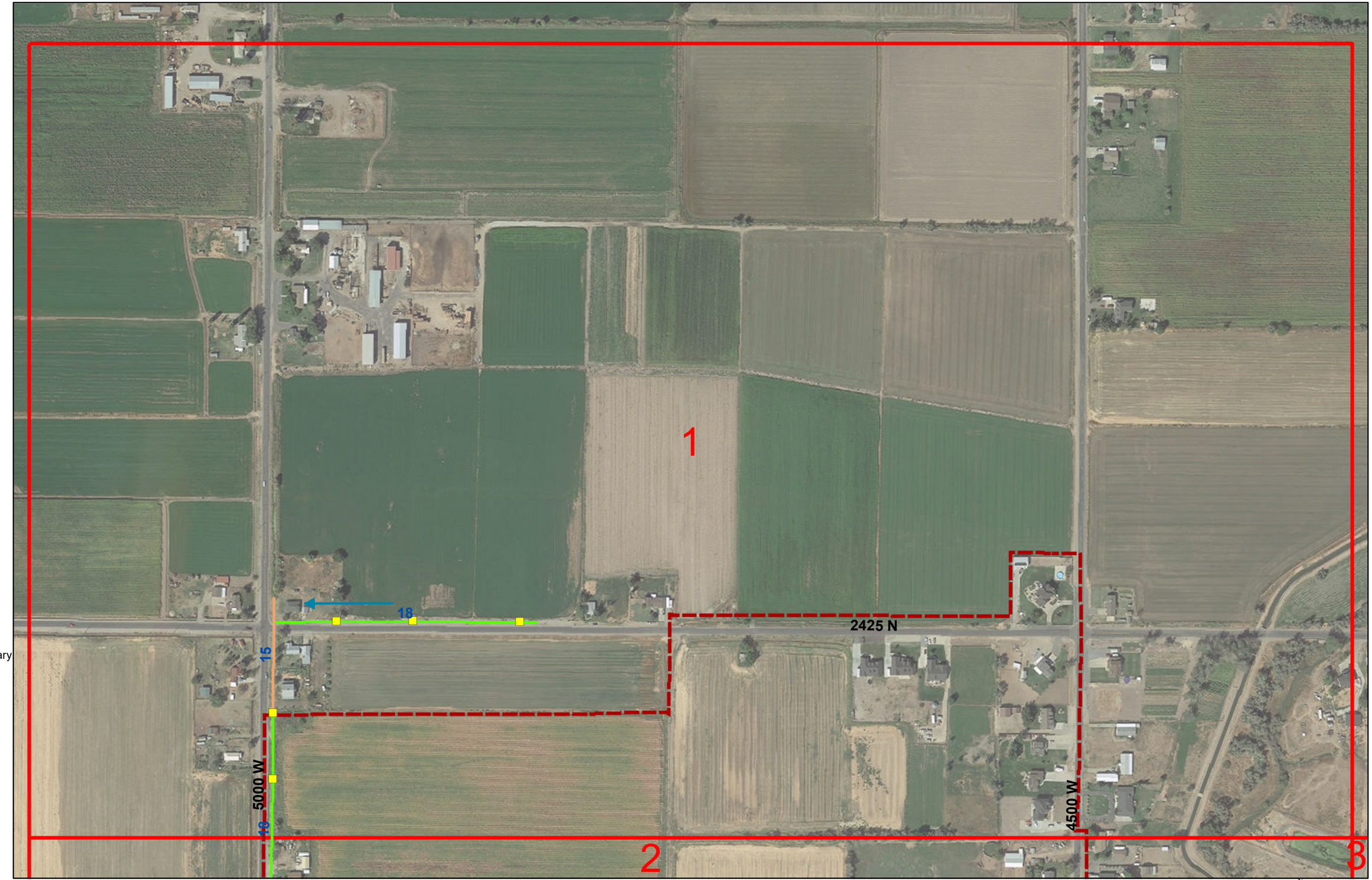
- SDCB
- SDMH
- Access Box
- SDBOX
- Control Structure
- DRAIN
- OPEN BOX
- OVERFLOW BOX
- Outfalls

Land Drain Pipe

- LD 8in

Storm Drain Pipe

- SD less than 8in
- SD 4in
- SD 6in
- SD 8in
- SD 10in
- SD 12in
- SD 15in
- SD 18in
- SD 24in
- SD 27in
- SD 30in
- SD 36in
- SD 42in
- SD 48in
- SD 60in
- Oval pipe
- West_Point_Boundary
- Grid Index

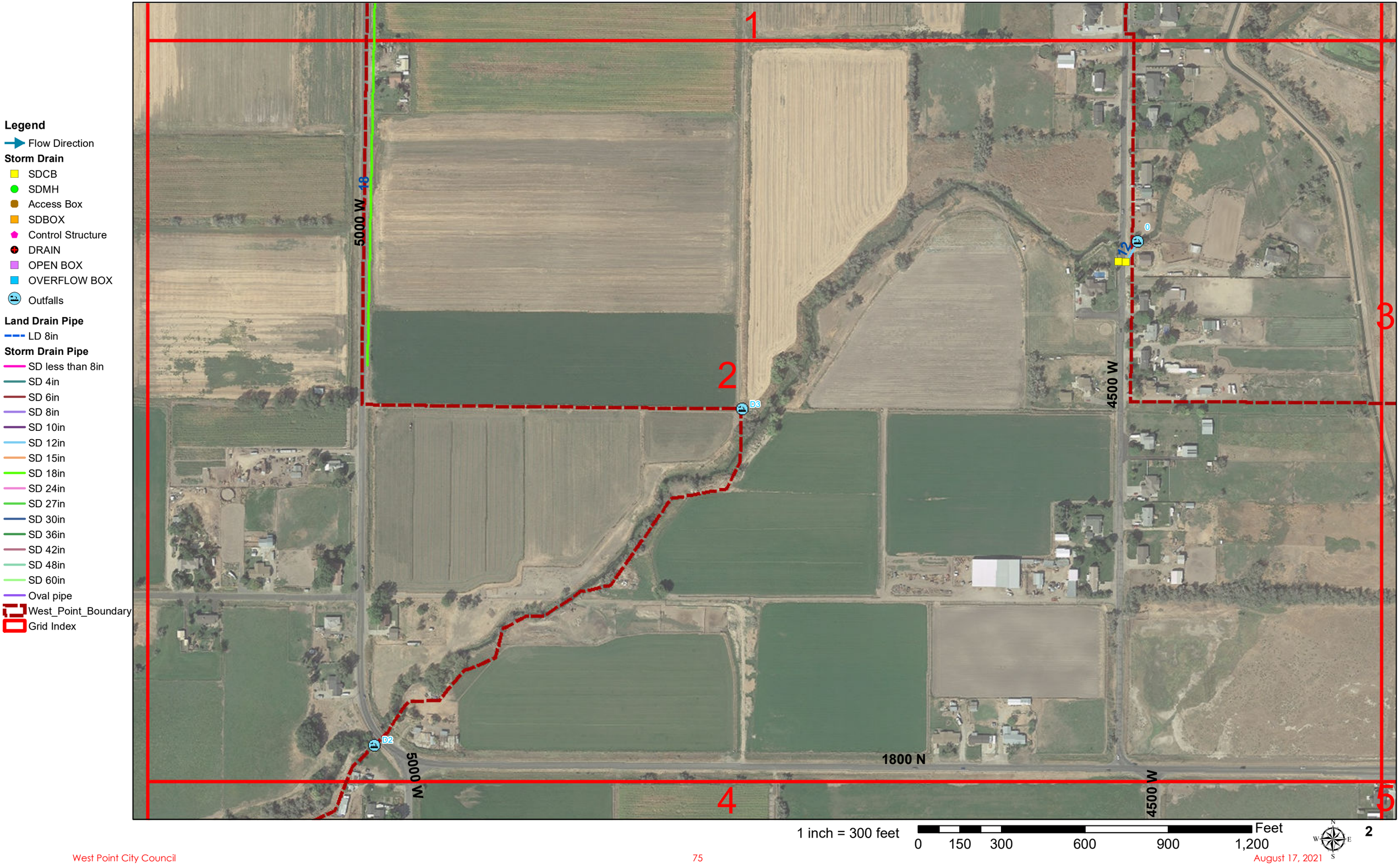


1 inch = 300 feet

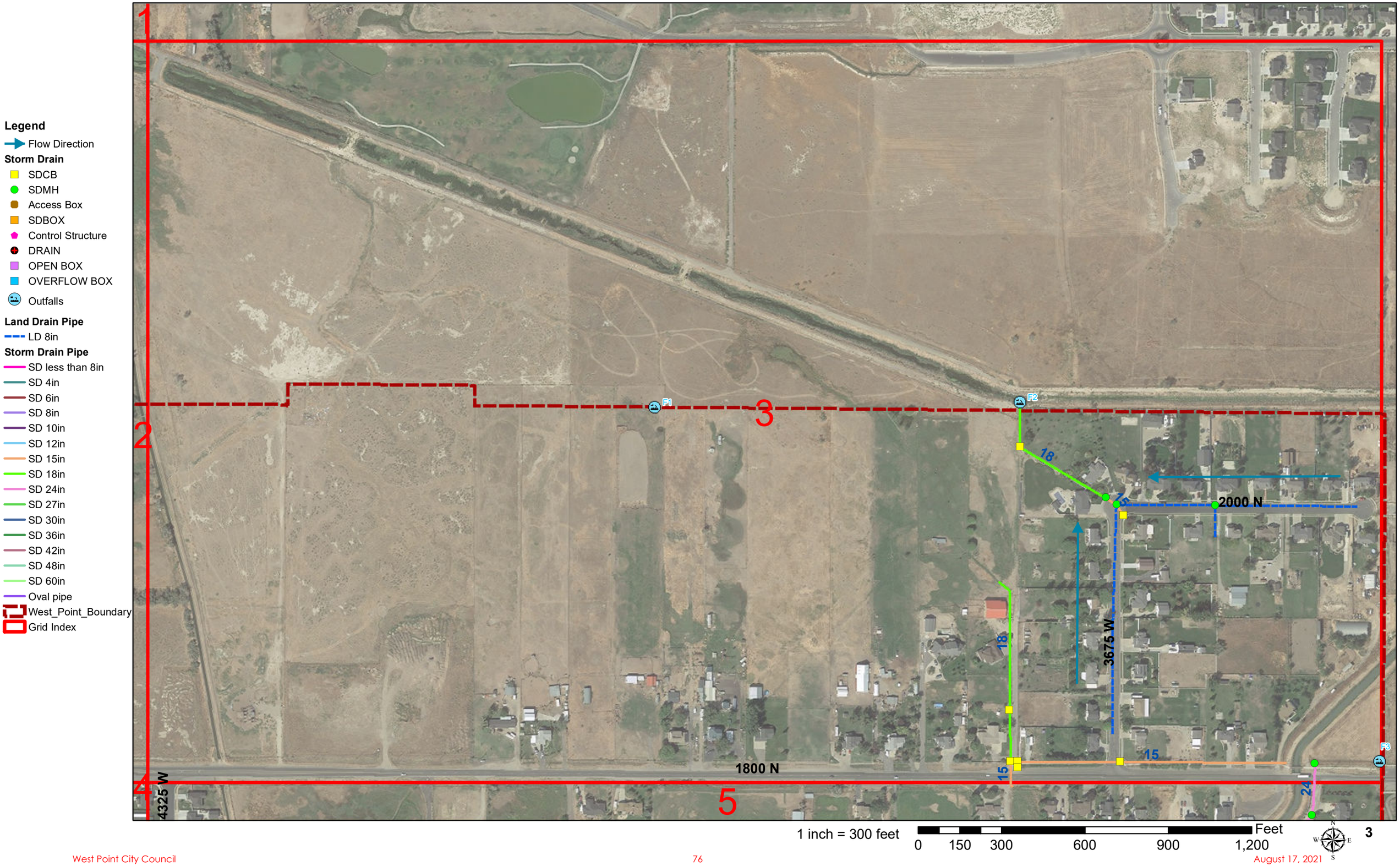
0 150 300 600 900 1,200 Feet

1

West Point Storm Drain 2021

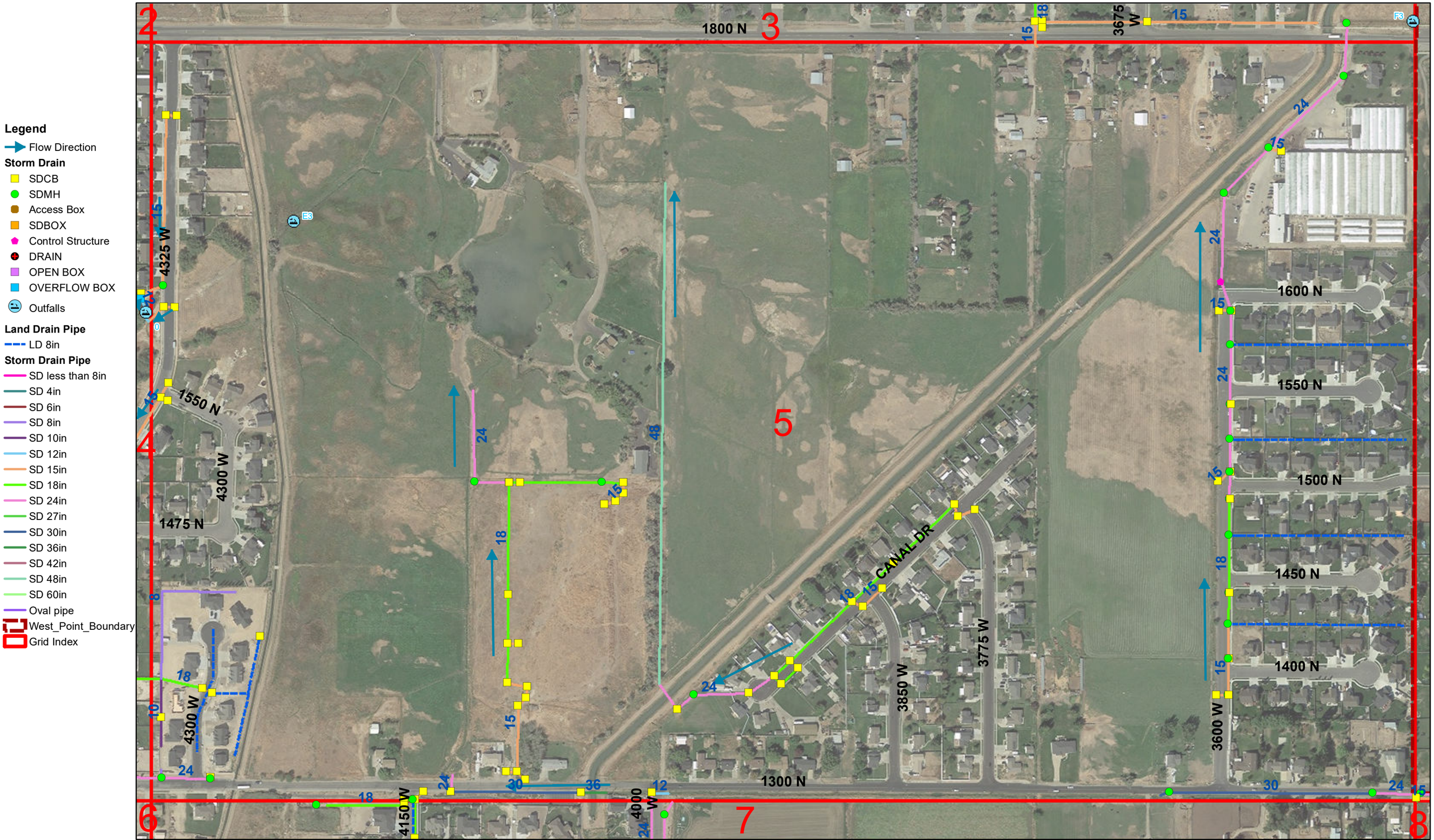


West Point Storm Drain 2021

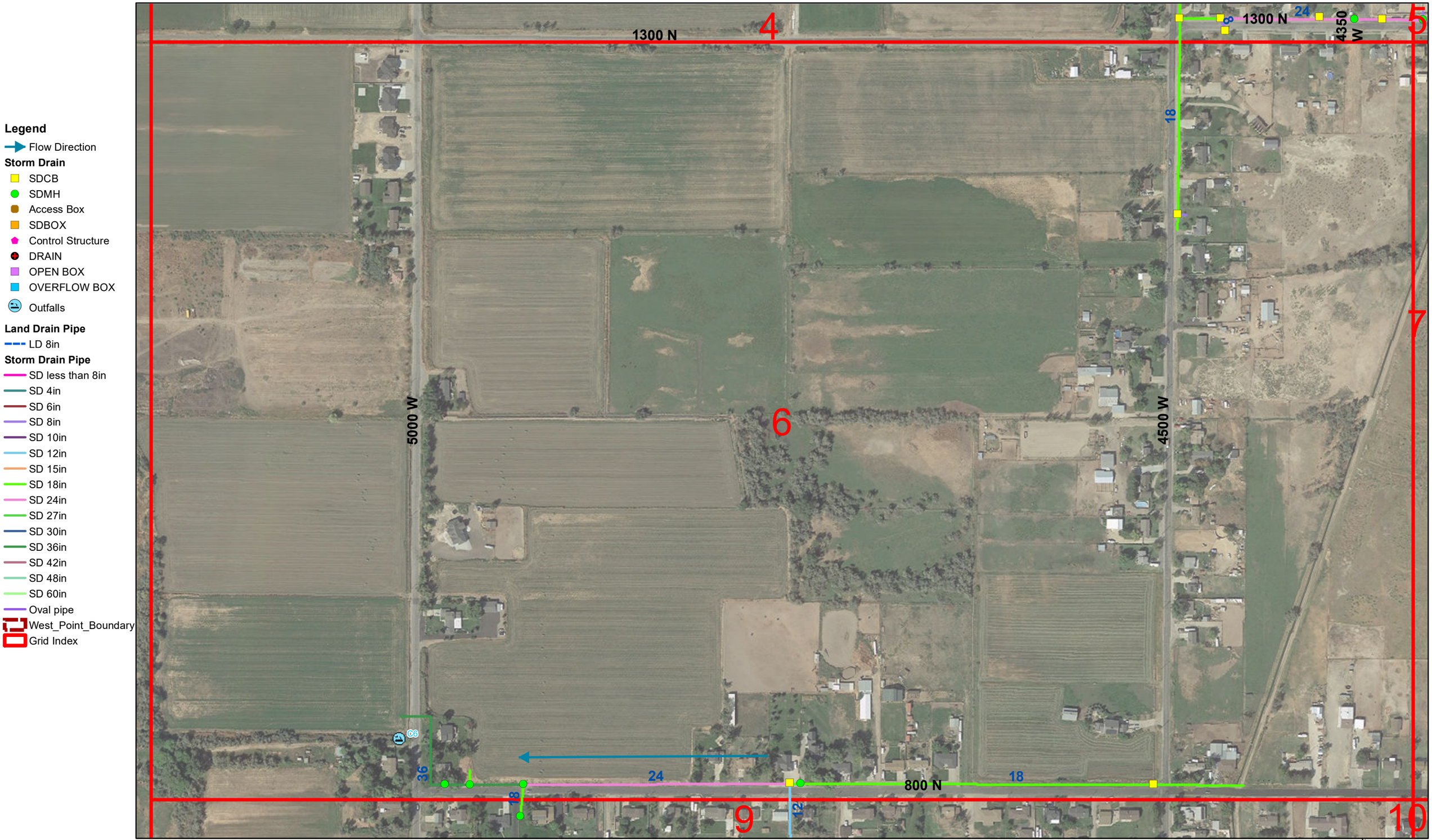


West Point Storm Drain 2021

West Point Storm Drain 2021



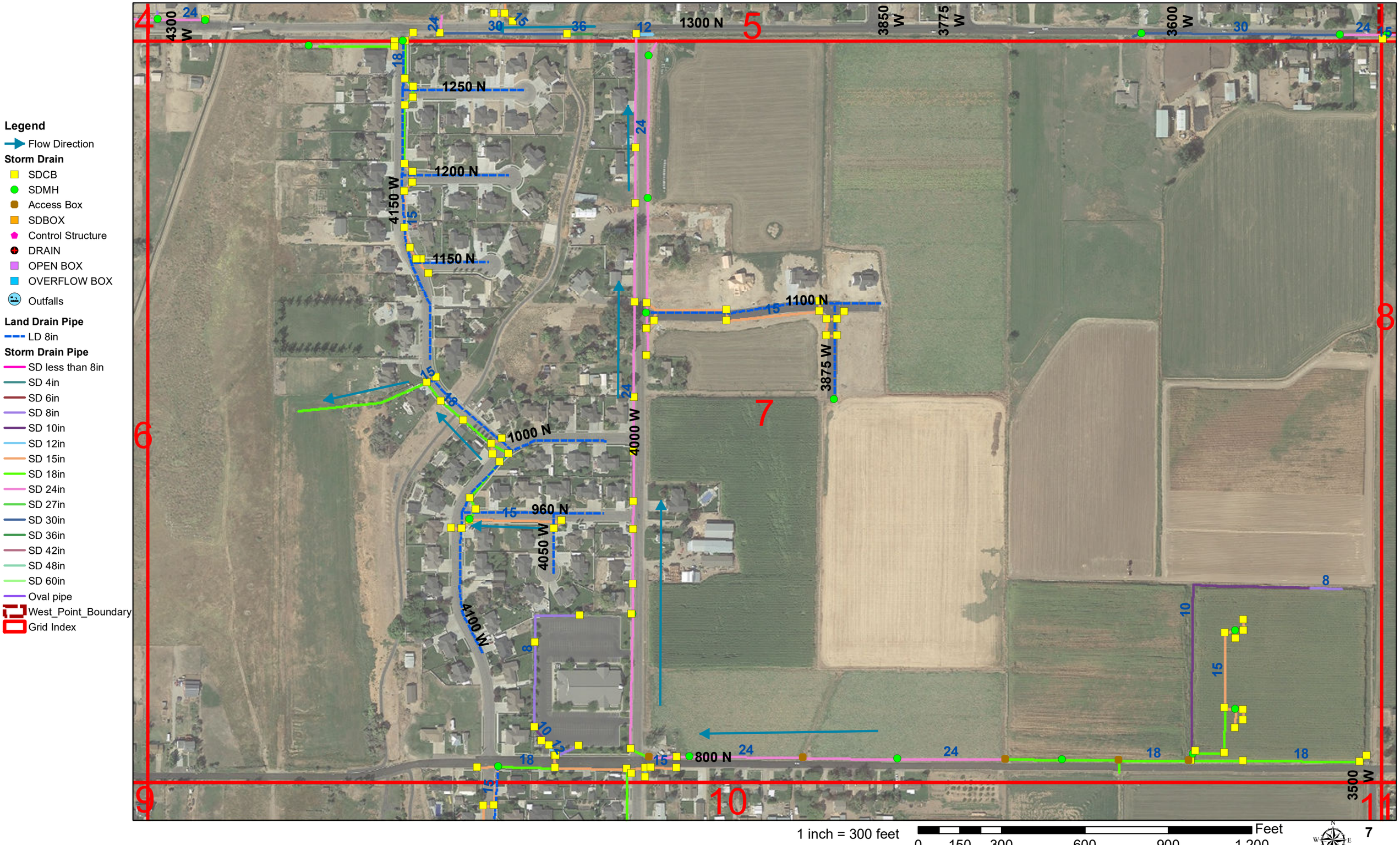
West Point Storm Drain 2021



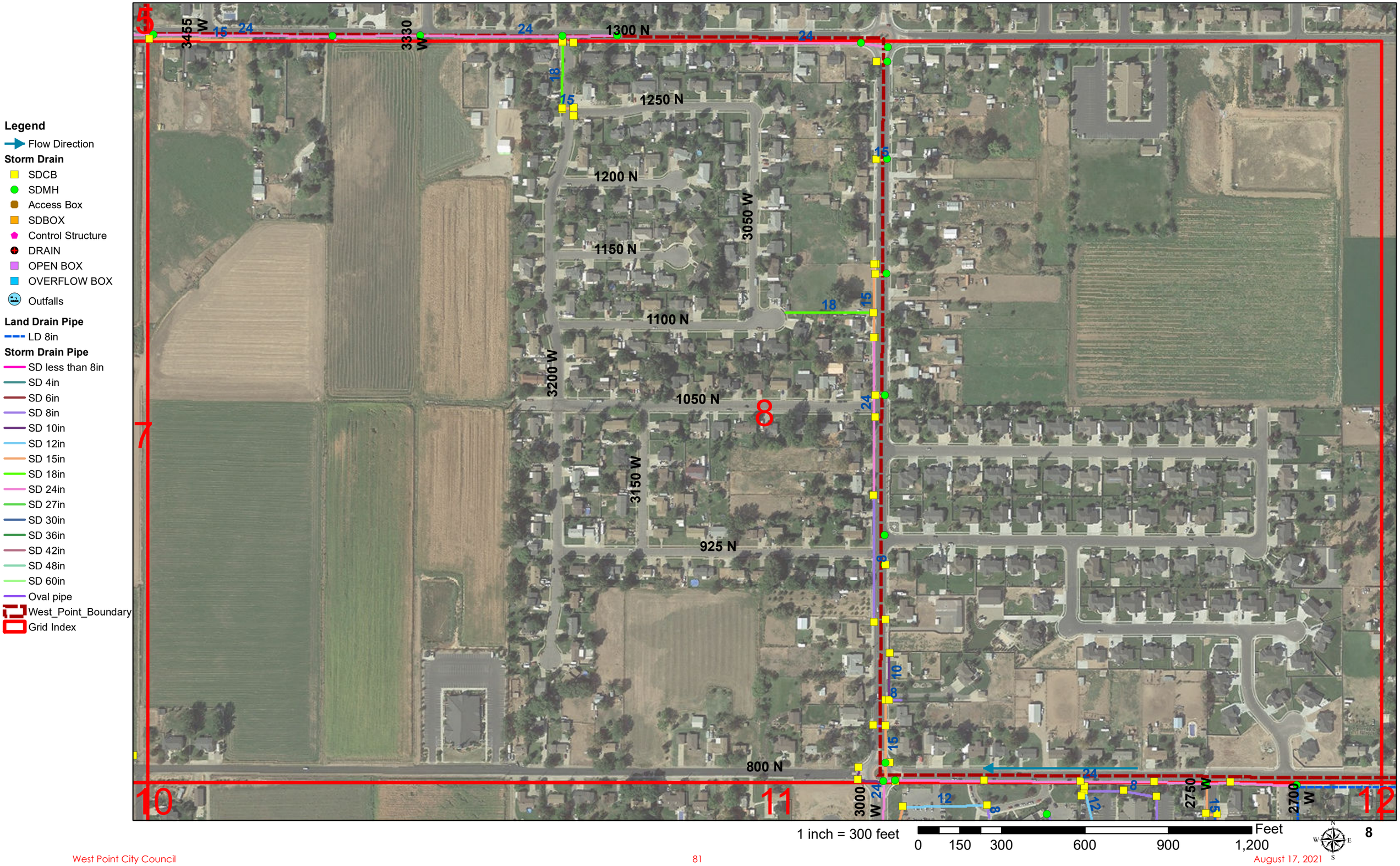
1 inch = 300 feet

0 150 300 600 900 1,200 Feet

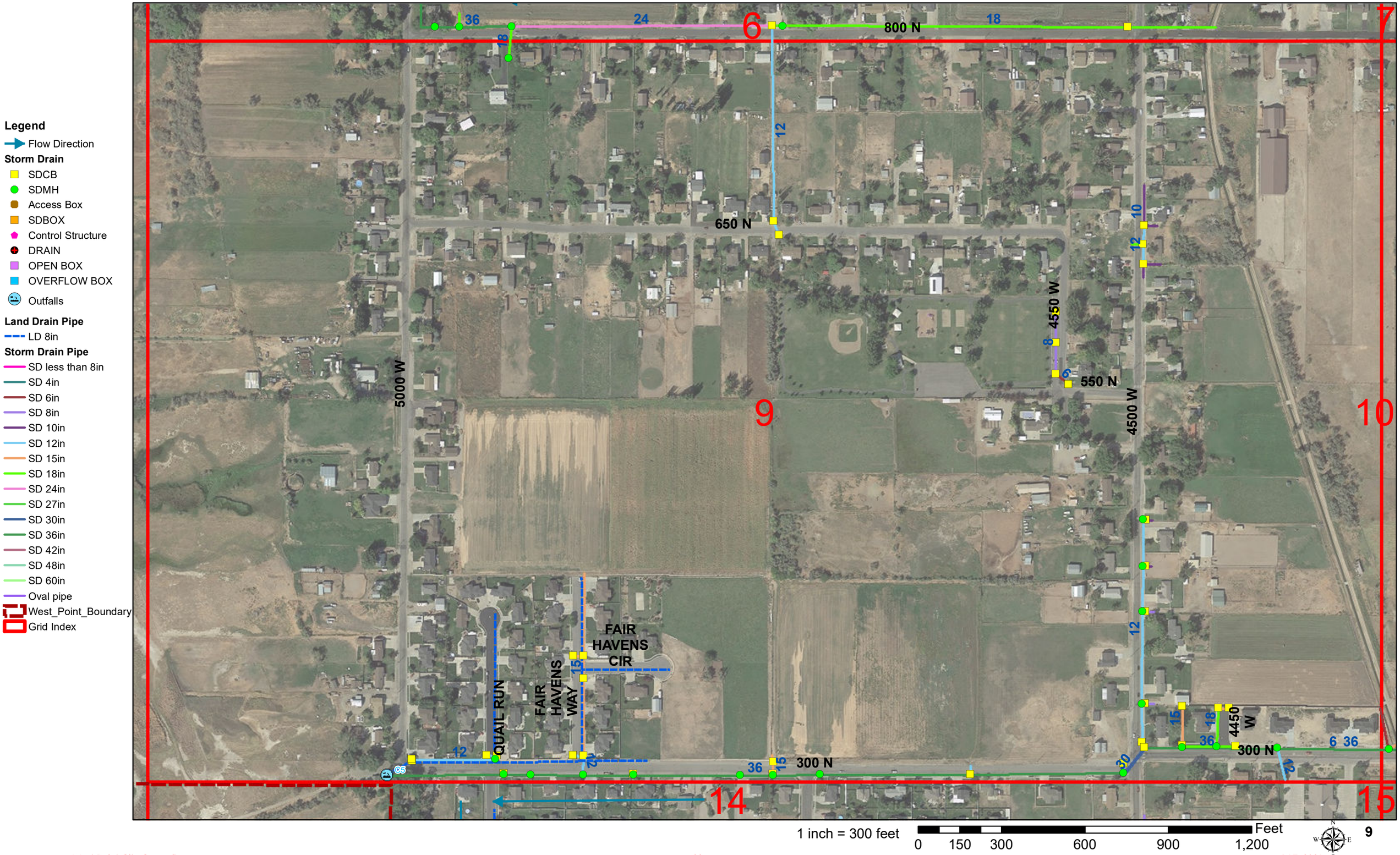
West Point Storm Drain 2021



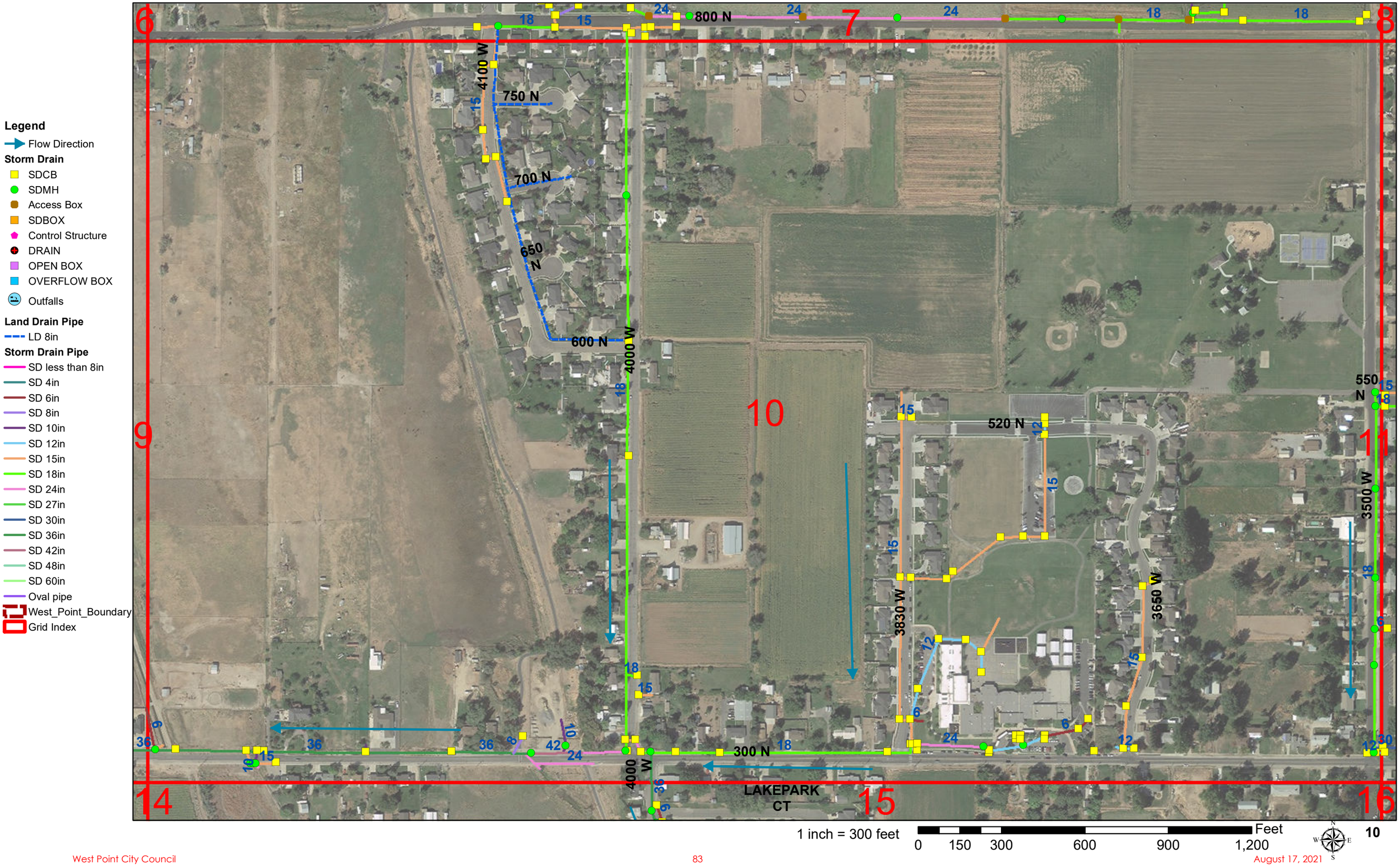
West Point Storm Drain 2021



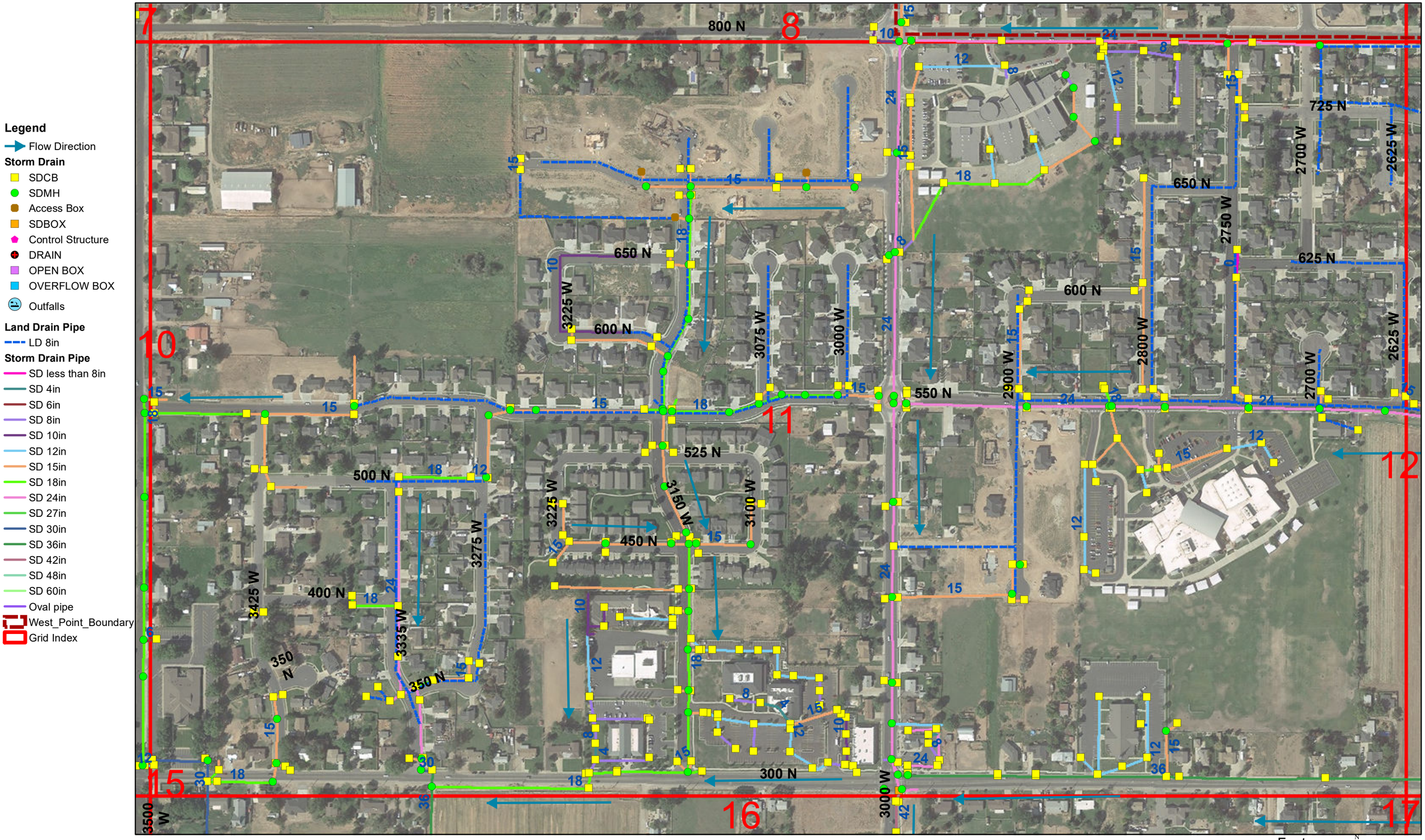
West Point Storm Drain 2021



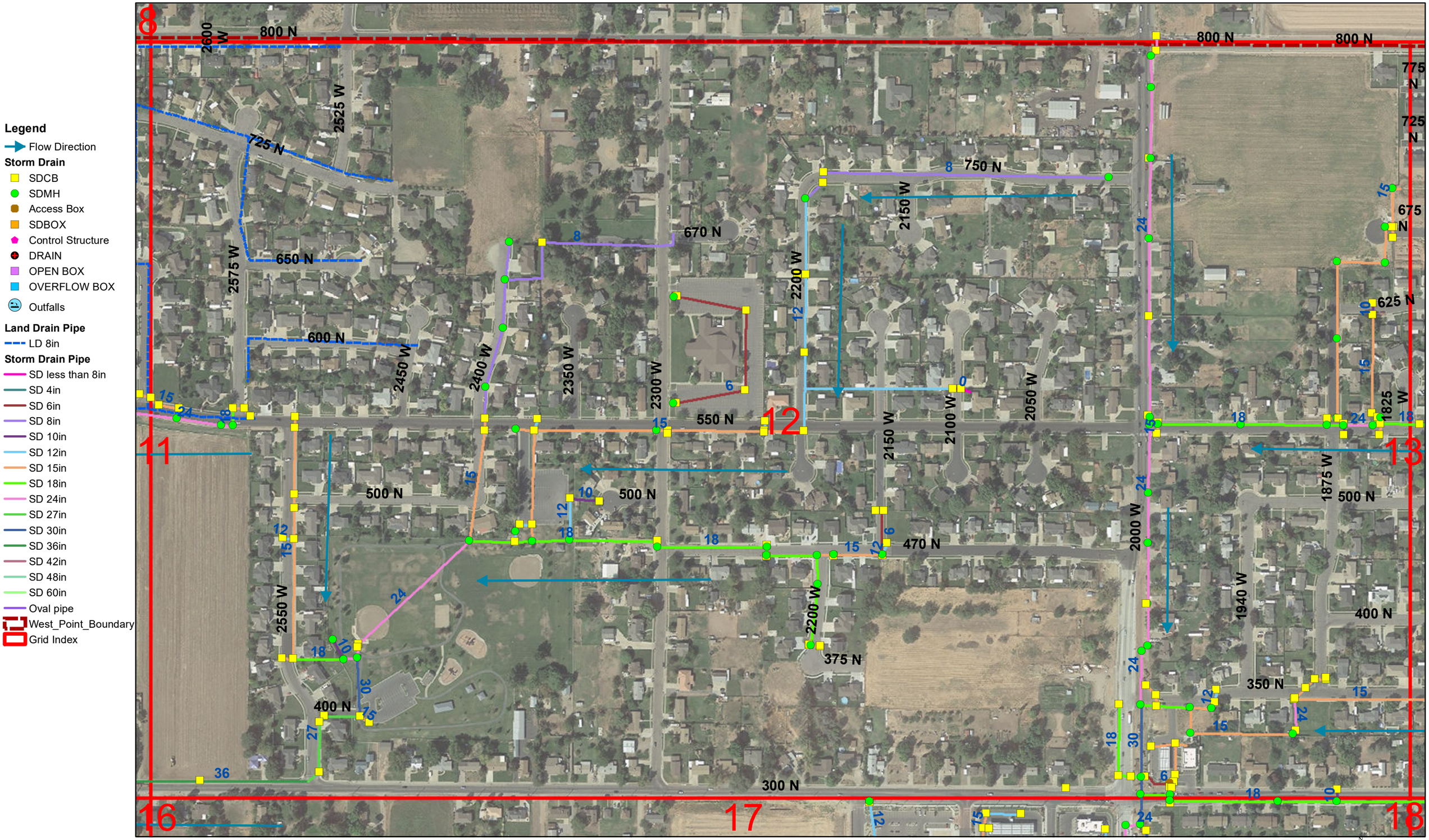
West Point Storm Drain 2021

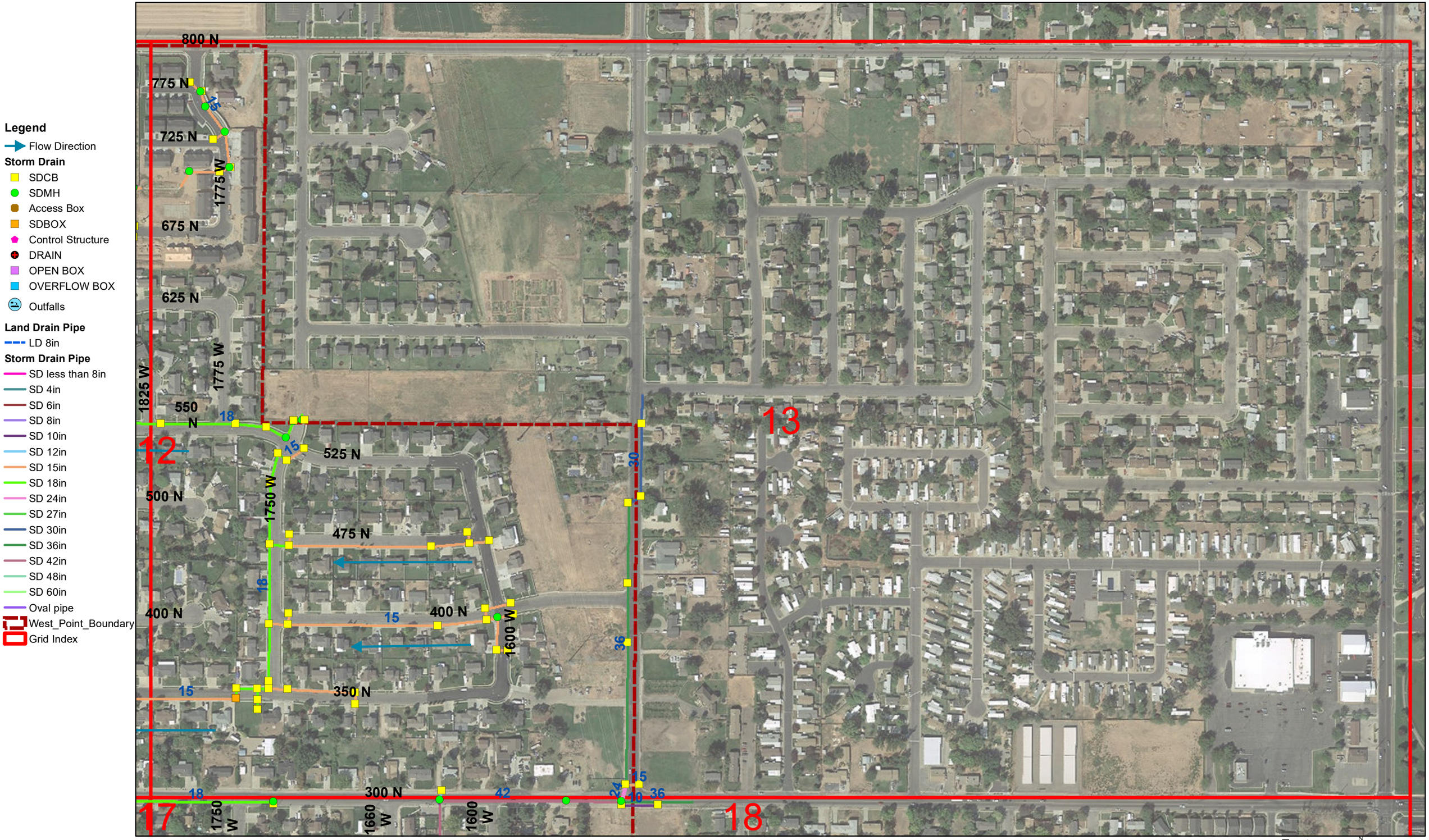


West Point Storm Drain 2021

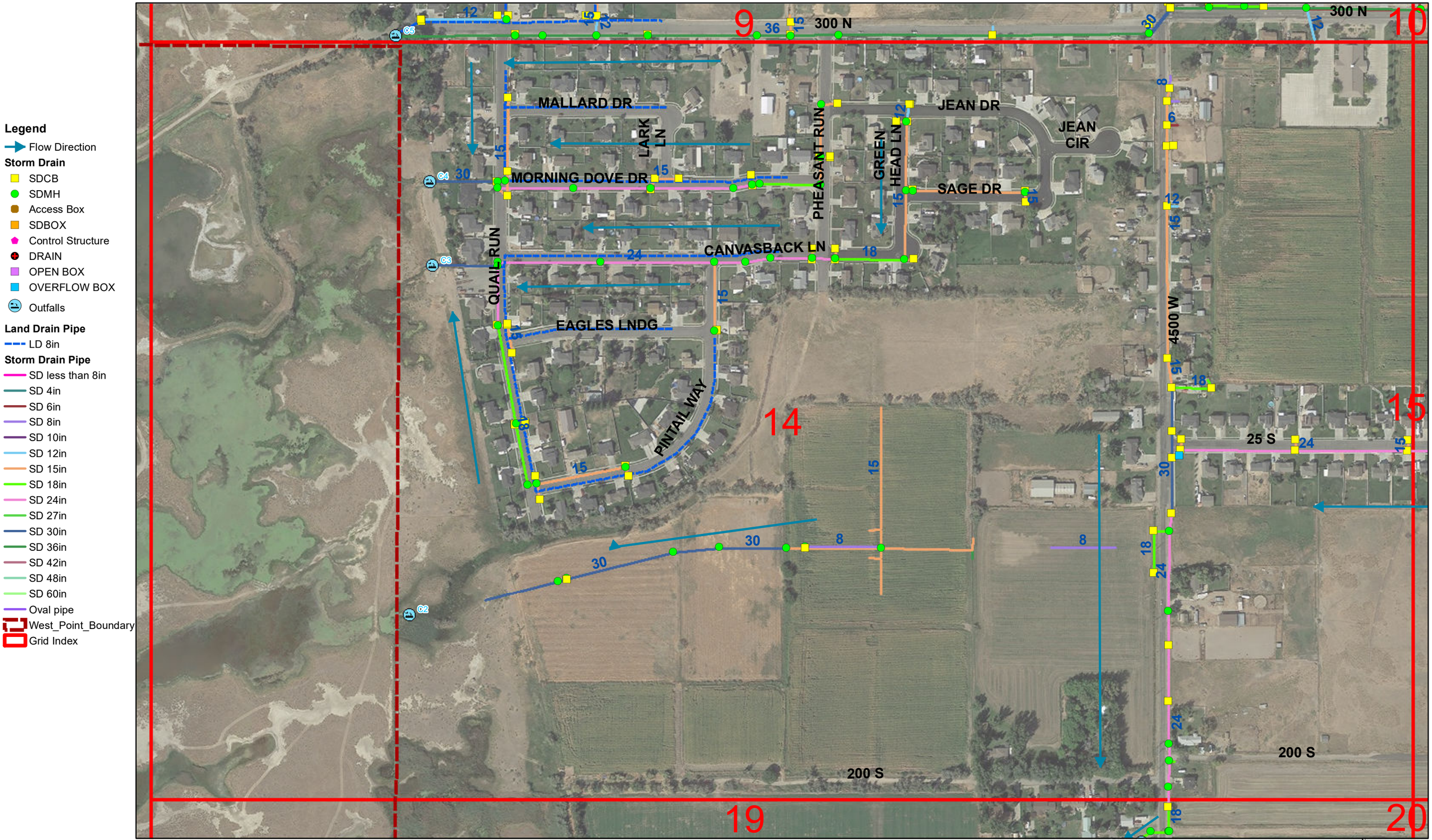


West Point Storm Drain 2021




Legend
Flow Direction
Storm Drain
SDCB
SDMH
Access Box
SDBOX
Control Structure
DRAIN
OPEN BOX
OVERFLOW BOX
Outfalls
Land Drain Pipe
LD 8in
Storm Drain Pipe
SD less than 8in
SD 4in
SD 6in
SD 8in
SD 10in
SD 12in
SD 15in
SD 18in
SD 24in
SD 27in
SD 30in
SD 36in
SD 42in
SD 48in
SD 60in
Oval pipe
West_Point_Boundary
Grid Index
800 N
775 N
725 N
675 N
625 N
550 N
525 N
500 N
475 N
400 N
350 N
300 N
1825 W
1775 W
1750 W
1660 W
1600 W
12
13
17
18
1 inch = 300 feet
0
150
300
600
900
1,200
Feet

West Point Storm Drain 2021



West Point Storm Drain 2021

Legend

- Flow Direction

Storm Drain

- SDCB
- SDMH
- Access Box
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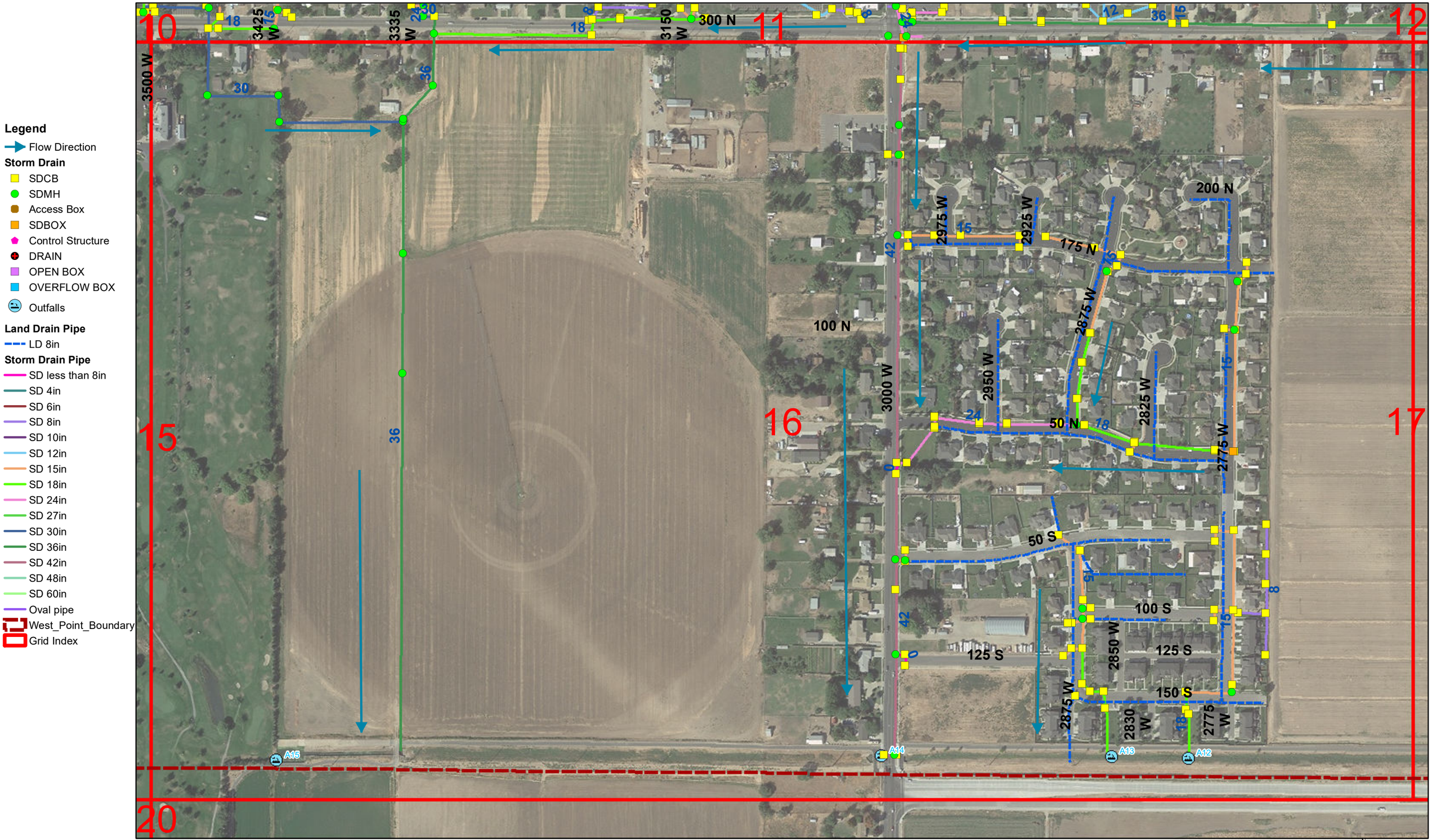
- SD 15in
- SD 18in
- SD 24in
- SD 27in
- SD 30in
- SD 36in
- SD 42in
- SD 48in
- SD 60in
- Oval pipe
- West_Point_Boundary
- Grid Index

1 inch = 300 feet

0 150 300 600 900 1,200 Feet

15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Access Box
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DRAIN
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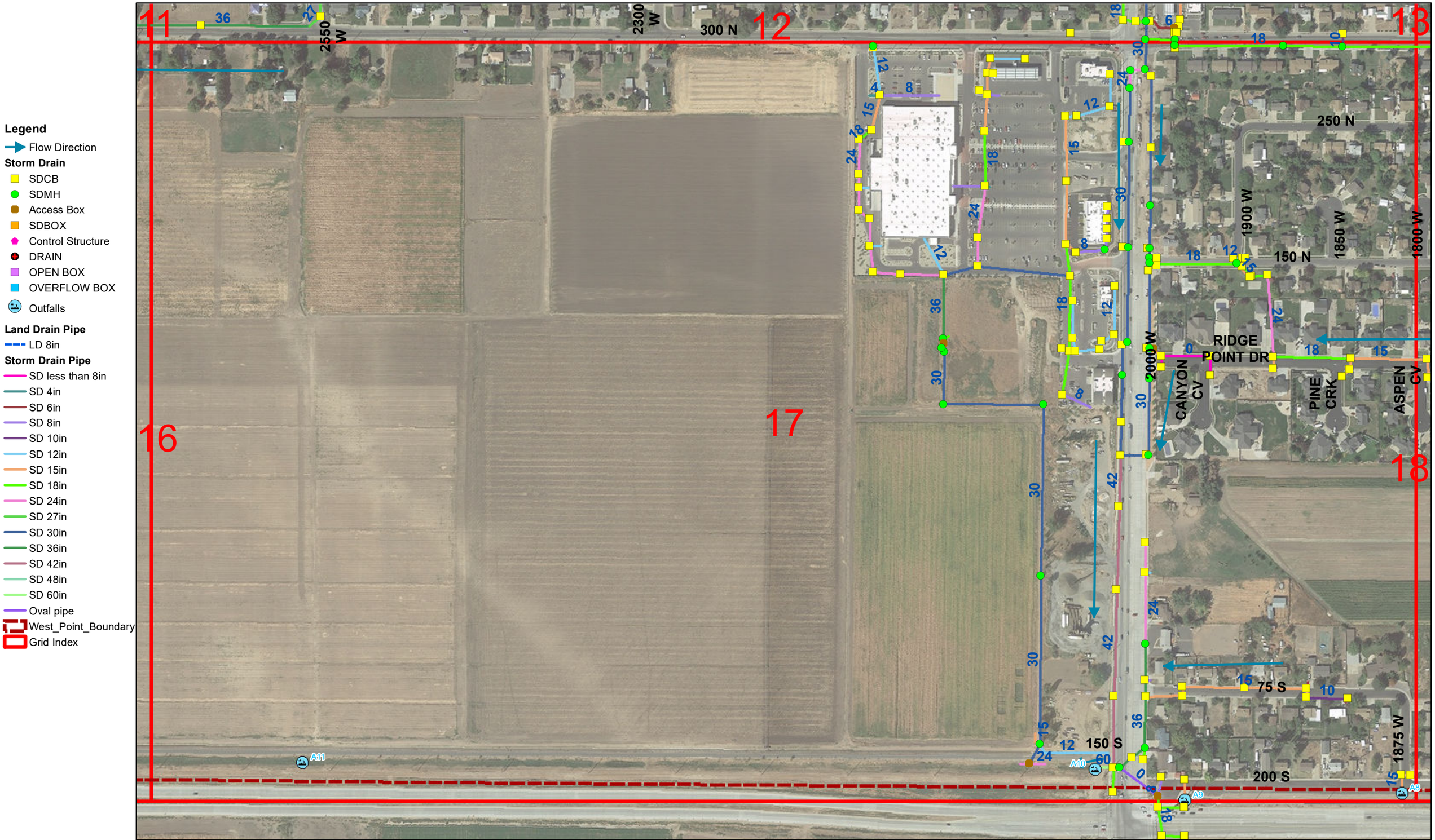
SD 4in
SD 6in
SD 8in
SD 10in
SD 12in
SD 15in
SD 18in
SD 24in
SD 27in
SD 30in
SD 36in
SD 42in
SD 48in
SD 60in
Oval pipe
West_Point_Boundary
Grid Index
10
11
12
15
16
17
20
3500 W
3425 W
3335 W
3150 W
300 N
200 N
175 N
100 N
50 N
50 S
100 S
125 S
150 S
3000 W
2975 W
2925 W
2875 W
2950 W
2825 W
2775 W
2850 W
2830 W
A15
A14
A13
A12
1 inch = 300 feet
0
150
300
600
900
1,200
Feet

West Point Storm Drain 2021

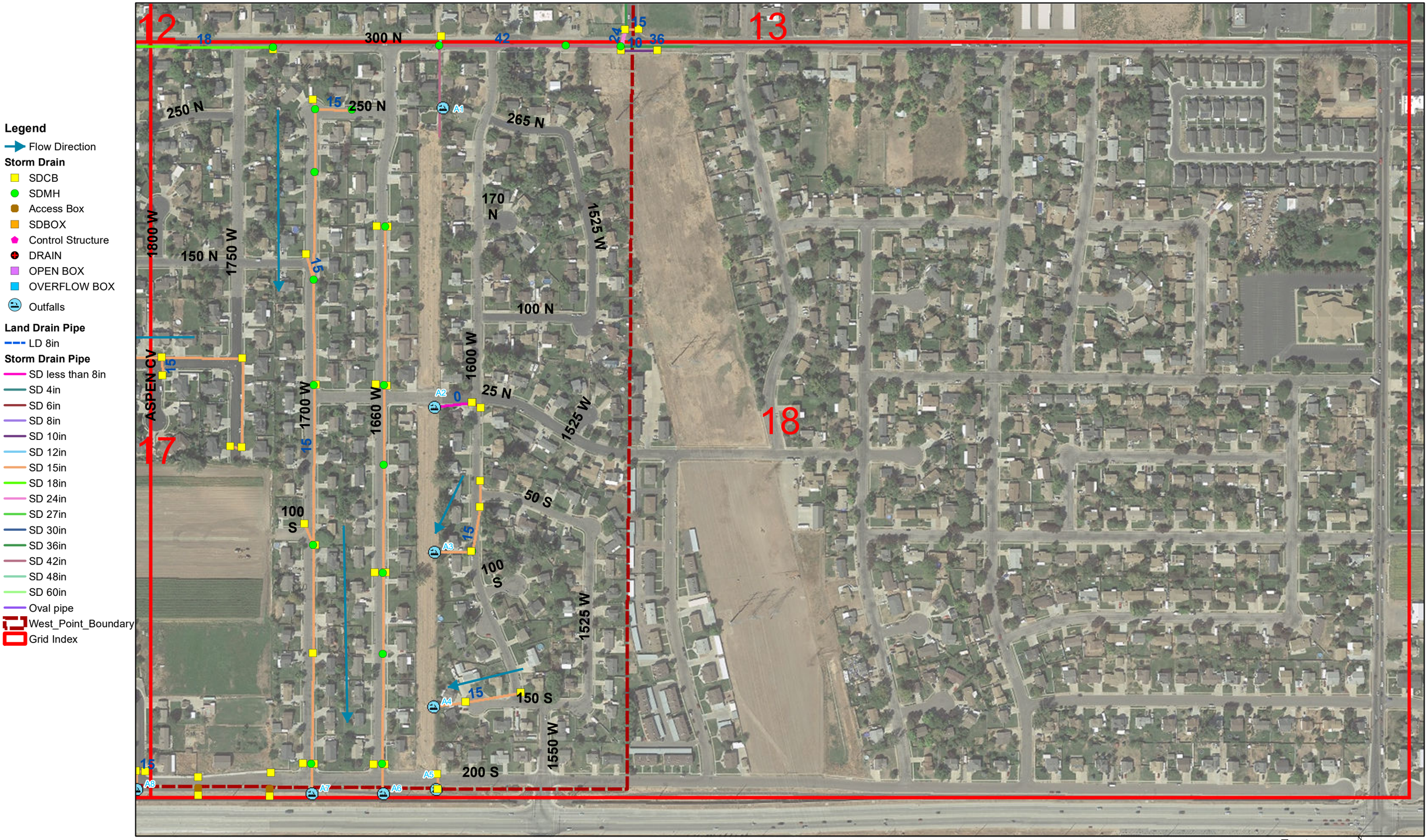


1 inch = 300 feet

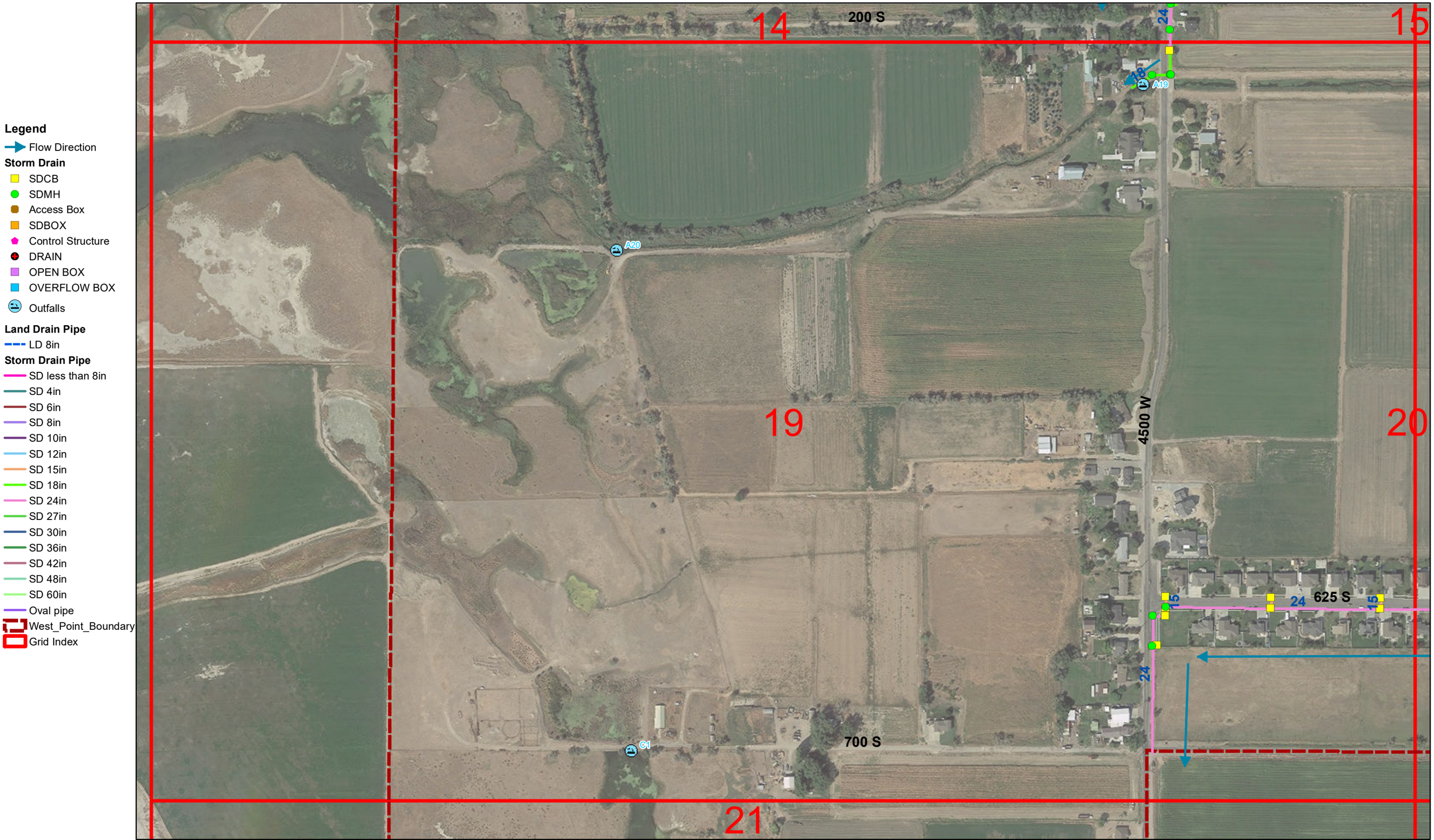
0 150 300 600 900 1,200 Feet

17

West Point Storm Drain 2021

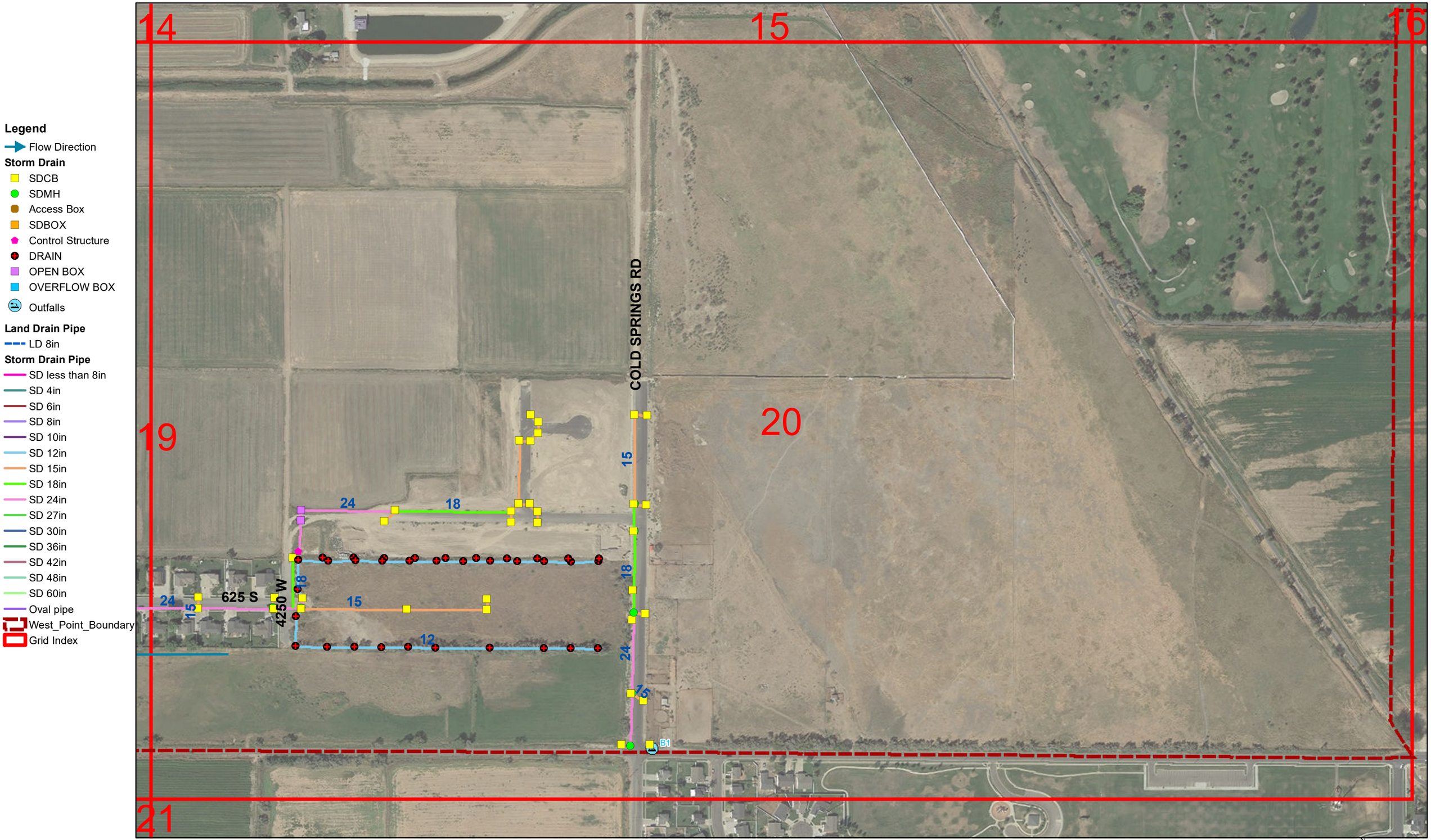


West Point Storm Drain 2021



1 inch = 300 feet

0 150 300 600 900 1,200 Feet


Legend
Flow Direction
Storm Drain
SDCB
SDMH
Access Box
SDBOX
Control Structure
DRAIN
OPEN BOX
OVERFLOW BOX
Outfalls
Land Drain Pipe
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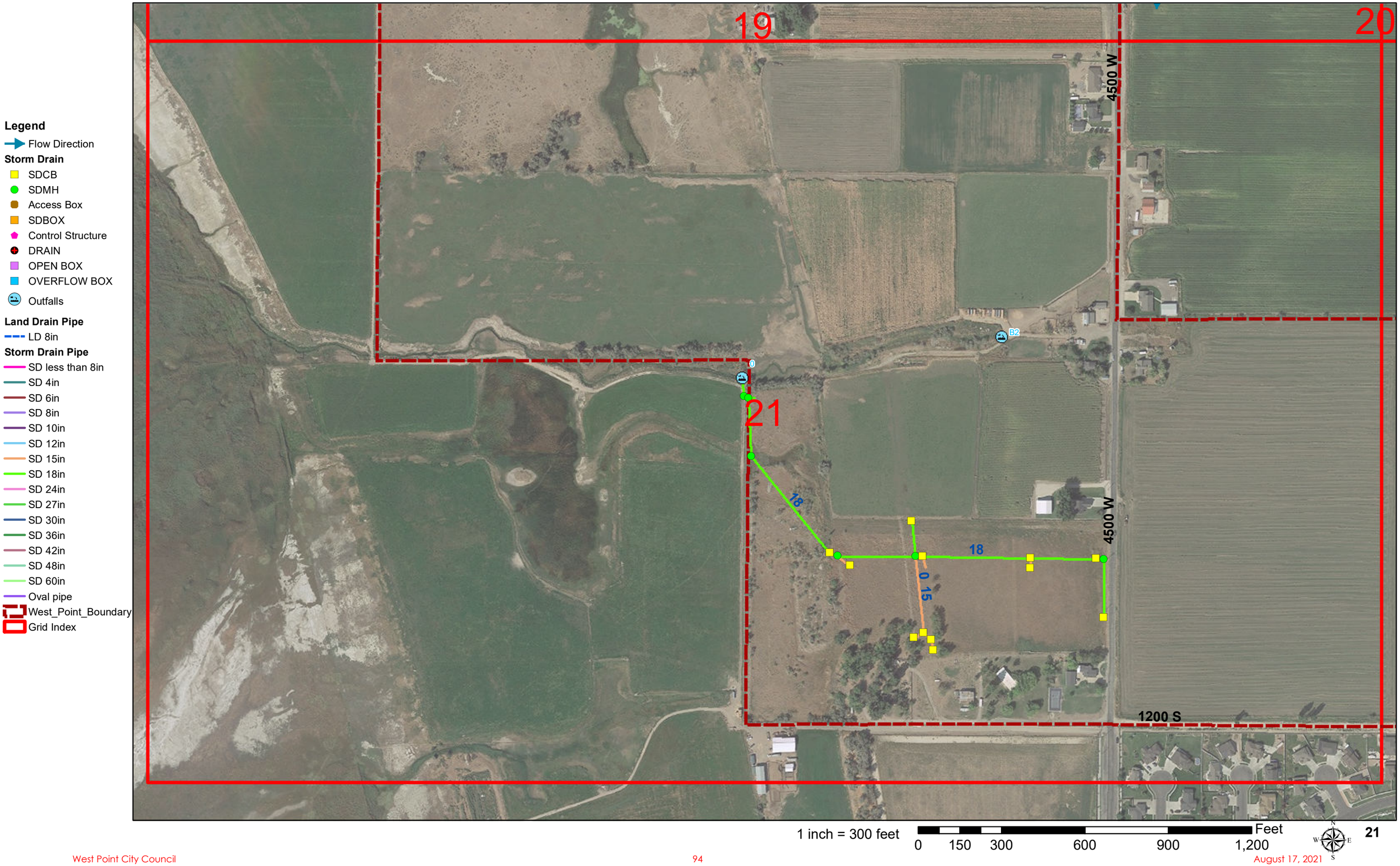
SD 4in
SD 6in
SD 8in
SD 10in
SD 12in
SD 15in
SD 18in
SD 24in
SD 27in
SD 30in
SD 36in
SD 42in
SD 48in
SD 60in
Oval pipe
West_Point_Boundary
Grid Index
14
15
16
19
20
21
COLD SPRINGS RD
625 S
4250 W
24
18
15
12
B1
1 inch = 300 feet
0
150
300
600
900
1,200
Feet

West Point Storm Drain 2021



APPENDIX C

Autodesk Storm and Sanitary Modeling Software

Autodesk Storm and Sanitary - Modeling Software

The modeling software used to develop the storm drainage model was Autodesk Storm and Sanitary. The methodology and process behind the model are included below:

A. Elements

The elements used in the model include Subbasin elements, Conveyance Link elements, Junctions elements, Inlet elements, Storage nodes, and Outlets (See Figure 1).

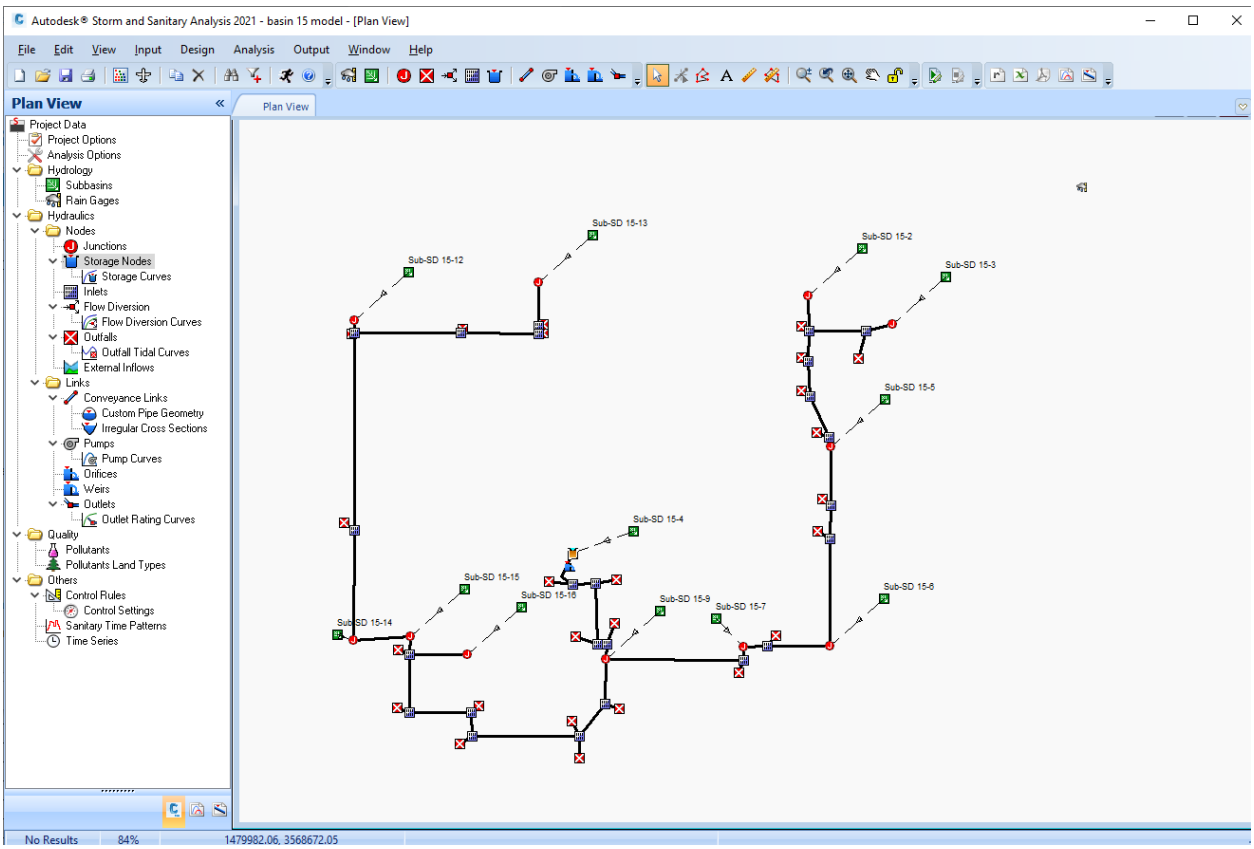


Figure 1

Subbasin Elements: The subbasin elements were used to model areas in the City either fully developed or partially developed**.** There are several parameters that can be modified based on the subbasin characteristics. Subbasins are hydrologic drainage subareas whose topography and drainage system elements direct surface runoff to a single discharge point.
Autodesk® Storm and Sanitary Analysis supports a variety of hydrology methods that allows the user to select the appropriate method to be used for the area being studied. The TR-55 method was selected as an appropriate method for urban watersheds. Figure 2 shows the parameters that can be entered, there are separate tabs for calculating the time of concentration (TOC) and the Curve Number.

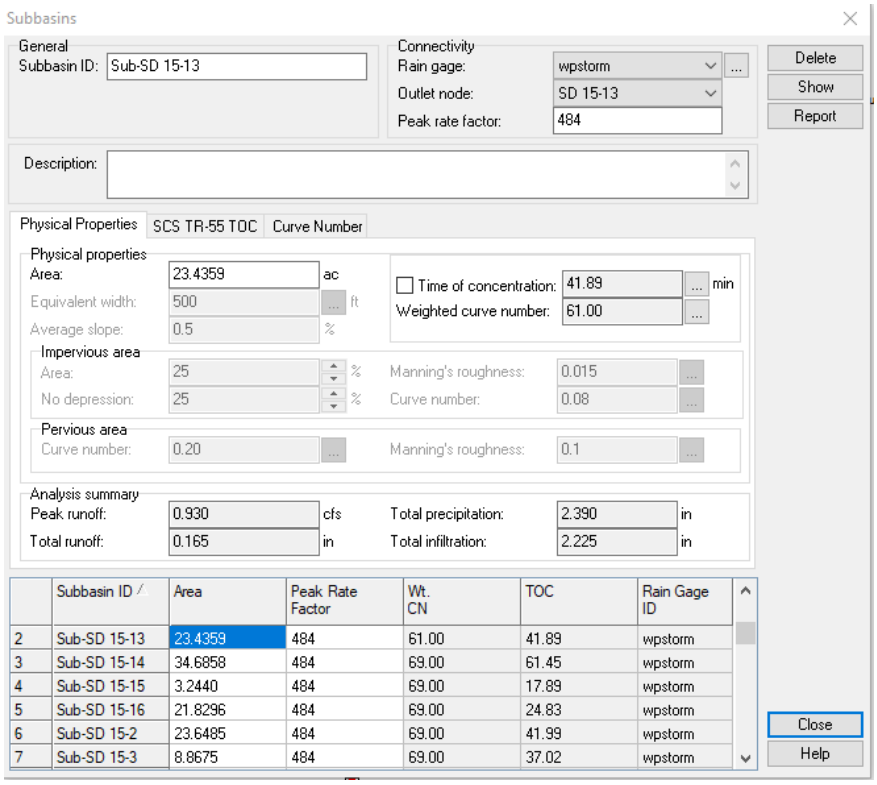


Figure 2

The Runoff Coefficient tab defines the drainage area, land use, and soil property data for computing the composite runoff coefficient for the subbasin.
The curve number is based on the land use and the hydrologic soil group. Table 3.6: Runoff Curve Numbers for Urban Areas in the Urban Drainage Design Manual was used to determine curve numbers. Hydrologic soil groups for the entire city were mapped using the USDA NRCS Web Soil Survey and are included at the end of this Appendix C.

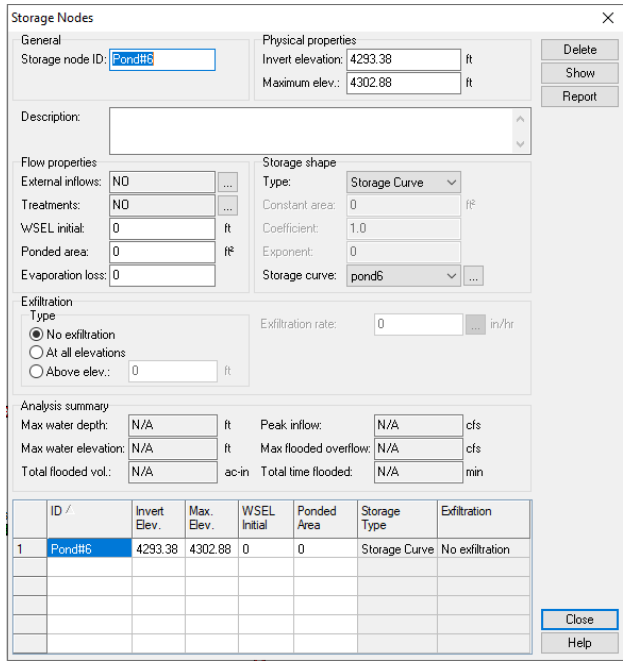
The time of concentration (Tc) is defined as the time required for runoff to travel from the hydraulically most distant point of the subbasin to where the runoff leaves the subbasin. Storm water travels through the subbasin as sheet flow, shallow concentrated flow, open channel flow, or some combination of these.

Conveyance Links: Reach Channels, pipes, and culverts are links that move water from one node to another in the drainage network. The software uses the Manning's equation to compute the flow rate in open channels and partially full closed conduits.

The principal input parameters for channels, pipes, and culverts are:

- Inlet and outlet nodes
- Conduit inlet and outlet node invert elevations (or offsets above the node inverts)
- Conduit length
- Manning's (or equivalent) roughness
- Cross-sectional geometry

Storage Node Elements: Storage nodes are network elements with associated storage volume. Physically they can represent storage facilities as small as a catch basin, more commonly as a detention pond, and as large as a reservoir or lake. The volumetric properties of a storage node are described by a function or table of surface area versus height.



A stage storage curve was determined for each of the ponds and data was inputed along with invert and max water depth.

B. Meteorologic Models

SCS Rainfall Distributions

The highest peak discharges from small watersheds in the United States are usually caused by intense, brief rainfalls that may occur as distinct events or as part of a longer storm. These intense rainstorms do not usually extend over a large area and intensities vary greatly. One common practice in rainfall-runoff analysis is to develop a synthetic rainfall distribution to use in lieu of actual storm events. This distribution includes maximum rainfall intensities for the selected design frequency arranged in a sequence that is critical for producing peak runoff.

The intensity of rainfall varies considerably during a storm as well as with geographic regions. To represent various regions of the United States, National Resource Conservation Service (NRCS, formerly the SCS) developed four synthetic 24-hour rainfall distributions (I, IA, II, and III) from available National Weather Service (NWS) duration-frequency data (Hershfield 1061; Frederick et al., 1977) or local storm data. Type IA is the least intense and type II the most intense short duration rainfall.

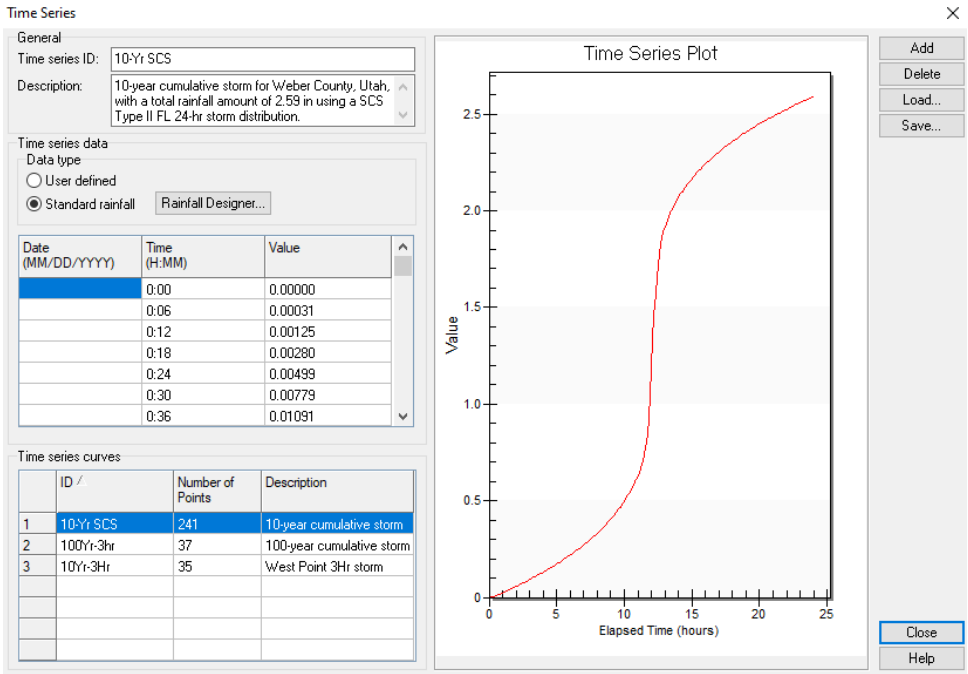


Figure 4

C. Network Analysis

Prior to obtaining model results in is necessary to create a Simulation Run under Compute – Create Simulation Run. The run is specified for a specific basin, meteorologic model and control specifications. Once the simulation run is created the run can be computed by selecting the Run button. The results of the simulation are located under the results tab. Each element in the model has simulation data specific to the element and can be viewed by expanding each element. A Summary Table is also shown for each element. Important data such as peak discharge, peak inflow, peak outflow, and peak storage.

D. Results Analysis

The peak discharge data from the hydrologic simulation was used to analyze future and existing storm drain pipes. The analysis of storm drain pipes was done using the Manning's Equation. Given peak flow rates minimum pipes sizes were determined. The results of the minimum pipe sizes were used to create a list of projects to include in the capital facilities plan.

3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

WEST POINT CITY HALL

July 20th, 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 July 20, 2021 at 6:00 PM with Mayor Erik Craythorne presiding. This meeting was also available via electronic Zoom Meeting and was accessible to attendees by entering Meeting ID #842 9817 8402 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; 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: None

VISITORS PRESENT: Brian Vincent. No sign-in required for online attendees.

1. **Discussion Regarding an Amended Plat for the Community Garden Lot – Mr. Boyd Davis**
   Mr. Davis stated that this item has been discussed with the Council in previous meetings and is regarding a parcel in the Sandy Meadows Subdivision that is owned by the City. The property is located at 2150 W 470 N and 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. To do so, the subdivision plat will need to be amended to designate the lot as such. However, when the amended plat was being prepared, the surveyors discovered that the existing fence line is not on the actual property line, and the setback of the house to the west was measured from that fence line rather than from the actual property line. Because the fence has been in place for more than 20 years and that home would technically be non-compliant if the property line were left where it is shown on the plat, the amended plat designates the fence line as the new property line, thereby requiring that the lot with the existing home be recorded as a "new" amended lot, Lot 1, and the City's property will be designated as Lot 2. Mr. Davis noted that the City's property is decreased by about 800 sq. ft. with this property line change, but Utah State Law requires that a fence line that has been in place over a period of years be held as the property line. Although smaller, Lot 2 is still over 10,000 sq. ft., which meets the minimum lot size requirement for this zone.

   Staff recommends approval of the amended plat and the Council had no further discussion at this time. Consideration of final approval is on the agenda in tonight's General Session.

***Mayor Craythorne disclosed that he is involved with the following subdivision and recused himself from the discussion. Mayor Pro Tem Petersen presided over the meeting for this agenda item. ***

2. **Discussion Regarding Final Plat Approval of Phase 4 of the Craythorn Homestead Subdivision – Mrs. Bryn MacDonald**
   Mrs. MacDonald stated that Phase 4 of this subdivision consists of 17 lots and is located just north of 700 S and 4500 W. The Planning Commission approved Phase 4 at their last meeting, and did not have any concerns in granting that approval. There are no special amenities/improvements required for this development and Staff recommends approval.

   The Council had no further discussion on Phase 4 and will consider final approval at the next meeting.

***Mayor Craythorne resumed to preside over the remainder of the meeting. ***

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

Mrs. MacDonald stated that the Planning Commission has had several discussions on the proposed revisions of the City's land use and development codes, having now gone through the entire final draft twice. They held a public hearing at their last meeting and there were some citizen comments, although they were mostly in regards to questions and clarifications, with no comments expressing strong opposition. After the public hearing, the Planning Commission did approve the final draft for recommendation of approval to the Council, although it was not a unanimous decision. The dissenting vote was largely in regards to concerns about the process for amending the City's General Plan. Mrs. MacDonald stated that she would go over this issue in-depth during as part of this discussion.

This major code revision removes all sections of the current City Code regarding land use and development and replaces them with a new "Land Use and Development" Code. She explained that it will be much easier for both Staff and developers to have all of the provisions combined into one central section. She explained that many of the changes were made simply to bring the City's Code into compliance with State Code.

Mrs. MacDonald recognized Troy Moyes, the City Planner, who has done extensive work on preparing the 160-page final draft, which was included in its entirety with the Staff Report for this item. The draft is also color-coded, with blue representing State Code changes, red representing policy changes, and green representing text/technical changes.

The proposed changes can be placed in one of four categories and are summarized as follows:

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:
    a. Temporary regulations, exactions, and vested rights
    b. Noticing requirements for zoning amendments
    c. Appeal authority
    d. Conditional uses
    e. 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

Mr. Moyes also provided the Council with a chart summarizing the proposed policy/ changes in comparison with the current Code and where the revision is located:

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.	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 fills this role.	City Council will appoint a Hearing Officer that will serve for 2 years. That person will be law trained or significate 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)

In regards to amendments to the General Plan, Mrs. MacDonald stated that the City does not currently have a process in place for a developer or property owner to request a change to the General Plan for a project, and only allows for the General Plan to be amended through a rezone request. The proposed process is similar to the zoning request process, wherein it begins with the submittal of an application to the City requesting the amendment. With their request, they would be required to submit supporting documentation like maps, conceptual site plans, project detail, etc. so that the City can consider what is being proposed and how it may or may not be a project they would approve amending the General Plan to allow for. Mrs. MacDonald noted that a change to the General Plan is a legislative decision and the Council can always deny the request, but by including a defined processed in City Code, it puts in place a more 'official' route for a developer to bring their proposal before the Planning Commission and City Council and have their request be approved or denied. She added that the Council will likely want to there to be "a really good reason" for amending the General Plan and this provides a process for a developer to follow that includes providing enough information about their intentions for a property to make his/her case for why it should be amended. Mrs. MacDonald noted for the Council that the reason the Planning Commission's approval of the proposed code revisions was not unanimous was largely due to a difference of opinion on whether or not there should even be a process that allows for developers and/or property owners to officially request to amend the General Plan.

Mayor Craythorne stated that in some of his discussions regarding this amendment process, the idea of only accepting applications to amend the General Plan during certain times throughout the year was raised, and inquired as to whether the Planning Commission considered including this type of restriction. He stated that some of the surrounding cities have some sort of designated time(s) in their code for when they will accept applications and some that do not. Of those that do not, he is aware that many have had issues of being inundated with applications throughout the year that constantly have to be processed. Mrs. MacDonald stated that the Planning Commission did discuss this idea, but ultimately approved not including specific timeframes for when applications would be accepted and see whether or not it works; if found to be needed, the process could be amended to

include some sort of application period. However, she reminded the City Council that they have the authority to modify the Planning Commission's proposed final draft as they choose. The Council discussed the different options and tentatively settled on restricting the application period to two times per year, most likely in the fall and spring, wherein amendment requests would be accepted. Additionally, the Council wanted to include a one-year waiting period before a new amendment request on the same property(s) can be submitted after being denied. However, Mr. Laws expressed his concern that, because commercial development is usually very time-sensitive, the situation could arise wherein the City would miss out on what could be a great, beneficial commercial opportunity because a business did not want to wait several months for the application period to be open. The Council felt that this was a valid concern and determined that the City Council should have the ability to initiate the General Plan amendment process anytime it chooses, which they may want to do in that type of situation.

Through this discussion, the question arose regarding whether or not the current rezoning process should be modified to prohibit rezone requests that are against the General Plan, which essentially would be an amendment request, as there would now be this separate process the applicant should go through in that situation. Mrs. MacDonald stated that State Law does not require that a city follow its general plan and it is a city's code that designates how closely the general plan is to be followed when considered a rezone request. The Council was in agreeance that if a property owner or developer wants a different zone than what is designated on the General Plan, they must go through the amendment process and not the rezone process. The Council felt that as the new amendment process requires more information from the applicant about their intentions for the property, it will better ensure that the end result of the project is in line with what was expected when the zoning designation was approved. Mrs. MacDonald stated that one of the next big projects for the City is updating the General Plan and as those updates are worked through and revisions made, the City will likely have more confidence in the zoning and planning decisions reflected in the General Plan and be able to rely more heavily on it when considering all zoning requests.

Logistically, Mrs. MacDonald noted that an application fee will need to be established and approved by the Council in the City's Fee Schedule for all General Plan amendment applications; this would need to be a significant fee as amending a general plan involves a lot of time from Staff, noticing requirements and costs, etc. Mayor Craythorne asked the Council to consider what an appropriate fee would be for this type of application and share their thoughts during the next discussion of the proposed code changes.

Mrs. MacDonald stated that the Council has had the opportunity to discuss all of the proposed changes in previous meetings; however, they have only had the opportunity to briefly discuss residential encroachment standards, and she would like more feedback from the Council on the proposed revisions. The current language does not have a restriction on how close features like porches, decks, balconies, etc., can be to the rear property line; there are minimum setbacks for the actual home, which is measured from the outer most foundation wall, but these features can essentially go right up to the very back edge of a property. Staff clarified for the Council that the Code defines these structures as those that are 30 in. or higher off of the ground (which would not include features like a cement patio). The Planning Commission has recommended that there be a rear setback minimum from the fence line of at least 10 ft. The Council discussed this proposed restriction and several concerns were raised. One concern was in regards to properties where the fence line may not be on the property line due to an easement or being on a corner lot, and this standard would have a greater restriction on these property owners in being able to use the space they have available in their backyards. Another issue was in regards to what the setback should be for a structure like this that is in the side yard rather than in the backyard, especially as some subdivisions have homes with only 8 ft. side yard setbacks. Lastly, there was a question as to where the 30 in. standard was measured from – whether it is from the top of the floor of the structure or from the bottom. Mrs. MacDonald stated that the Planning Commission had some of these same concerns and although they discussed the issues extensively, were not able to come to a unanimous consensus.

Mayor Craythorne noted that in comparison to many other cities, West Point's Code is "very liberal" when it comes to restrictions on what can and cannot be in a property's backyard (aside from accessory buildings), as many have regulations on the height and width of these types of architectural features in addition to setback requirements. Council Member Petersen stated that this may be an issue to consider further, because as Council Members, part of their responsibility is to protect the privacy of residents in their homes and subdivisions; a tall deck or patio on a home that encroaches up to the fence or property line would likely feel intrusive to those living in the neighboring home. The Council decided to include the proposed 10 ft. setback restriction with this code revision so as not to delay the process, but with the intention to revisit this section in the near future to consider other options and possibly make further modifications.

The Council will hold a public hearing at the next meeting (August 3rd) and if comfortable, consider final approval of the revisions at the following meeting.

4. Other Items

The Administrative Session adjourned.

3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

West Point City Hall

July 20th, 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 July 20, 2021 at 7:00 PM with Mayor Erik Craythorne presiding. This meeting was also available via electronic Zoom Meeting and was accessible to attendees by entering Meeting ID #842 9817 8402 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; Bryn MacDonald, Community Development Director; Ryan Harvey, Administrative Services Director; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

EXCUSED: None

VISITORS PRESENT: Brian Vincent
No sign-in required for online attendees.

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

Council Member Judd – none

Council Member Petersen – none

Council Member Dawson – The North Davis Sewer District was able to refinance some of their existing bonds with much lower interest rates, which will end up saving over $2 million in interest fees over the course of the loans. Council Member Dawson sated that this was a great thing the District was able to do.

Council Member Henderson – None

Council Member Chatterton – The Mosquito Abatement District Davis has been hard at work this year, performing their regular abatement tactics and strategies. The State Duck Club in Farmington and Mills Pond in West Bountiful have both had a mosquito pool test positive for West Nile Virus, which is carried by the Culex tarsalis mosquito species. Another species, the Culex dorsalis, has been particularly pesky this year, but are not carriers of the West Nile Virus. The District has had some issues being short-staffed at times due to employees having COVID, such as the pilot coming down with the virus and not being able to do as much plane-spraying this year, and they currently have some job openings. Council Member Chatterton encouraged anyone who may be interested to contact the District for more information.

Mayor Craythorne – None

5. **Communications from Staff**

DRAFT

Mr. Laws stated that the annual summer party for Staff, Council, Planning Commission, and their families is normally held the first part of August, and would like the Council's feedback on whether they would like to hold it this year after it was cancelled in 2020 because of COVID. The Council was in agreeance that the get-together should be held as normal and directed Staff to move forward with planning the event.

Tomorrow, Wednesday the 21st, an Annexation Open House will be held at City Hall. The Parker Place annexation was denied last year due to the proposed property creating an island, and the petitioners have since been meeting with the surrounding landowners to try and get their support for their properties to be included in a new annexation petition in order to be contiguous to the City's boundaries. From this, many of the property owners in that area that have been approached have wanted more information about the possible annexation and how they will be affected. Mr. Laws stated that this will be an informational event where those residents can come and hopefully get some of their questions answered by Staff. He also hopes to be able to explain that an annexation is initiated by property owners, *not* the City, and that the City is not advocating either way.

On Thursday the 22nd of this week, there will also be a Meet the Candidates Night from 6 – 8 PM at City Hall to provide residents with the opportunity to meet and converse with this year's candidates for City Council and Mayor before casting their Primary Election ballots.

Lastly, Mr. Laws reminded the Council that a Special Meeting will be held on August 24th in order to approve the Primary Election Canvass. The meeting will be available for them to attend either in-person at City Hall or via Zoom.

6. Citizen Comment

No comments

7. Consideration of Approval of the Minutes from the June 15th, 2021 West Point City Council Meeting

Council Member Judd motioned to approve the June 15th, 2021 Meeting Minutes
Council Member Henderson seconded the motion
The Council unanimously agreed

8. Consideration of Approval of the Minutes from the July 6th, 2021 West Point City Council Meeting

Council Member Chatterton motioned to approve the July 6th, 2021 Meeting Minutes
Council Member Dawson seconded the motion
The Council unanimously agreed

9. Consideration of Approval of the Final Plat of the Harvest Fields Subdivision Phases 7 and 8 – Mrs. Bryn MacDonald

Mrs. MacDonald summarized that this subdivision has been discussed by the Council several times, with the final plats of Phases 7 and 8 being discussed at the previous meeting. She summarized that these two phases were designed in conjunction with one another, however, only Phase 7 will be developed at this time; construction of Phase 8 will begin at some point in the future, but is being presented to the Council with Phase 7 because they were engineered together. The Council has previously approved the request for an exception to start Phases 2 & 7 at the same time as Phases 3-6. The Council has also approved the Final Plat of Phase 2, but construction of Phase 1 was put on hold while the developer focused on other phases. The applicant has now submitted the final plats for Phases 7 and 8 and is requesting they both be approved at this time. If approved, Phases 1 through 8 of the subdivision will all have been given final plat approval, however, due to the City's Code restricting simultaneous develop of phases, they only have approval to build Phases 2 through 7 at this time.

Mr. Davis confirmed for Council Member Chatterton that the phases will have the required amount of accesses for the number of lots and also that the 1200 S road should be completed by the end of summer.

The Council had no further discussion.

Council Member Petersen motioned to approve the Final Plat for Phases 7 and 8
Council Member Judd seconded the motion
The Council unanimously agreed

10. Consideration of Approval of the Amended Plat for the Community Garden Lot – Mr. Boyd Davis

Mr. Davis stated that this item was discussed earlier in tonight's Administrative Session and summarized that this property is 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. 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. To do so, the subdivision plat will need to be amended to designate the lot as such. Additionally, when the amended plat was being prepared, the surveyors discovered that the existing fence line is not on the actual property line, and the setback of the house to the west was measured from that fence line rather than from the actual property line. Because the fence has been in place for more than 20 years, the amended plat designates the fence line as the new property line, thereby requiring that the lot with the existing home be recorded as a "new" amended lot, Lot 1, and the City's property will be designated as Lot 2 on the new "Sandy Bison West" plat map. He explained that the County Recorder requested that the amendments to the two lots be done on one plat. Mr. Davis noted that the City's property is decreased by about 800 sq. ft. with this property line change, but Utah State Law requires that a fence line that has been in place over a period of years be held as the property line.

The Council had no further discussion.

Council Member Petersen motioned to approve the amended plat
Council Member Dawson seconded the motion
The Council unanimously agreed.

***Mayor Craythorne disclosed that he is the owner and developer of the following subdivision and recused himself. Mayor Pro Tem Petersen presided over the meeting for this agenda item. ***

11. Consideration of Approval to Place the Littlefield Subdivision Phase 2 on One0Year Warranty – Mr. Boyd Davis

Mr. Davis stated that Phase 2 of the Littlefield Subdivision is a one-lot subdivision located at 710 N 2400 W. Phase 2 includes the cul-de-sac that was unfinished at the north end of 2400 W. All of the required items have been completed, including the silicone on the asphalt, streetlight, and sidewalk. Staff recommends that Phase 2 be put on one-year warranty.

The Council had no further discussion

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

12. Discussion Regarding Current Drought Conditions – Mr. Kyle Laws

Mr. Laws stated that the Davis and Weber Counties Canal Company has issued notice that they will be shutting off the secondary water on September 1st, which is a month earlier than the already adjusted date of October 1st, which was already going to be shortening the water season by two weeks (regular shut off date is October 15th). In a previous meeting, the Council had discussed the drought conditions and agreed that the requirement to complete landscaping of new construction

should not be enforced, but DWCC is asking that cities go a step further and actually discourage any new landscaping to be done. Staff stated that funds for the landscape costs would be placed in an escrow account to ensure that the landscaping could be completed by the homeowner when water conditions improve.

Mayor Craythorne stated that with this notice from DWCC, he would like to have the Council consider the option of closing down the City's Splash Pad in the near future rather than on the Monday after Labor Day weekend. The Mayor believes that residents will be understanding of why it was being shutoff early and that it shouldn't be too polarizing of an issue. However, he felt that it is a decision big enough that it needed to be made by the Council rather than himself or City Staff. The Council agreed that in light of the current conditions, it would be appropriate to turn the Splash Pad off early. With the Pioneer Day holiday the coming weekend, the Council felt that it should remain open through Saturday, July 24th. Staff was directed to place signs as soon as possible at the Splash Pad in order to inform those who go there in the next few days that it will be turned off, as well as posting it on Facebook and the City's website.

13. Motion to Move into a Closed Session

Council Member Dawson motioned to move into a Closed Session
Council Member Petersen seconded the motion
The Council unanimously agreed.

Closed Session

1. Motion to Open Closed Session
Council Member Petersen 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 20th, 2021 Closed Session to order

Roll Call -
Mayor Erik Craythorne
Council Member Gary Petersen
Council Member Annette Judd
Council Member Jerry Chatterton
Council Member Andy Dawson
Council Member Kent Henderson
Planning Commission Chair Brian Vincent

Kyle Laws, City Manager
Boyd Davis, Assistant City Manager
Ryan Harvey, Administrative Services Director
Bryn MacDonald, Community Development Director
Paul Rochell, Public Works Director
Casey Arnold, City Recorder

3. Closed Discussion Regarding the Sale and/or 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 Henderson seconded the motion
The Council unanimously agreed

14. Motion to Adjourn the General Session

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

_____ August 17th, 2021
ERIK R. CRAYTHORNE, MAYOR

_____ August 17th, 2021
CASEY ARNOLD, CITY RECORDER

DRAFT

City Council Staff Report

Subject: Boundary Line Adjustment
Author: Bryn MacDonald
Department: Community Development
Date: August 17, 2021

Background

The City has received a request from a developer to do a boundary line adjustment with Clinton City. The adjustment would move approximately 25 acres from Clinton into West Point. The first step in the process is for the Council to adopt a Resolution of Intent to adjust the common boundary.

Analysis

The proposed boundary line adjustment contains 3 parcels, with two different property owners. One parcel is owned by Compton and is proposed for development. The other two parcels are owned by UDOT as remnants from the West Davis Corridor.

The process to do a boundary line adjustment is laid out in State Statute Section 10-2-419. It states that two municipalities may adjust their common boundaries if the legislative bodies of both cities follow the process as outlined below:

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 boundary line adjustment takes effect, per State code, on the date of the lieutenant governor's issuance of a certificate of boundary adjustment.

This property is not currently on the West Point General Plan, because it is located within Clinton City. If the boundary line adjustment is approved, the general plan will need to be amended at some point to include this property.

Similar to annexation, the City Council will need to assign a zone to the property at the time they approve the boundary line adjustment ordinance. Utah State Code section 10-9a-506 states the following:

> *The legislative body of each municipality shall assign a land use zone or a variety thereof to territory annexed to the municipality at the time the territory is annexed.*

The West Point City Zoning Ordinance states:

17.25.060 Designation of district(s) upon annexation.
A. The city may assign a zoning designation to the territory annexed to the municipality at the time the territory is annexed.
B. If the city council does not assign a zone to the territory at the time it is annexed, the territory annexed to the city shall be zoned according to the zone of West Point City with which the territory has the longest common boundary.

At such time as the City Council approves the boundary line adjustment, a zoning designation must be assigned to the property. Zoning can be designated in a couple different ways:

1. The developer can submit a zoning application concurrently with the boundary line process. These can proceed at the same time, and the zoning and boundary line can be approved concurrently.
2. The City Council can assign a holding zone (such as A-5) at the time of the boundary line adjustment. The developer can then submit a zoning application and go through the process.

Recommendation

Staff recommends approving the resolution of intent. This is the first step in the process and starts the noticing period. This resolution does not approve the boundary line adjustment nor does it require us to approve the adjustment in the future.

Significant Impacts

The proposed boundary line adjustment would have an impact on the City, by increasing the size of the City by approximately 24.5 acres. The City would be required to provide services to this property, but would also receive property tax from the residents.

Attachments

1. Resolution of Intent
2. Boundary line exhibit

RESOLUTION NO. 08-17-2021B

A RESOLUTION EXPRESSING WEST POINT CITY'S INTENT TO ADJUST A COMMON BOUNDARY WITH CLINTON CITY

WHEREAS, A property owner has expressed the desire that certain property (depicted and described on **Exhibit 1**, attached and incorporated hereto) currently within the municipal boundaries of Clinton City be disconnected from Clinton and placed within the municipal boundaries of West Point City; and

WHEREAS, Utah Code §10-2-419 permits the legislative bodies of two or more municipalities having common boundaries to adjust their common boundaries; and

WHEREAS, West Point City has determined that certain characteristics of the property favor placement of the property within the municipal boundaries of West Point City rather than in Clinton City; and

WHEREAS, Clinton City has or will adopt a resolution to express its intent to adjust its common boundary with West Point City, in accordance with Exhibit 1;

NOW THEREFORE, Be it hereby ordained and enacted by the West Point City Council the following:

1) The West Point City Council hereby expresses its intent to adjust its mutual boundary with Clinton City, in accordance with Utah Code section 10-2-419.

2) Such mutual boundary adjustment shall be as depicted on Exhibit 1, and involves approximately 24.229 acres located south of the Clinton Drain.

DATED this 17th day of August, 2021.

WEST POINT CITY, a Municipal Corporation

By: _____
Erik Craythorne
Mayor

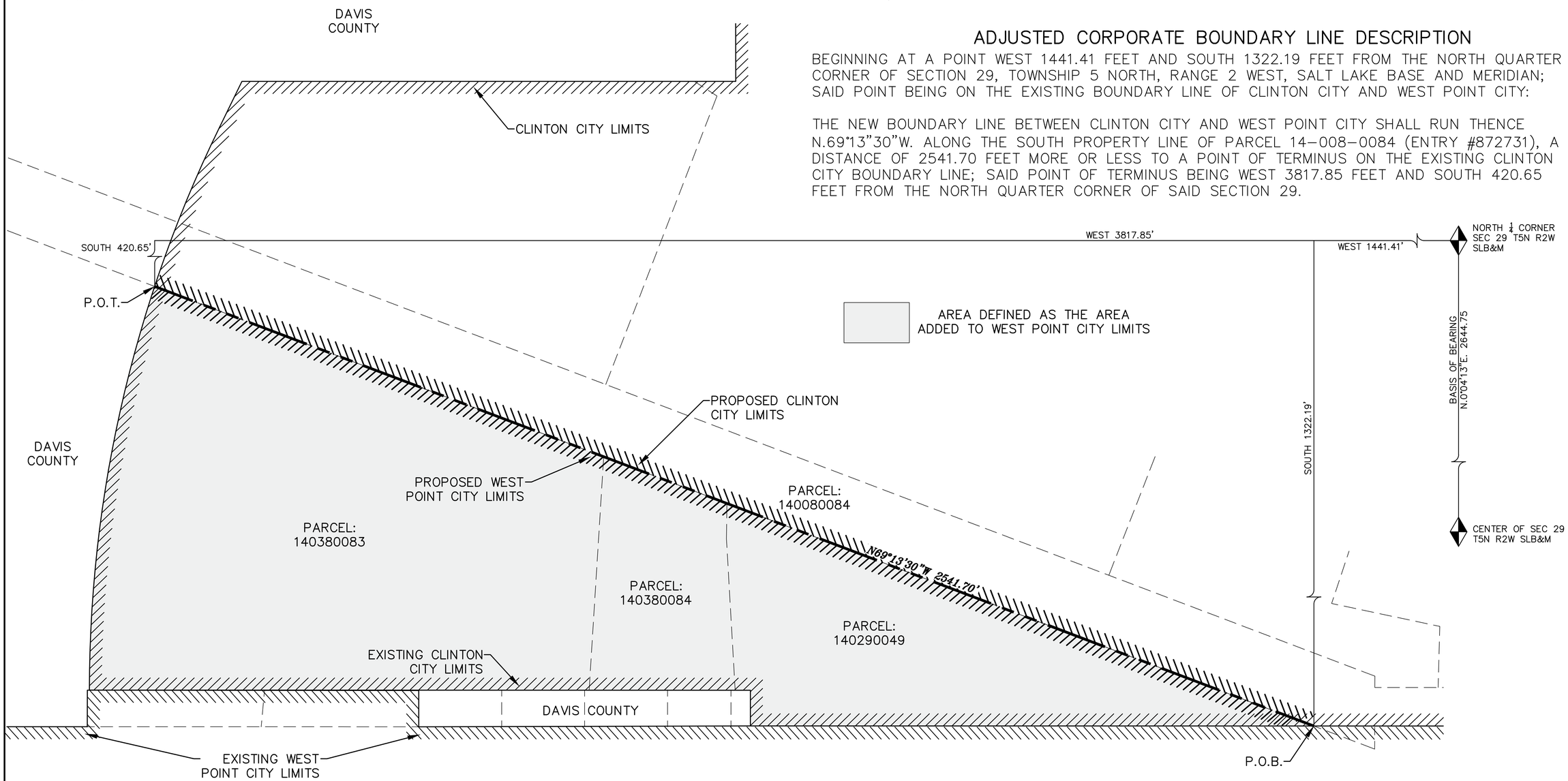
ATTEST:

_____
Casey Arnold
City Recorder

EXHIBIT – BOUNDARY LINE ADJUSTMENT BETWEEN CLINTON CITY AND WEST POINT CITY

LOCATED IN THE NORTHEAST CORNER OF SECTION 30 AND NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. DAVIS COUNTY, UTAH

(24"x36")
SCALE 1" = 100'
(11"x17")
SCALE 1" = 200'



ADJUSTED CORPORATE BOUNDARY LINE DESCRIPTION

BEGINNING AT A POINT WEST 1441.41 FEET AND SOUTH 1322.19 FEET FROM THE NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; SAID POINT BEING ON THE EXISTING BOUNDARY LINE OF CLINTON CITY AND WEST POINT CITY:

THE NEW BOUNDARY LINE BETWEEN CLINTON CITY AND WEST POINT CITY SHALL RUN THENCE N.69°13"30"W. ALONG THE SOUTH PROPERTY LINE OF PARCEL 14–008–0084 (ENTRY #872731), A DISTANCE OF 2541.70 FEET MORE OR LESS TO A POINT OF TERMINUS ON THE EXISTING CLINTON CITY BOUNDARY LINE; SAID POINT OF TERMINUS BEING WEST 3817.85 FEET AND SOUTH 420.65 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 29.

Northern ENGINEERING INC
ENGINEERING–LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802–8992

K:\3-20-079-00 West Point\CAD\Concept\West Point Concepts.dwg 6/14/2021 4:54 PM

Planning Commission Staff Report

Subject: Land Use and Development Code
Author: Bryn MacDonald
Department: Community Development
Date: August 17, 2021

Background

The City has spent the last year working on a revision to the zoning ordinance. There have been several work meetings with the Planning Commission and City Council. The primary purpose of the proposed new Land Use and Development Code (Title 17) is to revise areas of the code that are not in line with the State Code, consolidate standards in other titles, clarify approval processes, and address and update standards on specific topics.

The Planning Commission has held several work meetings to discuss the new code. The PC held a public hearing on July 8, 2021, and recommended approval of the code. The City Council held a public hearing on August 3, 2021.

Analysis

This item is an amendment to the zoning ordinance. This requires a public hearing be held by the Planning Commission and a recommendation be made to the City Council. The PC held a public hearing on July 8, 2021, and has made a recommendation to the City Council to approve the ordinance. The City Council held a public hearing on August 3, 2021. The City Council can now adopt the amendment as proposed, modify the amendment, or reject the amendment.

The proposed changes can be placed into one of 4 categories:

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 you 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:
    a. Temporary regulations, exactions, and vested rights
    b. Noticing requirements for zoning amendments
    c. Appeal authority
    d. Conditional uses
    e. 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" to be consistent throughout the code or clarifying 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. These have been reviewed by the Planning Commission during the past several months and include 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

During the meeting on August 3, 2021, the City Council discussed the changes to the General Plan process. The conversation was regarding the timing of applications, and if there should be a limited time each year that applications to amend the general plan were accepted. There was also conversation about not be able to submit another application if a request was denied. Based on this conversation, the General Plan section of the ordinance was amended as follows: *(The underlined sections are new)*

17.00.090 Amendments to Land Use Regulations and the General Plan.

A. The City Council, after a recommendation from the Planning Commission, may amend the number, shape, boundaries, or area of any zone; any regulation of or within the zone; the general plan, or any other provisions of this title.

B. Amendments may be initiated by the City Council, the Planning Commission, or by one or more owners of property affected by the proposed amendment. Unless initiated by the City Council or Planning Commission, no amendment shall be considered without evidence of the acquiescence therein of the owners of the property involved.

C. <u>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 initiating a general plan amendment at any time.</u>

D. In case an application for a change of zone is denied, a new application for the same zoning change affecting the same property shall not be eligible for reconsideration for one year subsequent to such denial.

E. <u>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 the disapproval. This section shall not limit the City Council, Planning Commission, or authorized City staff from initiating a general plan amendment at any time.</u>

<u>Recommendation</u>

The Planning Commission recommended approval of the new Land Use and Development Code.

<u>Significant Impacts</u>

None

<u>Attachments</u>

Draft Land Use and Development Code

Ordinance

ORDINANCE NO. 08-17-2021B

AN ORDINANCE AMENDING THE WEST POINT CITY CODE TO REPEAL TITLES 16 & 18 AND CHAPTERS 2.60, 15.15, & 15.20, AND CREATE A NEW TITLE 17 - *LAND USE AND DEVELOPMENT*

WHEREAS, the West Point City Council for and on behalf of West Point City, State of Utah (hereinafter referred to as the "City") has determined to create Title 17 - *Land Use and Development* and repeal Chapter 2.60 - *Planning Commission*, Chapter 15.15 - *Residential Construction*, Chapter 15.20 - *Commercial Industrial and Institutional Development*, Title 16 - *Subdivisions*, and Title 18 - *Land Use*, of the West Point City Code; and

WHEREAS, a public hearing was duly held and the interested parties were given an opportunity to be heard; and

WHEREAS, the City Council has duly considered said amendments; and,

WHEREAS, the City Council, after due consideration of said amendments, has concluded that it is in the best interest of the City and the inhabitants thereof that said amendments be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST POINT CITY, UTAH as follows:

Section One: **Repeal of Existing Chapters**

The existing Chapter 2.60 - *Planning Commission*, Chapter 15.15 - *Residential Construction*, Chapter 15.20 - *Commercial Industrial and Institutional Development*, Title 16 - *Subdivisions*, and Title 18 - *Land Use,* of the West Point City Code are hereby repealed.

Section Two: **Adoption of New Provisions**

Title 17 - *Land Use and Development* of the West Point City Code is adopted to read as contained in Exhibit A, attached hereto and incorporated by this reference.

Section Three: **Severability**

In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

Section Four: **Effective Date**

This Ordinance shall take effect immediately upon passage and adoption and publication of a summary as required by law.

DATED this 17th day of August, 2021.

WEST POINT CITY, a Municipal Corporation

By: _____
Erik Craythorne
Mayor

ATTEST:

_____
Casey Arnold
City Recorder

EXHIBIT A

Title 17 Land Use and Development Code

Chapter 17.00
Administration and Enforcement

17.00.010 Short title.
17.00.020 Purpose.
17.00.030 Intent.
17.00.040 Effect on previous ordinances and maps.
17.00.060 Conflict.
17.00.070 Nuisance and abatement.
17.00.080 Penalties.
17.00.090 Amendments to Land Use Regulations and the General Plan.
17.00.100 City Compliance.
17.00.110 Temporary Regulations.
17.00.120 Exactions.
17.00.130. Vested Rights.
17.00.140 Private Property Protection Procedures.
17.00.150 Eminent Domain Guidelines.
17.00.160 Impact Fees.
17.00.170 Development Agreements

17.00.010 Short title.
This title shall be known as the *Land use and development code or the "Code*" of West Point City and may be so cited and pleaded. Said title shall be referred to herein as "this title," and the chapters and sections hereinafter referred to shall be chapters and sections of this title.

17.00.020 Purpose.
This title and the regulations and restrictions contained herein are adopted and enacted for the purpose of enacting the rules and regulations for land use in West Point. The General Plan is the foundation for establishing goals, purposes, and activities allowed on each land parcel to provide compatibility and continuity to the entire region as well as each individual neighborhood for the present and future inhabitants of West Point City. The General Plan sets a future vision for the City and the zoning implements that vision. The land use and development code is adopted to implement the evolving objectives of the General Plan and the following goals:

A. To encourage and facilitate the orderly growth and development of the City.
B. To provide adequate open space for light and air, to prevent overcrowding of the land, and to lessen congestion on the streets.
C. To secure economy in municipal expenditures, to facilitate adequate provision for transportation, water, sewage, schools, parks and other public facilities and services.
D. To increase the security of home life and preserve and create a more favorable environment for the citizens and visitors of West Point City.
E. To secure safety from fire and other dangers.
F. To stabilize and improve property values.
G. To enhance the economic and cultural well-being of the inhabitants of West Point City.
H. To promote the development of a serviceable and attractive City resulting from an orderly, planned use of resources and infrastructure.

17.00.030 Intent.
It is hereby declared to be the intent of the City Council of West Point City that this title and the regulations set forth herein shall be so construed as to further the purpose of this title and promote the objectives and characteristics of the respective zone.

17.00.040 Effect on previous ordinances and maps.
The existing ordinances of West Point City covering planning and the zoning of areas in the City in their entirety and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this title, including the attached maps, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances are included in this title, whether in the same or in different language; and this title shall be so interpreted upon all questions of construction, including but not limited to questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses, buildings or structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

17.00.050 Interpretation.
In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. The Community Development Director shall act as the land use authority to interpret the ordinance to members of the public, City departments, and to other branches of government, subject to general and specific policies established by the Planning Commission and City Council. Upon request, the Community Development Director shall make a written interpretation of the text of this title.

17.00.060 Conflict.
This title shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive. All Federal and State laws shall apply.

17.00.070 Nuisance and abatement.
Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, and any use of any land, building, or premises established, conducted, or maintained contrary to the provisions of this title, shall be, and the same hereby is declared to be unlawful and a public nuisance, and the City Attorney of West Point City shall, upon request of the City Manager, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this title. The remedies provided for herein shall be cumulative and not exclusive.

17.00.080 Penalties.
Any person, firm, or corporation, whether as principal agent, employed or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be guilty of a Class C misdemeanor. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this title is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

17.00.090 Amendments to Land Use Regulations and the General Plan.

A. The City Council, after a recommendation from the Planning Commission, may amend the number, shape, boundaries, or area of any zone; any regulation of or within the zone; the general plan, or any other provisions of this title.
B. Amendments may be initiated by the City Council, the Planning Commission, or by one or more owners of property affected by the proposed amendment. Unless initiated by the City Council or Planning Commission, no amendment shall be considered without evidence of the acquiescence therein of the owners of the property involved.

C. 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 initiating a general plan amendment at any time.

D. The amendments may only occur in accordance with the following procedure:

1. Submission: Any person, including staff, the Planning Commission or City Council, seeking an amendment to this title, the zoning map or the general plan shall submit to the Planning Commission, on application forms provided by the City, generally including the following:
    a. A description of the specific amendment to this title or zoning map.
    b. The reason and justification for the proposed amendment addressing all of the following:
        i. How the proposed amendment would further the purpose and intent of this title.
        ii. How the proposed zoning amendment is consistent with the general plan.
        iii. How the proposed amendment meets the needs and policy of the City as expressed by the legislative body in stated goals and objectives found in the general plan; and
        iv. If the proposed amendment is inconsistent with the general plan, the applicant shall submit, concurrently with the amendment application, an application for amendment to the general plan.
2. Supporting documentation, maps, conceptual site plans, elevations of proposed buildings, studies and any other information that would promote informed decision-making by the City Council:
3. The payment of the appropriate fee in accordance with the City fee schedule.
4. Upon receipt of the application, the Planning Commission, in its regularly scheduled meeting, shall conduct a public hearing and receive information from the applicant and other interested parties, which may affect the request for amendment. The Planning Commission, after consideration of this information, shall make a recommendation to the City Council on the proposed amendment.
5. A copy of any proposed amendment shall be submitted to the City Council and shall be accompanied by the recommendations of the Planning Commission.
6. After receipt of a copy of any amendment from the Planning Commission and before adopting any amendment, the City Council shall set the matter for public hearing.
7. After the public hearing, the City Council may:
    a. Adopt the amendment as proposed,
    b. Modify the amendment and adopt or reject the amendment; or
    c. Reject the amendment.

E. In case an application for a change of zone is denied, a new application for the same zoning change affecting the same property shall not be eligible for reconsideration for one year subsequent to such denial.

F. 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 the disapproval. This section shall not limit the City Council, Planning Commission, or authorized City staff from initiating a general plan amendment at any time.

G. Conditions to Zoning Map Amendments:

1. In order to provide more specific land use designations and land development suitability, to ensure that proposed development is compatible with surrounding neighborhoods, and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:
    a. Uses;
    b. Dwelling unit density;
    c. Building square footage; and

d. Height of structures.

2. A zoning map amendment attaching any of the conditions set forth in subsection J1 of this section shall be designated "ZC" after the zoning classification on the zoning map.
3. If any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to a zoning condition shall be considered an amendment to this title and shall be subject to the requirements of this chapter.
4. The attachment of conditions to any zoning map amendment shall not affect the applicability of the requirements of any conditional use.

17.00.100 City Compliance.

The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

17.00.110 Temporary Regulations.

A. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:
   a. the legislative body makes a finding of compelling, countervailing public interest; or
   b. the area is unregulated.
B. A temporary land use regulation under Subsection (A) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
C. A temporary land use regulation under Subsection (A) may not impose an impact fee or other financial requirement on building or development.
D. The City Council shall establish a period of limited effect for the ordinance not to exceed six months.

17.00.120 Exactions.

The City may impose an exaction or exactions on proposed land use development if:

A. an essential nexus exists between a legitimate governmental interest and each exaction; and
B. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

17.00.130. Vested Rights.

An applicant is entitled to approval of a land use application if:

A. The application conforms to the requirements of the zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
B. The governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
   1. in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

C. The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
   1. 180 days have passed since the proceedings were initiated: and
   2. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
   3. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

D. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence. The City shall not

impose on a holder of an issued land use permit a requirement that is not expressed in the land use permit or in documents on which the land use permit is based or in the City ordinances.

E. The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed in the building permit or in documents on which the building permit is based or in the City ordinances.

F. The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

17.00.140 Private Property Protection Procedures.

A. Policy considerations. The City favors the careful consideration of matters involving constitutional taking claims as defined by the Private Property Protection Act (hereinafter referred to as the "Act"). The legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property must be consistent with the Constitution. It is desired that a procedure be established for the review of actions that may involve the issue of a constitutional taking. This Section shall assist the City in considering decisions that may involve constitutional takings. This Section is intended to provide a means for review of claims by citizens that a specific City action should require payment of just compensation yet preserve the ability of the City to regulate real property and fulfill its other duties and functions.

B. Regulating provisions.

1. "Constitutional taking" means actions by the City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:
    a. The Fifth or Fourteenth Amendment to the Constitution of the United States;
    b. Article I, Section 22, of the Utah Constitution;
    c. Any recent court rulings applicable to the physical taking or exaction of private real property by a government entity.
2. Actions by the City involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction:
    a. Bears a reasonable nexus to a legitimate governmental interest; and
    b. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.
3. This chapter does not apply when the City formally exercises its power of eminent domain.

C. Guidelines advisory. The guidelines adopted and decisions rendered pursuant to the provisions of this chapter are advisory only and shall not be construed to expand or limit the scope of the City's liability for a constitutional taking.

D. Review of decision. Any owner of private real property who claims there has been a constitutional taking of private real property may request a review of a final decision of any officer, employee, board, commission, or council of the City. The following are specific procedures established for such review:

1. The person requesting a review (hereinafter referred to as the "appellant") must have obtained a final and authoritative determination, internally, within the City relative to the decision from which the review is requested.
2. Within 30 days from the date of the final decision that gave rise to the concern that a constitutional taking has occurred, the appellant shall file, in writing, in the office of the City recorder a request for review of that decision. A copy shall also be filed with the City Manager and the City attorney.
3. The City Council shall immediately set a time to review the decision that gave rise to the constitutional takings claim.

4. In addition to the written request for review, the appellant must submit, prior to the date of the review, the following:
    a. Name of the appellant.
    b. Name and business address of the current owner of the property, form of ownership, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.
    c. A detailed description of the grounds for the claim that there has been a constitutional taking.
    d. A detailed description of the property alleged to have been taken.
    e. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged constitutional taking, the name of the party from whom purchased, including the relationship, if any, between the appellant and the party from whom the property was acquired.
    f. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest.
    g. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application.
    h. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application.
    i. The assessed value of and ad valorem taxes on the property for the previous three years.
    j. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including, but not limited to, right of purchasers to assume the loan.
    k. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years.
    l. All studies commissioned by the appellant or agents of the appellant within the previous three years concerning feasibility of development or utilization of the property.
    m. For income-producing property, itemized income and expense statements from the property for the previous three years.
    n. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
    o. The City Council may request additional information reasonably necessary, in its opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.
    p. An appeal shall not be deemed to be perfected until the City Recorder certifies to the appellant that all the materials and information required have been received by the City. The City recorder shall promptly notify the appellant of any incomplete application.

5. The City Council shall hear all the evidence related to and submitted by the appellant, City, or any other interested party.
6. A final decision shall be rendered within 14 days from the date the complete application for review has been received by the City Recorder. The decision of the City Council regarding the results of the review shall be given in writing to the appellant and the officer, employee, board, commission or council that rendered the final decision that gave rise to the constitutional taking claim.
7. If the City Council fails to decide the claim within 14 days, the decision appealed from shall be presumed to be approved.

E. Reviewing guidelines. The City Council shall review the facts and information presented by the appellant to determine whether or not the action by the City constitutes a constitutional taking as defined in this chapter. In doing so, the council shall consider:

1. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.
2. Whether a legitimate governmental interest exists for the action taken by the City.
3. Whether the property and exaction are roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

F. Results of review. After completing the review, the City Council shall make a written recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the constitutional takings claim.

17.00.150 Eminent Domain Guidelines.

Whenever the City determines that there is a need to exercise the right and power of eminent domain for the purpose of acquiring any interest in real property, the following guidelines shall be followed by the City, whenever desirable:

A. **Site selection.** The City administration shall explore all feasible sites and determine which site will best meet the needs of the City.
B. **Title report.** Once a primary site has been selected, a preliminary title report should be obtained for review by the City attorney.
C. **Engineering evaluation.** Whenever appropriate, the primary site shall be reviewed by the City engineer to determine whether or not the site is suitable for the intended City purpose.
D. **Appraisal report.** Whenever appropriate, the City administration shall obtain an appraisal of the primary site.
E. **Local government contact.** Whenever appropriate, the City shall contact the governmental entities which may be affected by the acquisition.
F. **Final evaluation.** After all of the preceding steps have been taken, if appropriate, the City shall determine to proceed with the acquisition.
G. **Contact with owner.** After a final site selection has been made, there may be contact with the property owner, when appropriate, for the purpose of attempting to negotiate a purchase of the site. Negotiations should consider special needs of the property owner. If a contract is negotiated with the owner, the contract should include all issues with the property owner and be reduced to writing, subject to approval by the City Council.
H. **Eminent domain proceedings.** If the property cannot be acquired through negotiation or, if negotiation would not be in the best interest of the City, the City Council should adopt a resolution directing the City attorney to acquire the property interest through the exercise of eminent domain.

17.00.160 Impact Fees.

A. Purpose. This section establishes the City's impact fee policies and procedures and is promulgated pursuant to the requirements of the Utah Impact Fees Act. This section establishes or re-enacts impact fees for public facilities within the respective service area, describes certain capital improvements to be funded by impact fees, provides a schedule of impact fees for differing types of land use development, and sets forth direction for challenging, modifying and appealing impact fees.

B. Written impact fee analysis.
   1. Executive Summary. A summary of the findings of the written impact fee analysis that is designed to be understood by a lay person is included in each of the impact fee facilities plans and impact fee analyses and demonstrates the need for impact fees to be charged. The impact fee facilities plans and impact fee analyses are available for review at City Hall. A copy of the executive summaries has been available for public inspection at least 10 days prior to the adoption of this chapter.

2. Written Impact Fee Analysis. The City has prepared impact fee facilities plans and impact fee analyses that identify the impacts upon public facilities required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity and identifies how the impact fees are calculated. A copy of the impact fee facilities plans and impact fee analyses has been available for public inspection at least 14 days prior to the adoption of the ordinance codified in this chapter.
3. Proportionate Share Analysis. The City must prepare a proportionate share analysis which analyzes whether or not the proportionate share of the costs of future public facilities is reasonably related to new development activity. The proportionate share analysis must identify the costs of existing public facilities, the manner of financing existing public facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the City. A copy of the proportionate share analysis is included in the impact fee facilities plans and impact fee analyses and has been available for public inspection at least 10 days prior to the adoption of this chapter.

C. Impact fee calculations.

1. The City Council approves impact fees in accordance with the written impact fee analyses.
    a. In calculating the impact fee, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of system improvements, and debt service charges if the City might use impact fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of system improvements.
    b. The City has held the required public hearing and a copy of the ordinance adopting this chapter was available in its substantially final form at City Hall, 3200 West 300 North, and the City recorder's office in the West Point City Hall at least 10 days before the date of the hearing, all in conformity with the requirements of Section 10-9a-205, Utah Code Annotated 1953.
    c. This chapter adopting or modifying an impact fee will contain such detail and elements as deemed appropriate by the City Council, including a designation of the service area within which the impact fees are to be calculated and imposed. The City service area will be the service area included in this analysis, which is defined as all of the areas within the corporate limits and jurisdictional boundaries of the City.
    d. The standard impact fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The standard impact fee may also be adjusted to ensure that impact fees are imposed fairly for affordable housing projects, in accordance with the City's affordable housing policy, and other development activities with broad public purposes. The impact fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.
    e. To the extent that new growth and development will be served by previously constructed improvements, the City's impact fees may include public facility costs and outstanding bond costs related to the public facilities improvements previously incurred by the City. These costs may include all projects included in the impact fee facilities plan which are under construction or completed but

have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

2. A developer, including a school district or charter school, may be allowed a credit against impact fees for any dedication of land for system improvements, a dedication of a public facility that will result in a reduced need for system improvements, or improvement to land or new construction of system improvements provided by the developer; provided, that it is (1) identified in the City's impact fee facilities plan and (2) required by the City as a condition of approving the development activity. Otherwise, no credit may be given.

3. The City will establish separate interest-bearing ledger accounts for each type of public facility for which an impact fee is promulgated in accordance with the requirements of the Impact Fees Act and deposited in the appropriate ledger account. Interest earned on each fund or account shall be segregated to that account. Impact fees collected prior to the effective date of this chapter need not meet the requirements of this section.

    a. At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.
    b. The City may expend impact fees covered by the impact fee policy only for system improvements that are (a) public facilities identified in the City's impact fee facilities plan and (b) of the specific public facility type for which the fee was collected.
    c. Impact fees collected pursuant to the requirements of this impact fees policy are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the City, unless the City Council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.
    d. The City may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing (a) an extraordinary and compelling reason why the fees should be held longer than six years and (b) an absolute date by which the fees will be expended.

4. The City shall refund any impact fees paid by a developer plus interest actually earned when (1) the developer does not proceed with the development activity and files a written request for a refund; (2) the fees have not been spent or encumbered; and (3) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that City may, at some future time, be utilized by another development.
5. The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the impact fee schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.
6. Unless the City is otherwise bound by a contractual requirement, the impact fee shall be determined from the fee schedule in effect at the time of payment.
7. The City will collect the impact fees at the time of building permit issuance. The fees will be calculated by the City.
8. Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the

development, the City shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

D. **Impact fee facilities plan.** The City has developed an impact fee facilities plan for each public facility, when required by state law. The impact fee facilities plan has been prepared based on reasonable growth assumptions for the City and general demand characteristics of current and future users of the public facilities. Furthermore, the impact fee facilities plan identifies the impact on system improvements created by development activity and estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity.

E. **Impact fee schedules and formulas.**

1. The fee schedules included in the impact fee analyses, as adopted by ordinance, and adopted herein by reference, represent the maximum impact fees which the City may impose on development within the defined service area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right as allowed by law to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.
2. The City may decrease the impact fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (Section 11-36a-402(1)(d), Utah Code Annotated 1953).
3. The City reserves the right to establish the impact fees, that were enacted by ordinance, by rate resolution or consolidated fee schedule. In no event will the impact fees established by resolution exceed the maximum supportable impact fee schedule.

A. **Fee exceptions and adjustments.**

1. The City may adjust the impact fees imposed pursuant to this chapter as necessary in order to:
    a. Respond to unusual circumstances in specific cases;
    b. Ensure that the impact fees are imposed fairly;
    c. Ensure that the fee represents the proportionate share of the costs of providing such facilities which are reasonably related to and necessary in order to provide the services in question to anticipated future growth and development activities;
    d. Allow credits against impact fees for dedication of land for improvement to or new construction of any system improvements which are identified in the capital facilities plan and required by the City as a condition of approving the development activity. No credits shall be given for project improvements. The determination of what constitutes a project improvement will, of necessity, vary somewhat depending on the specific facts and circumstances presented by the nature, size and scope of any particular development activity. All new development activity will be required to install site improvements and facilities which are reasonably necessary to service the proposed development at adopted level of service standards; and
    e. Exempt low income housing and other development activities with broad public purposes from impact fees and establish one or more sources of funds other than impact fees to pay for that development activity.
2. The Mayor or his designee shall have the authority to make such adjustments based upon reliable information submitted by an applicant and any recommendation from the City staff.
3. The mayor may enforce policies consistent with this chapter and any resolutions passed by the City Council to assist in the implementation, administration and interpretation of this chapter related to impact fees.
4. If the applicant, person, or entity is not satisfied with the decision of the City, a further appeal may be made under the procedures set forth in Section 11-36a-703, Utah Code Annotated 1953.

17.00.170 Development Agreements.

The City Council is hereby authorized to enter into a developers agreement with individuals and/or entities. The City Council may require a developers agreement for any development, rehabilitation, reconstruction, or placement of improvements upon any property, for which a permit would be required, for the purpose of:

A. Addressing issues of the density of developments when required to balance competing interests.
B. Resolving issues regarding unique features or challenges confronting development.
C. Protecting sensitive lands.
D. Protecting public properties and interests.
E. Clarifying the application of code requirements or city standards.
F. Ensuring the adherence to the overall intent of the city code.
G. For any purpose consistent herewith or when mutually agreed upon with the developer.

Chapter 17.10
Definitions

Explanation.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future, the singular number shall include the plural, and the plural, the singular; the word “building” shall include the word “structure”; the word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word “shall” is mandatory and not directory.

For the purposes of this title, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in "Webster's Collegiate Dictionary".

A use which is not specifically listed on the table of permitted and conditional uses for a zoning, or which does not fall within a generic definition as defined in this chapter, or as interpreted by the zoning administrator pursuant to Section 17.00.050 of this title, is prohibited.

17.10. Definitions.

“Abandoned well” means a well whose purpose and use has been permanently discontinued or a well that is in a state of disrepair and its intended purpose cannot reasonably be achieved. A well can be abandoned only after being properly sealed according to the requirements of the State of Utah Administrative Rules for Water Well Drillers, R655-4-12.

“Accessory Apartment” a subordinate dwelling unit located within or detached from the main dwelling that includes living space, sleeping space, a kitchen and at least a ¾ bathroom.

"Accessory dwelling unit" means a secondary habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

“Accessory use or building” means a use or structure subordinate to the principal use of a building or principal use on the same lot and serving a purpose customarily incidental to the use of the principal building or use. Garden sheds, garages, greenhouses, storage shelters, and covered unattached patios that are not equipped for use as living quarters are accessory buildings.

“Adjacent landowner” means any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

“Administrative decision” means any final order, requirement, decision, determination or interpretation made by a Land Use Authority in the administration or the enforcement of this title.

"Adversely affected party" means a person other than a land use applicant who: (a)owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

“Agent” or “owner” means any person who is legally authorized to act for the property owner.

“Agriculture” means the tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of farm animals and fowl, except household pets, and not including any intensive commercial agricultural operations industry or business, such as fruit packing plants, fur farms, animal hospitals, greenhouses, or similar uses.

“Agriculture, Intensive” means the raising of crops combined with industry or business, such as fruit packing plants, fur farms, animal hospitals, greenhouses, or similar uses.

“Alley” means a private street with curb and gutter on both sides that provides access to the rear of residential or commercial buildings with a minimum width of 25 feet measured from the back of curb to the back of curb. Alleys do not provide access to more than 15 lots or units. Units or lots that have rear access from an alley also have frontage on a public road or a private road.

“Alteration” means a change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

“Allowed uses” for water source protection regulations means a use, activity, or practice of which does not create a risk of water source contamination in the specified zone significant enough to require the implementation of regulatory requirements and best management practices and, therefore, the use is allowed.

“Amusement arcade” means a building or part of a building in which four or more mechanical or electronic amusement devices are offered for use.

“Animal hospital” means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

“Antenna” means a device used in telecommunications that radiates or captures radio signals.

Apartment House. See “dwelling, multiple.”

“Applicant” means the owner of land proposed to be subdivided or such owner’s duly authorized agent. Any agent must have written authorization from the owner.

“Appeal Authority” means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

“Automobile service station” means a place where gasoline or other major fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services are performed to include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, and automobile washing, and not to include repairs performed of a minor or major type, except replacement of plugs, lights, fan belts, and other small parts.

“Basement” means a story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than one-half of its floor-to-ceiling height is below the average contact level of the adjoining ground (as distinguished from a “cellar”).

“Beekeeping” means the noncommercial occupation of owning and breeding bees for their honey.

“Beginning of construction” means demolition, elimination, and removal of an existing structure preparatory to new construction, or the incorporation of labor and materials in the foundation of a building or buildings.

“Best management practices” for water source regulations means a practice or combination of practices determined to be the most effective practicable means of conducting a land use activity to minimize the potential for becoming a water pollution source (including technological, economic, and institutional considerations).

“Big Box Retail” means a retail business (s) occupying a building with over 80,001 square feet for the first floor (the footprint).

“Block” means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

“Boarding or lodging house” means a dwelling or part thereof where meals and/or lodging are provided, for compensation, for three or more nontransient persons, other than members of the resident family.

“Bona fide division or partition of land for agricultural purposes” shall mean the division of a parcel of land into two or more lots none of which is less than five acres in area, and where no dedication of any street is required to serve any such lots or parcels of land so created.

“Building” means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

“Building, front line of” means the line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches whether enclosed or unenclosed, but does not include uncovered steps less than four feet above grade and eaves overhanging less than two feet.

“Building height” means the vertical distance from the finished grade of the ground to the highest point of the structure.

“Building, main” means a building in which is conducted the principal use of the building site on which it is situated. In any “R” zone, any dwelling shall be deemed to be a main building on the building site on which it is located.

“Building line” means a vertical surface intersecting the ground along a line at which the front of the building occupies the lot on which it is constructed.

"Cannabis cultivation facility" means a person that possesses cannabis; grows or intends to grow cannabis; and sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

“Cannabis pharmacy” means a business, licensed by the State of Utah, to distribute cannabis products by prescription for medical purposes.

"Cannabis processing facility" means a person that acquires or intends to acquire cannabis from a cannabis production establishment; possesses cannabis with the intent to manufacture a cannabis product; manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

"Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

“Carport” means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than two sides.

“Cellar” means a room or space wholly under the surface of the ground or having more than 50 percent of its floor-to-ceiling height under the average level of the adjoining ground.

“Cemetery” means a place or grounds for burying humans remains or containment of ashes.

"Charter school" means:(i) an operating charter school;(ii)a charter school applicant that has its application approved by a charter school authorizer in accordance with UCA Title 53G, Chapter 5, Part 3,

Charter School Authorization; or(iii)an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. (b)"Charter school" does not include a therapeutic school.

“Check cashing” means cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the state pursuant to the Check Cashing Registration Act including those with titles such as pay day loans. No check cashing or deferred deposit loan business shall be located within 1,000 feet of any other check cashing business. Distance requirements defined in this definition shall be measured in a straight line, without regard to intervening structures or zones, from the entry door of each business. One check cashing or deferred deposit loan business shall be allowed for every 8,000 citizens living in West Point City.

“Child” means the child of a person other than the provider of childcare.

“Child care” means a commercial business that provides, continuous care and supervision of five or more children under 14 years of age, in lieu of care ordinarily provided by parents in their own home, for less than 24 hours a day, for direct or indirect compensation.

“City” means a political subdivision of the state of Utah and is referred to herein as “West Point City” or “the City.”

“City council” means the City Council of West Point City, Utah.

“City engineer” means the city engineer of West Point City, Utah, or a consulting engineering firm designated as the City Engineer by the City Council.

“City planner” means the professional planner of West Point City, Utah, or person designated as such by the West Point City Council.

“City staff” means city manager, public works director, engineer, planner, attorney, and building official.

“Cluster subdivision” means a subdivision of land guided by an integrated design in which residential lots may have areas less than the minimum lot area of the zone in which the subdivision is located, and other regulations, except use regulations, may be waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

“Collection area” for water source protection means the area surrounding a ground water source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other ground water collection devices.

“Collocation,” for cellular communications shall mean the reasonable sharing of tower space by more than one user or provider of a wireless telecommunications service.

“Commercial Complex” means two or more commercial uses on a single lot or adjacent lots which are dependent upon each other to meet minimum standards for parking, vehicular circulation, or landscaping or which are approved as elements in an overall Site Plan under a Conditional Use or Subdivision application.

“Commercial provider” means a company or individual who provides equipment used primarily for transmission, reception, or transfer of voice or data through radio waves or wireless transmissions, who receives remuneration for such service.

“Common space subdivisions” are defined in this chapter as an individual housing unit or group of housing units where the property line consists only of the footprint of the dwelling. All property outside that buildable lot shall be owned in common by the entire development.

“Community development department” means that department of the city authorized by the city to oversee the planning administrator, the zoning administrator and the building inspector.

“Community development director” means the person appointed by the city to perform the duties and responsibilities of community development director, as defined by city ordinances and resolutions.

“Complete application” means when the applicant provides a land use application in a form that complies with the requirements of this Title and applicable ordinances and pays all applicable fees.

“Concept plan” means a sketch or concept drawing prior to a zoning or general plan change request or the preliminary plat for subdivisions to enable the developer and/or subdivider to reach general agreement with the planning commission as to the form of the development or plat and the objectives of these regulations and to receive guidance as to the requirements for development within the city.

“Conditional use” means a permitted land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that substantially mitigate the reasonably anticipated detrimental effects.

“Condominium” means the ownership of a single unit in a multi-unit project or structure together with an undivided interest in common in the common areas and facilities of the property.

“Contractor storage yard” means a site used for the storage of tools, equipment, materials, vehicles, sand, rock, gravel, vegetation, debris and other materials ancillary to work being performed off-site, for another, by a Contractor engaged in such work.

“County” means Davis County, Utah.

“Court” means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

“Coverage” means the percent of the total site area covered by structures other than those excepted in this title.

“Crawl space” means the uninhabitable area of a structure lying between the ground and the bottom of the main floor.

“Crop and tree farming” means the raising for commercial purposes of any field crops or wholesale nursery or greenhouses including necessary buildings incidental to such crop, but not including a building for retail sales.

"Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

“Dairy” means a commercial establishment for the manufacture and packaging of dairy products.

“Dedication” means land set aside by an owner for any general and public uses, reserving for himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat showing the dedication thereof.

“Developer” means any person who undertakes to develop land, including subdividers.

“Development” means the improvement of any tract, lot, or parcel of land by construction thereon.

“Development activity” means any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include residential and commercial users who are not currently connected to any of the city’s public facilities systems but will be located within the city service area.

“Development approval” means any written authorization from the city that authorizes the commencement of development activity.

“Disability” means a physical or mental impairment that substantially limits one or more of a person’s major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. “Disability” does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 USC 802.

“Distance between residential structures” means the shortest distance between the vertical walls of two residential structures as herein defined.

“District” means a portion of the territory of West Point City within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this title. Includes “zone” and “zoning district.”

“Driveway” means a private road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

“Dwelling” means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent or trailer.

“Dwelling, condominium” means a dwelling whose ownership conforms with the definition of “condominium” herein.

“Dwelling, multiple unit” means a building or portion thereof designed for or used exclusively as a residence by two or more families, living independently of one another.

“Dwelling, single-family” means a building designed for or used exclusively as a residence by one family.

“Dwelling, townhouse” means an attached or semi-attached building containing a single dwelling unit and located on a parcel of land in one ownership and having any yard or court in common.

“Dwelling, twin home” means a building designed and used as a residency by two families and for which each dwelling unit and its lot may be owned separately from the other dwelling unit and lot.

“Dwelling, two-family” or “duplex” means a building designed for or used exclusively as a residence by two families, living independently of one another.

“Dwelling unit” means one room, or suite, or two or more rooms, designed for or used by one family for living and sleeping.

“Easement” means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

“Elderly person” means a person who is 60 years of age or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

“Facility, childcare” means a facility which provides care, supervision, and guidance for children unaccompanied by a parent or guardian for periods less than 24 hours per day.

“Facility, residential childcare” means a child care facility operated in a residential premises.

“Family” means an individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

“Farm animals” means the general list of animals raised for food or recreational purposes such as cows, horses, pigs, chickens, goats, sheep, etc.

“Financial institution” means a state or federally chartered bank, savings association, credit union, or industrial land company located in a building, or portion of a building, which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan businesses or check cashing facilities.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county recorder and in compliance with all the requirements set forth in this title and adopted pursuant thereto.

"Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

“Flag lot” means a lot that has been approved by the city with access provided to the bulk of the lot by means of a narrow corridor.

“Floor area,” in the case of offices, merchandising or service types of uses, shall mean the gross floor area.

“Front footage of building occupancy” means a single lineal dimension measured horizontally along the front major entrance of a building which defines the limit of a particular occupancy at that location.

“Front lot line” means the boundary of a lot that coincides with the right-of-way line of the street on which the lot has frontage. There is only one front lot line.

“Garage, private” means a detached accessory building, or a portion of a main building, used, or intended to be used, for the storage of vehicles of persons occupying the main building on the lot.

“Garage, public” means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

“General plan” means a plan, labeled “General Plan of West Point City,” including maps or reports or both, which has been approved by the city council as required by law, or such plan as it may be amended from time to time and so certified to the city council.

Grade. (All walls approximately parallel to and not more than five feet from a street line are to be considered as adjoining a street.)

1. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

2. For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining streets.

3. For buildings having no walls adjoining the street, the average elevation of the ground (finished surface) adjacent to the exterior walls of the building.

“Group home” means a home where a small number of unrelated people in need of care, support, or supervision can live together and is licensed by the State Of Utah as such.

“Hazardous waste” means a waste with properties that make it dangerous or potentially harmful to human health or the environment.

“Home occupation minor” means a commercial use conducted on a dwelling site and incidental and secondary to the dwelling use.

“Home occupation. major” means a home occupation which meet the standards for minor home occupation administrative conditional uses as used in this Title except that increases in intensity of use of the home occupation. The following uses are typical major home occupations: Contractors, carpenters, plumbers, electricians, daycare/pre-school, landscape installers, small engine repair.

“Household pets” means animals and fowl which are customarily allowed in the home for the sole pleasure and enjoyment of the occupants, but not raised or kept for commercial purposes, or for food.

"Identical plans" means building plans submitted to a municipality that: a) are clearly marked as "identical plans";(b)are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality; and (c)describe a building that:(i)is located on land zoned the same as the land on which the building described in the previously approved plans is located;(ii)is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;(iii)has a floor plan identical to the building plan previously submitted to and reviewed and approved by the municipality; and(iv)does not require any additional engineering or analysis.

“Impact fee” means a payment of money imposed upon development activity as a condition of development approval. “Impact fee” includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees. Title 11, Chapter 36a, Impact Fees Act.

“Impact fee analysis” or “IFA” means the written analysis required by Title 11, Chapter 36a, Impact Fees Act.

“Impact fee facilities plan” means the plan required by Section 11-36a-301 of the Act.

"Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:(a) recording a subdivision plat; or (b)development of a commercial, industrial, mixed use, or multifamily project.

"Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:(a) complies with the municipality's written standards for design, materials, and workmanship; and (b)will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

"Improvement warranty period" means a period:(a)no later than one year after a municipality's acceptance of required landscaping; or(b)no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:(i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and (ii) has substantial evidence, on record:(A) of prior poor performance by the applicant; or(B)that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

"Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:(a) is required for human occupation; and (b) an applicant must install:(i) in accordance with

published installation and inspection specifications for public improvements; and (ii) whether the improvement is public or private, as a condition of:(A) recording a subdivision plat;(B) obtaining a building permit; or (C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

“Kennel, Private” means any lot or premises on which three or more dogs (or similar household pets) at least four months old are kept.

"Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

“Land use application": (a)means an application that is (i) required by a municipality; and (ii) submitted by a land use applicant to obtain a land use decision; and (b)does not mean an application to enact, amend, or repeal a land use regulation.

"Land use authority" means:(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or (b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

"Land use decision" means an administrative decision of a land use authority or appeal authority regarding:(a) a land use permit;(b) a land use application; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

Land use and development code is the zoning code of West Point City.

"Land use permit" means a permit issued by a land use authority.

“Land use regulation” means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;(a) includes the adoption or amendment of a zoning map or the text of the zoning code; and (b) does not include:(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or (ii) a temporary revision to an engineering specification that does not materially:(A) increase a land use applicant's cost of development compared to the existing specification; or (B) impact a land use applicant's use of land.

“Landscaping” means the structured installation of living materials (i.e., lawn, ground cover, annual and perennial flowering plants, vines, shrubs, and trees) and may include nonliving materials, such as rocks, boulders, wood and shredded rubber mulches and decorative gravel. The use of water (i.e., pools, fountains, falls, and streams) and sculptures are also included as landscape design materials.

“Lattice tower” means a self-supporting multiple-sided, open steel framed structure used to support telecommunications equipment.

"Legislative body" means the West Point City Council.

“Lot” means a piece or parcel of land having frontage on a public street, or approved private street, which may be occupied by a principal building or a group of such buildings and accessory buildings, together with such open spaces as required by this title, intended to be held in separate ownership or leasehold.

“Lot, corner” means a lot abutting on two or more intersecting _____ streets.

"Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or parcels, whether or not the lots are located in the same subdivision, in accordance with Section 10-9a-608, with the consent of the owners of record.

“Lot, flag” means a lot which meets all minimum size requirements for the zone in which it occurs, but which exists mostly behind another lot, and which has access to a dedicated street by way of a projection of at least 30 feet in width. Two flag lots with projections side by side may each have projections 18 feet or greater in width (for a total of not less than 36 feet) and share a common paved driveway 20 feet or more in width covered by an easement so that the drive cannot be divided.

“Lot, double frontage lot” shall mean having a frontage on two parallel or approximately parallel streets. Said lots for purposes of this title shall have two street frontages and two front yards.

~~-of-~~
~~access to that lot.~~

“Low power radio service facility” means an unmanned structure that consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions. Such facilities typically require the construction of transmission support structures to which antenna equipment attaches.

“Manufactured home” means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act which became effective June 15, 1976, together with all amendments thereto.

“Manufactured home park” means a parcel of land under single ownership on which two or more manufactured homes are located.

“Manufactured home subdivision” means a subdivision designed and intended for sale of lots for siting manufactured homes.

“Master street plan” means that portion of the general plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both.

“Mid-box retail” means a retail business (s) occupying a building with between 10,001 square feet to 80,000 square feet for the first floor (the footprint).

“Mobile home” means a transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, together with all amendments thereto.

"Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

“Monopole” means a single cylindrical steel or wood pole that acts as the support structure for antennas.

“Motel/ hotel,” including “motel” and “hotel,” means a building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units.

“Natural waterways” means those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the building inspector or city engineer.

“Noncommercial user” means a company or individual who legally uses wireless telecommunications for services or communication purposes that receives no remuneration for such services.

“Nonconforming sign or sign structure” means a sign or sign structure or portion thereof lawfully existing at the time the ordinance codified in this chapter became effective, which does not conform to all height, area, and yard regulations prescribed in the zone in which it is located.

Noncomplying structure" means a structure that legally existed before its current land use designation; and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

“Nonconforming use” means a use of land that legally existed before its current zoning designation; has been maintained continuously since the time the zoning regulation governing the land changed; and, because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.

“Nonmaintained,” for telecommunications shall mean the physical, technical, aesthetic, or structural deterioration of the facility, to include any tower, antenna, apparatus, building, grounds, or equipment that is in disrepair or in need of maintenance.

“Off-highway vehicle” or “off-road vehicle” (OHV or ORV) means any motorized vehicle ~~not~~ which may be licensed for use on public roadways, with the exception of agricultural machinery and devices for persons with disabilities as protected under state and federal statute. Examples include, but are not limited to: snowmobiles, motorcycles, all-terrain vehicles (ATVs), go-carts, motorized scooters, and amphibious craft.

“Office, business” means a place intended for the conduct of the administrative function of a business enterprise and in which no goods or merchandise are stored or sold.

"Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and has been adopted as an element of the municipality's general plan.

“Office, professional” means a place intended for the conduct of a recognized learned profession in most cases requiring a license, such as physician, dentist, chiropractor, lawyer, engineer, architect, or accountant.

“Off-site” means outside the boundaries of a specific parcel of land being developed or considered for development.

“On-site” means within a parcel of land owned by a private citizen or by a private legal entity.

“Operator” means a person who has a contract with the Utah Department of Human Services to operate or who operates a residential facility for handicapped persons.

“Owner” means the owner if fee simple of real property as shown in the records of the Davis County recorder’s office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi-public corporation, other entities authorized by the state of Utah, or any combination of any of the foregoing.

"Parcel" means any real property that is not a lot created by and shown on a subdivision plat recorded in the office of the county recorder.

“Parking area, private” means an open space for the same uses as a private garage.

“Parking area, public” means an open area used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

“Parking space” means a permanently surfaced area of not less than 180 square feet in area, either within a structure or in the open, excluding paved areas necessary for access under the provisions of this title, for the parking of a motor vehicle.

“Person” means any individual, corporation, partnership, limited liability company, or partnership, firm, or association of individuals however styled or designated.

“Plan for moderate income housing” means a written document adopted by the legislative body that includes:(a)an estimate of the existing supply of moderate income housing located within the city;(b) an estimate of the need for moderate income housing in the city for the next five years;(c) a survey of total residential land use;(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and (e) a description of the city’s program to encourage an adequate supply of moderate income housing.

“Planning Commission” means the West Point City Planning Commission.

Planned Residential Unit Development. The “PRUD overlay zone” shall be defined as traditional lot-style housing developments or common space housing developments that offer development flexibility and increased density while providing improved quality of the development for the surrounding community.

“Plat” means a map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.

“Pollution source” means point source discharge of contaminants to ground water or potential discharges of the liquid forms of extremely hazardous substances which are stored in containers in excess of applicable threshold planning quantities as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, Class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than 10 animal units. 1. “Animal feeding operation” means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes 2. “Animal unit” means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0. 3. “Extremely hazardous substances” means those substances which are identified in the Sec. 302(EHS) column of the “TITLE III LIST OF LISTS – Consolidated List of Chemicals Subject to Reporting under SARA Title III” (EPA 560/4-91-011).

“Potential contamination source” means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

“Preliminary plat” means the initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this title.

“Preschool” means a commercial educational facility which provides care, supervision, and guidance for children unaccompanied by a parent or guardian for periods less than four hours per day.

“Private lane” means a private street with curb and gutter on both sides that provides access to the front of residential or commercial buildings with a minimum width of 25’ measured from the back of curb to back of curb. Private lanes do not provide access to more than 15 units or lots. 2

“Private road” means a private street 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. Private roads may terminate at a dead end but will be provided with a dedicated turnaround and will be no longer than 600’ in length. Private Roads do not provide access to more than 30 units or lots.

“Project improvements” means site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupants or users of development resulting from a development activity. “Project improvements” do not include “system improvements” as defined below.

“Proportionate share” means an amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.

“Protection strip” means a strip of land bordering both the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street.

“Public facilities” means only the following capital facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of the city:

1. Water rights and water supply, treatment, and distribution facilities;
2. Wastewater collection and treatment facilities;
3. Storm water, drainage, and flood control facilities;
4. Roadway facilities;
5. Parks, recreation facilities, open space, and trails; and
6. Public safety facilities.

“Public hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

“Public improvements” means streets, curbs, gutters, sidewalks, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the city in connection with subdivision, conditional use, or site plan approval.

“Public meeting” means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

"Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

“Public use” means a use owned and/or operated exclusively by a public body, or quasi-public body, having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

“Public utility” means a public or quasi-public agency, or its structures and facilities, established to provide water, power, gas, sewer systems, and other public services, and who construct and maintain structures and facilities for their distribution or storage.

“Quasi-public use” means a use operated by a private nonprofit, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public, such as a church, private university, or similar use.

“Rear lot line” is any line that is not part of a front or side lot line.

“Recreation, commercial” means recreation facilities operated as a business and open to the general public for a fee.

“Recreation, private, noncommercial” means clubs or recreational facilities, operated by a nonprofit organization and open only to bona fide members of such nonprofit organization and their guests.

“Recreation, public” means publicly owned or operated recreation facilities.

“Recreational vehicle (RV)” means a motorized or nonmotorized vehicle designed as a temporary living accommodation for recreational, camping, and travel use. Examples include, but are not limited to: travel trailers, camping trailers, truck campers and self-propelled motor homes.

“Recreational vehicle park” means any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

“Residential density” means the average number of dwelling units on one acre of land in a given area. Net residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that is used exclusively for residential and accessory purposes. Gross residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all land within the area.

“Residential facility for persons with a disability” means a dwelling in which more than one person with a disability resides and which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Utah Code Annotated 1953, Licensure of Programs and Facilities, or is licensed or certified by the Department of Health under Title 26, Chapter 21, Utah Code Annotated 1953, Health Care Facility Licensing and Inspection Act.

“Restricted” (R) for water source protection means that the nature of the use, or some element of the use, represents a potential contamination source. The use may be permitted only after review and approval by the land use authority. As part of this review, recommendations from the Davis County health department and other applicable regulatory agencies shall be considered. Restricted use is subject to best management practices and compliance with other reasonable conditions as may be established by these agencies.

“Retail shop” means a place of business usually owned and operated by a **retailer** but sometimes owned and operated by a manufacturer or by someone other than a **retailer** in which merchandise is sold primarily to ultimate consumers.

“Retail services” means the use of a building or part of a building by persons who are engaged in the sale of goods to customers, and includes uses such as hardware, mail order, clothing, appliances, electronics, books, gifts and second hand goods, and may include incidental repairs.

“Roof-mounted antenna” means an antenna or series of individual antennas mounted on a roof, mechanical room, or penthouse of a building.

"Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting: parliamentary order and procedure; ethical behavior; and civil discourse.

“Sanitary landfill” means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

"Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

“SARA Title III” means the Superfund Amendment and Reauthorization Act section found in 40 CFR 300 through 302, pertaining to emergency response and right to know.

“School – private/quasi-public/charter school” means any public or private elementary, junior high, high school, college, university, or post-graduate school offering courses in general instruction at least four days per week and seven months per year. Excluded are specialty schools such as trade, dance, beauty, music, secretarial/business, and charm schools.

“Secondary containment” means a type of system that is used to provide release detection prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

“Secondary water system” means any system which is designed and intended to provide, transport and store water used for watering of crops, lawns, shrubberies, flowers, and other nonculinary uses.

“Security” means an escrow agreement, irrevocable letter of credit, or other security instrument given by the developer to ensure the proper installation of public improvements.

“Self-storage facility” means a building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent.

“Senior care facilities/nursing home” means commercial facilities for the care of persons over 55 years of age.

“Sensitive land” shall mean land which is generally unbuildable, and which contains constrained and sensitive features including, but not limited to, wetlands, floodplains, faults, and other geological or environmentally sensitive features and lands below the high-water mark of the Great Salt Lake which is at elevation 4,217 feet above sea level.

“Septic tank/drain-field system” means a system, which is comprised of a septic tank and a drain-field, which accepts wastewater from buildings or facilities for surface or subsurface treatment and disposal.

“Service area” means a geographic area designated by the city based on sound planning and engineering principles in which a defined set of the city’s public facilities provides service.

“Setback” means the minimum distance that any portion of a building, accessory building, sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street.

“Sexually oriented business” means any business for which a sexually oriented business license is required as an adult business, nude entertainment business, or as a seminude dancing bar, pursuant to the sexually oriented business licensing requirements in Chapter 5.50 of the West Point City Code.

“Side lot line” means the boundary of a lot that is connected to the front lot line. Each lot has two side lot lines.

“Sign” means every advertising message, announcement, declaration, demonstration, display, illustration, insignia surface, or space placed, erected or maintained in view of the observer thereof for identification,

advertisement, or promotion of the interests of any person, entity, product, or service. The definition of "sign" shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers. This definition does not include any flag, badge, or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

"Sign, 'A' frame" means a temporary sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

"Sign, advertising" means an off-premises sign.

"Sign area" means the areas of a sign that are used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

"Sign, attached" means a sign which is fastened, attached, painted, connected or supported in whole or in part by a building or structure.

"Sign, awning" means a roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings with supports extending back to the building, supported entirely by the building.

"Sign, balloon" means an advertisement supported by a balloon anchored to the premises where the advertised use is conducted, commodity sold or service performed.

"Sign, banner" means a sign constructed of cloth, canvas, fabric, or other light material and designed to be displayed across or over a public right-of-way for a short period of time.

"Sign, billboard" means a freestanding, off-premises sign, larger than 200 square feet, designed or intended to direct attention to a business, product, or service.

"Sign, canopy" means a roofed structure constructed of fabric or other material placed as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building and supports extending to the ground directly under the canopy.

"Sign, changeable copy (manual)" means a sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

"Sign, civic, institutional, or philanthropic" means a sign erected by a public or nonprofit agency, service club, etc., for civic or public information.

"Sign, construction" means a sign identifying an existing or proposed development project which may contain the name of the project, and name and address of construction firms, architects, engineers, developers, etc.

"Sign, detached" means a sign not supported in whole or in part by a building or structure other than by a sign structure which is supported wholly by the ground.

"Sign, electronic message" means a sign that has an electronic message display.

"Sign, floodlighted" means a sign made legible in the absence of daylight by devices which reflect or project light upon it.

“Sign, forced air” means any sign or device that uses a blower to force air through fabric to draw attention from observers.

“Sign, frame” means a movable sign mounted on a frame.

“Sign, home occupation” means a sign associated with a legally approved home business.

“Sign, identification” means a sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises, i.e., schools, churches, hospitals, etc.

“Sign, illuminated” means a sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

“Sign, interior” means a sign located within a building so as to be visible only from within the building in which the sign is located.

“Sign, low profile” means on-premises or identification signs having a maximum height of four feet, incorporated into some form of landscape design scheme or planter box.

“Sign, marquee” means a permanent roofed structure designed to meet all provisions of the current International Building Code and other specifications as outlined in this title. Where specifications as outlined in this title are different from the provisions of the International Building Code, the more restrictive shall apply.

“Sign, memorial” means a sign or tablet that states the name of a building or the date of the building’s erection and cut into the surface or facade of a building.

“Sign, mobile” means any sign mounted so that it is capable of being moved or of moving, including, but not limited to, frame, pedestal, trailer, and vehicle signs.

“Sign, moving” means any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent electrical pulsations.

“Sign, name plate” means a sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises.

“Sign, neighborhood identification” means a permanent sign that only designates the neighborhood or tract name.

“Sign, off-premises” means an advertising sign which directs attention to a use, product, commodity, or service not on the premises.

“Sign, on-premises” means a sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises on which it is located.

“Sign, open house” means a temporary off-premises sign advertising real estate open for inspection. This sign shall not exceed three feet in height and shall not exceed eight square feet in size.

“Sign, pedestal” means a movable sign supported by a column(s) so as to allow the sign to stand in an upright position.

“Sign, projecting” means a sign attached to a building or other structure and extending in whole or in part more than 24 inches beyond any wall of the building or structure.

“Sign, property (real estate)” means a sign related to the property upon which it is located and offering such property for sale or lease.

“Sign, public necessity” means a sign informing the public of any danger or hazard existing on or adjacent to the premises.

“Sign, roof” means a sign erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof 12 inches or more.

“Sign, service” means a sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of rest rooms, and sale of agricultural products produced upon the premises, and which bear, as an incidental part of the sign, the name, address or trademark of persons furnishing such sign to the owner of the premises.

“Sign, temporary” means any sign, banner, pennant, valance, balloon, or advertising display constructed of cloth, canvas, fabric, cardboard, wall board, plastic, or other light materials with or without frame where the sign is not permanently affixed to the ground or structure. Spotlights shall also be considered a temporary sign.

“Sign, time and temperature device” means any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

“Sign, trailer” means a sign mounted on a trailer or having wheels.

“Sign, vehicle” means a sign on a vehicle, whether the vehicle is operable or not.

“Sign, window” means a sign either attached to a window or door or located within a building so as to be visible through a window or door by people outside of the building.

“Site plan” means a description of the proposed development within the boundaries of the development site consisting of plans, drawings, elevations, and information.

“Source protection zone” means the specified surface and subsurface area surrounding a ground water source of drinking water supplying a public water supply, through which contaminants are reasonably likely to move toward and reach such ground water source. These zones shall have the approval of the state of Utah Division of Drinking Water as described in R309-600, Source Protection: Drinking Water Source Protection for Ground Water Sources.

“Stable” means a detached building for the keeping of horses.

“Story” means that portion of a building included between the surface of any floor and the floor or ceiling next above it.

“Story, first” means the lowest story or the ground story of any building, the floor of which is not more than 12 inches below the finished grade level at the exterior walls of the building, except that any basement or cellar used for residential purposes shall be deemed the first story.

“Story, half” means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for one or more dwelling units shall be deemed a full story.

“Street” means public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and other ways.

“Street, arterial” means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the general plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

“Street, collector” means a street, existing or proposed, which is the main means of access to an arterial street system.

“Street, cul-de-sac” means a minor terminal street provided with a turnaround.

“Street, private” means a right-of-way or easement in private ownership, not dedicated or maintained as a public street.

“Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

“Structure” means anything constructed, the use of which requires fixed location on the ground, or which is attached to something having a fixed location upon the ground, and which imposes an impervious material upon or above the ground.

“Subdivider” means any person who undertakes to create a subdivision.

“Subdivision” means any land that is divided, re-subdivided or proposed to be subdivided into two or more lots, parcels, sites, units, plots, or other division of land for the immediate or future offer of sale, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes. "Subdivision" does not include:

A. a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
B. an agreement recorded with the county recorder's office between owners of adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement in accordance with UCA 57-1-45 if:
    1. no new lot is created; and
    2. the adjustment does not violate applicable land use ordinances;
C. a recorded document, executed by the owner of record:
    1. revising the legal description of more than one contiguous parcel of property that is not subdivided land into one legal description encompassing all such parcels of property; or
    2. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
D. an agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with UCA 10-9a-603 if:
    1. no new dwelling lot or housing unit will result from the adjustment; and
    2. the adjustment will not violate any applicable land use ordinance;
E. a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels;
F. a parcel boundary adjustment;
G. a lot line adjustment;
H. a road, street, or highway dedication plat; or
I. a deed or easement for a road, street, or highway purpose.

J. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection (65) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

“System improvements” means both existing public facilities designed to provide services within the service area and future public facilities identified in a reasonable plan for capital improvements adopted by the city that are intended to provide service to the service area. “System improvements” do not include “project improvements” as defined above.

“Swimming pool” means a structure, whether indoors or outdoors, or whether above or below the ground, intended to be used to contain water, and which is of sufficient size, capacity, and depth for swimming.

“Tank” means a structure, whether indoors or outdoors, or whether above or below the ground, intended to be used to contain liquid, and which is of sufficient size, capacity, or depth for bathing, therapy, or other such use by one or more persons. Such definition shall include, but not be limited to, hot tubs, therapy tanks or pools, and similar structures.

“Telecommunications lot or site,” is that area set aside for construction and placement of telecommunications equipment, including any building towers, antennas, or other apparatus not housed in a residential or business building. A lot set aside for telecommunications equipment and tower may differ from the official recorded piece of property and will include any required equipment, accessories, or fenced area.

“Telecommunications tower” means a structure that holds transmitting or receiving devices used for telecommunications service, with any associated buildings, site improvements, and property.

“Telecommunications service” means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

“Traditional lot-style subdivisions” are defined in this chapter as developments that have building lots that adhere to minimum lot standards including, but not limited to, frontage widths, lot depth and lot size.

“Unified control” means a parcel of land under one ownership, or a group of parcels, the owners of which have agreed in writing to subject the development of their properties to a single control.

“Underground storage tank” means a tank or combination of tanks and underground pipes and impact valves connected to tanks being used or having been used to contain regulated substances and which has at least 10 percent of the total volume of the tank and underground portions of pipes connected to the tank underground.

“Wall-mounted antenna” means an antenna or series of individual antennas mounted against the vertical wall of a building.

“Wellhead” means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

“Warehouse” means a large building where raw materials or manufactured goods may be stored before their export or distribution for sale.

“Whip antenna, flexible” means an antenna that is cylindrical in shape and flexible in construction.

“Whip antenna, vertical” means an antenna that is cylindrical in shape and rigid in vertical construction.

“Yard, front” means an open space extending the full width of the lot measured between the front lot line and the closest main building, which open space is unoccupied and unobstructed from the ground upward except as specified elsewhere in this title.

“Yard, front, depth” means the shortest distance, measured horizontally, between any part of the main building foundation, other than parts herein excepted, and the front lot line. Such depth shall be measured from the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as adopted by West Point City in the major street plan differs from that of the existing street, then the required front yard depth shall be measured from the right-of-way line of such street as adopted; or said building shall comply with official setback lines as adopted by the city.

“Yard, rear” means an open space between a building and the rear lot line, unoccupied and unobstructed from the ground upward and extending across the full width of the lot, except as specified elsewhere in this title.

“Yard, rear, depth” means the shortest distance, measured horizontally, between any part of a main building foundation, other than parts hereinafter excepted, and the rear lot line. On cul-de-sac or five-sided lots, the required minimum rear yard depth may be reduced to 15 feet measured from any point of a building foundation to the nearest point of a lot line. Only one corner of a home may project into a required rear yard space.

“Yard, side” means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an “exterior side yard.”

“Yard, side, width” means the shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the nearest side lot line. Such width shall be measured from the nearest side lot line and, in the case where the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of such street as adopted by West Point City in the major street plan differs from that of the existing street, then the required side yard width shall be measured from the right-of-way of such street as adopted, or said building shall comply with any applicable official setback lines.

“Zoning map” means the zoning map or maps of West Point City, Utah, adopted as part of a land use ordinance, that depicts land use zones, or overlays.

“Zoning ordinance” means the Land Use and Development ordinance of West Point City.

Chapter 17.20
Land Use Decision Making Bodies and Officials

17.20.010 Zoning Administration.
17.20. 020 Zoning Administrator.
17.20.030 Planning Commission Powers and Duties.
17.20.040 Appeal Authority Duties.

17.20.010 Zoning Administration.

A. Purpose and Intent. The purpose of this section is to establish regulations and procedures for the processing and consideration of applications allowed by this Land Use Code and designating the land use authority as the Community Development Director, or designee, the Planning Commission and the City Council as follows:

B. Reviewing Bodies and Noticing Requirements For each type of application, the following official roles and decision-making responsibility/authority is listed for each land use authority**.** In addition, the type of meeting by type of application is listed. UCA 10-9a-200 et seq. sets the noticing requirements by law. General plan related public hearings have different requirements than regular public hearings. A public meeting is a meeting that is open to the public, with public comment at the discretion of the land use authority (the reviewing body). A public hearing is a meeting that is open to the public and public comment is encouraged. The type of meeting is determined by the type of application and the reviewing body/land use authority it is before. The Community Development Director (CDD)or designee**,** the Appeal Authority (AA), the Planning Commission (PC), and the City Council (CC) acting as Land Use Authorities each have the following primary responsibility/authority to review applications for compliance with this Chapter:

C. Requirements fulfilled prior to activity. No use, development or development activity may be commenced until all necessary approvals, permits and licenses have been issued in accordance with the provisions of this title, and all required fees have been paid by the applicant.

D. Notice of decision for administrative decisions.

1. Record of final decision. After hearing the evidence and considering the application, the approving land use authority (Planning Commission, Community Development Director or designee, hearing officer, and City Council on land use applications) shall make its written findings and have them entered in the minutes.
2. Notice of decision. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A notice of decision can be a new written notice, a copy of the administrative approval form signed by the Community Development director or designee, or a copy of the approved minutes. A decision by the approving authority is final at the time the notice of decision is issued in writing. If a notice of decision is not sent, the decision shall be final on the date the minutes from the meeting are approved by the approving authority. Decisions are subject to requirements and conditions stated in the meeting minutes.

E. **Appeals.** Appeals from administrative decisions shall be submitted to the planning department not more than 10 calendar days after the date of the written notice of decision. Appeals from administrative decisions shall be heard and decided as outlined in section 17.20.040 below.

F. **Land use permit termination.**

1. Sixty-day limitation; extension. If a request of the Community Development Director has not been responded to within sixty (60) days of the written request, the application may

be terminated. The Community Development Director may extend this deadline, or reinstate the application upon request by the applicant, if substantiated reasons are provided such as financial, legal, material or labor shortages, or circumstances clearly preventing the applicant from responding.

2. Construction, development within one year. An application will be considered null and void if substantial construction or development has not occurred in connection with the application within one year of final approval. Substantial construction or development is defined as demolition, elimination, and removal of an existing structure preparatory to new construction, or the incorporation of labor and materials in the foundation of a building or buildings.
3. Resubmission upon termination. Should the application be terminated, the applicant shall be required to resubmit the application and shall satisfy all requirements in place at the time of resubmission, including the payment of fees.

17.20. 020 Zoning Administrator.

A. Zoning administrator.
   1. The Community Development Director or designee shall act as the Zoning Administrator.
   2. The Zoning Administrator shall be authorized to make reviews and approvals as set forth herein.

B. Enforcement. All department officials and public employees of West Point City who are vested with the duty or authority to issue permits shall conform to the provisions of this title and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this title, and any such permit, certificate, or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void.

C. Inspection.
   1. The Zoning Administrator is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification, or repair and to inspect land uses to determine compliance with the provisions of this title.
   2. The Zoning Administrator or designee shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this title; provided, that such right of entry shall be exercised only at reasonable hours.

D. Administrative review authority.
   1. Review Process for Administrative Decisions. The Community Development Director is charged with the administration of the provisions of this title. The Director, or their designee, is designated as the land use authority to deny, approve, or approve with conditions an application for the following administrative applications (see Land Use Table 17.60.050).
   2. Denial of Permit. The Community Development Director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in the City code or if any of the required findings are not supported by evidence in the record as determined by the Director.
   3. Courtesy Public Notice. The administrative approval process may include a courtesy public notice to provide an opportunity for comments from adjacent property owners,

E. Administrative procedures and required certificates and permits. In order to secure compliance with the provisions of this title, and for such specific purposes as are set forth below, the following certificates, reviews, approvals and appeals are hereby established: zoning review, building permit, conditional use permit, site plan approval, performance standards review and certificate of occupancy. One or more such certificates, permits, reviews, or approvals are required for any structure or use as set forth elsewhere herein. The procedure and requirements for the issuance of such certificates and permits and the accomplishment of such reviews, approvals, and appeals are set forth herein.

F. Application. Application for all certificates, permits, reviews, approvals, and appeals shall be made to the Zoning Administrator. Applications shall be made on the respective forms provided and shall be accompanied by the fee and documents set forth herein.

G. Fees. The fee for each certificate, permit, variance, approval, or review shall be as established from time to time by resolution of the City Council.

H. Zoning review. The application for a building permit shall be accompanied by a plot plan showing the lot lines and dimensions and locations of structures and improvements and all other data necessary to show that yard requirements and all other provisions of this title are fulfilled. The Zoning Administrator shall review the plot plan and if he finds that the building and premises and the use thereof conform with all requirements of this title, he shall so indicate by official signature on the building permit.

I. **Building permit.**

1. From the time of the effective date of the ordinance codified in this title, the building inspector shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of this title; nor shall any municipal officer grant any permit or license for the use of any building or land if such use would be in violation of this title.
2. The building inspector shall not issue any permit unless:

    a. The plans of and for the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning regulations in effect for the zone in which such building or use is proposed;
    b. All review procedures in this title have been completed; and
    c. All fees for documents and reviews have been paid.

J. **Certificate of occupancy.**

1. No land shall be used or occupied, and no building hereinafter structurally altered or erected shall be used or changed in use, except for agricultural purposes, until a certificate of occupancy shall have been issued by the Zoning Administrator, stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this title.
2. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use.
3. A certificate of occupancy, either for the whole or part of a building, shall be applied for coincidentally with the application for a building permit, and shall be issued within 10 days after the erection or structural alteration of such building, or part of building, shall have been completed in conformity with the provisions of this title and other applicable regulations.

K. **Expiration or cancellation of certificates and approvals.**

1. Unless a longer time is specifically set forth at the time of issuance of the certificate, or unless an extension is granted by the issuing agency prior to expiration, each certificate

or approval issued as set forth herein, and pursuant to which no construction is undertaken or work done, shall expire after 60 days.

2. Failure to comply fully with the terms of any special certificate or approval may be grounds for cancellation. Action to cancel any certificate or approval may be taken on proper grounds by the person or agency which issued it. No certificate or approval shall be canceled until after a hearing has been afforded the permittee. Not less than 10 days' notice of a hearing on intention to cancel a certificate or approval shall be given such permittee. An action canceling a certificate or approval by the Zoning Administrator or Planning Commission shall be appealable in the same manner as the original action.

L. Development to be in accordance with terms of certificate. Upon issuance of any special certificate or approval as provided herein, the Zoning Administrator shall require that the development or operation in question proceed only in accordance with the terms of such special certificate including any requirements or conditions established as a condition of the issuance of such certificate or approval of plans. No building permit required in connection with such proposed development or operation shall be issued until all permits, reviews, or approvals required by this title have been secured. Except as specifically provided herein, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other review or approval required in the particular case.

17.20.030 Planning Commission Powers and Duties.

A. Establishment of the Planning Commission.

1. The West Point City Planning Commission is hereby established. The Commission shall consist of seven members, all of whom shall be residents of the City. Members shall be selected from different professional and vocational backgrounds insofar as possible.
2. Members of the Planning Commission shall receive approved expenses such as per diem compensation based on necessary and reasonable expenses and on meetings attended.

B. Term- Vacancies.

1. The term of office for each appointed member shall be three years and shall expire on the thirty-first of December or when the successor is appointed thereafter. Two terms of office shall expire each year with three terms expiring every third year. Appointment of members to the Commission shall be made by the mayor with the advice and consent of the City Council. Appointments to fill vacancies shall be made at any time to fill the unexpired term of any member.
2. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term. An unexpired term shall not be counted toward the maximum number of terms. The Mayor, with the advice and consent of the City Council, may appoint up to two (2) alternate members to the Planning Commission for a term not to exceed three (3) years.

C. Removal. Members of the Planning Commission may be removed from office by the Mayor with the advice and consent of the City Council for misconduct, nonperformance of duty or failure to uphold the provisions of this Title.

D. Powers and Duties. The Planning Commission shall act as the Land Use Authority as follows:

1. Prepare and recommend a general plan and amendments to the general plan to the City Council.
2. Prepare and recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council.
3. Administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance.
4. Prepare and recommend subdivision ordinances and amendments to those subdivision ordinances to the City Council that regulates the subdivision of land in West Point City.

5. Recommend approval or denial of subdivision applications as provided in 17.130.
6. Approve permitted use site plans when they comply with the City Ordinances.
7. Approve, approve with conditions, or deny certain conditional use permits.
8. Advise the City Council on matters as the City Council directs and hear or decide any matters that the City Council designates, including those powers authorized by State Law.
9. Exercise any other powers that are necessary to enable the Planning Commission to perform its functions as delegated to it by the City Council.

E. **Organization.** The Planning Commission shall adopt such rules that it deems necessary for the conduct of its proceedings. Meetings of the Commission shall be held at the call of the Chairperson and at such times as the Planning Commission may determine.

17.20.040 Appeal Authority Duties.

A. **Establishment of Appeal Authority.**
1. The Mayor shall appoint the Appeal Authority with the advice and consent of the City Council. The Appeal Authority shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.
2. The term of office shall be two years unless otherwise agreed upon in writing by both parties.
3. The Appeal Authority may be removed by the mayor for violation of this title or any policies and procedures adopted by the Community Development Director following receipt by the Mayor of a written complaint filed against the Appeal Authority. If requested by the Appeal Authority the Mayor shall provide the Appeal Authority with a public hearing conducted by a hearing officer appointed by the Mayor.
4. The Mayor with the advice and consent of the City Council shall fill any vacancy. The person appointed shall serve for the unexpired term of the member whose office is vacant.
5. The Appeal Authority shall receive compensation based on an agreement with the City Manager.

B. **Organization and procedures.** The Community Development Director shall adopt policies and procedures, consistent with the provisions of this section, for processing appeals, variances and requests for reasonable accommodations for persons with disabilities, the conduct for such hearings, and for any other purpose considered necessary to properly consider these applications.

C. **Powers and duties.** The Appeal Authority shall hear and decide:
1. Appeals from zoning decisions applying the zoning ordinance.
2. Variances from the terms of the zoning ordinance.
3. Requests for reasonable accommodations for persons with a disability.

D. **Appeals.**
1. The applicant or any other person or entity adversely affected by a decision administering or interpreting the zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.
2. Any officer, department, board, or bureau of the City affected by the grant or refusal of a building permit or by any other decisions of the administrative officer in the administration or interpretation of the zoning ordinance may appeal any decision to the Appeal Authority.

3. Appeal applications shall be submitted to the Community Development Department within ten calendar days from the date the notice of decision was granted (see 17.20.010(D)).
4. The Community Development Department shall send the Appeal Authority all material constituting the record of the action which is appealed.
5. The person or entity making the appeal has the burden of proving that an error has been made.
6. An appeal authority's land use decision is a quasi-judicial act. The Appeal Authority shall find whether an error has been made. The board shall review the matter de novo, without deference to the land use authority's determination of factual matters. The Appeal Authority may affirm, reverse, or modify the action appealed from as it seems just and equitable and exercise all rights of any other officer or commission. The appeal authority shall:
    a. determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and
    b. interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

7. Only administrative zoning decisions applying the zoning ordinance may be appealed to the Appeal Authority. Appeals may not be used to waive or modify the terms or requirements of this title.

E. **Variances.**
1. Any person or entity desiring a waiver or modification of the requirements of this title as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Appeal Authority for a variance from the terms of this title.
2. The Appeal Authority may grant a variance only if all five of the following conditions are met:
    a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.
    b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
    c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.
    d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
    e. The spirit of this title is observed and substantial justice done.
3. In determining whether or not enforcement of this title would cause unreasonable hardship under subsection (2)(a) of this section, the Appeal Authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought; and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
    a. In determining whether or not enforcement of this title would cause unreasonable hardship under subsection (2)(a) of this section, the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
4. In determining whether or not there are special circumstances attached to the property under subsection (2)(a) of this section, the Appeal Authority may find that special circumstances exist only if the special circumstances:
    a. Relate to the hardship complained of; and
    b. Deprive the property of privileges granted to other properties in the same zone.
5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
6. Variances run with the land.
7. The Appeal Authority and any other body may not grant use variances.

8. In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:
    a. Mitigate any harmful effects of the variance; or
    b. Serve the purpose of the standard or requirement that is waived or modified.

F. **Notice of Decision.**
1. Record of Final Decision. After hearing the evidence and considering the application, the Appeal Authority shall make its written findings and have them entered in the minutes.
2. Notice of Decision. Upon a decision by the Appeal Authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application.

G. **Stay of decision:** The Appeal Authority may stay the issuance of any permits or approvals based on its decision for thirty (30) days or until the decision of the district court in any appeal of the decision.

H. **District court review.** Any person adversely affected by any decision of the Appeal Authority may petition the district court for a review of the decision. (UCA 10-9a part 8 et seq.)

17.30
Site Plan Review Standards

17.30.010 Purpose
17.30.020 Authority
17.30.030 Requirement
17.30.040 Review process

17.30.010 Purpose

The purpose of this section is to set forth procedures for considering and approving a site plan. These procedures are intended to provide orderly, safe and functionally efficient development consistent with the intent and purpose of this title.

17.30.020 Authority

After a recommendation from the Planning Commission the City Council is authorized to approve site plans as provided in this section.

17.30.030 Requirement

A site plan shall be required for any of the following land uses:

A. any multi-family residential use
B. and public, quasi-public or civic use
C. any commercial / office use
D. any industrial / manufacturing use

17.30.030 Review process

The developer contacts the Community Development Department for information concerning the City requirements and discusses with staff members the proposed plan of development.

A. **Application**: Application for a site plan shall be made by the property owner or certified agent thereof to the Community Development Department. Only applications deemed complete by the Community Development Director or designee will be processed. Complete applications include appropriate application forms reflecting the standards of the City, site plans/drawings, texts, and signatures as required on the form available in the Community Development Department and on the City's website. All documentation shall meet City requirements. A letter or email confirming the completeness of the application may be requested by the applicant. All applications shall be accompanied by the appropriate fee as established from time to time by resolution of the City Council.
    1. Site plan applications are processed by the Community Development Department and include a development review meeting for all industrial / manufacturing, commercial / office complex developments.
    2. After the application is determined to be complete and a development reviews completed, the Community Development Director shall:
        a. Give notice of the public meetings, and
        b. Prepare a staff report for evaluating the application.

B. **Public Meetings:** The site plan will then be reviewed by the Planning Commission with a recommendation to City Council. In a separate public meeting the City Council shall approve, approve with conditions, or deny the application pursuant to the standards set forth in this title.
    1. Any conditions of approval shall be limited to conditions needed to conform the site plan to approval standards.
    2. A site plan shall conform to applicable standards set forth in this title and other applicable provisions of the City standards. Conditions may be imposed as necessary to achieve compliance with applicable requirements.

C. **Approval Standards:** The following standards shall apply to the approval of a site plan

1. The entire site shall be developed at one time unless a phased development plans is approved. A phase development plan shall show:
    a. The planned development of the entire site, and
    b. The timing and sequencing of improvements to be completed with each phase, particularly amenities, open space, and public improvements.

2. A site plan shall conform to applicable standards set forth in this title and other applicable provisions of City standards and specifications. Conditions may be imposed as necessary to achieve compliance with applicable requirements.
3. In order to assure development shown on an approved site plan will be constructed to completion in an acceptable manner, the applicant shall enter into a developer's agreement and shall conform to the requirements set forth in 17.130 of this title.

D. **Appeal of decision**: Any person adversely affected by a final decision of the City Council regarding approval or denial of a site plan may appeal that decision to the Appeal Authority as provided in 17.20.040 of this title.

E. **Effect of approval**: Every site for which a site plan has been approve shall conform to such plan.
1. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign until the provisions of this section have been met. Structures or improvements shall be constructed as shown on an approved site plan or as required by law.
2. Approval of a site plan application shall not be deemed an approval of any other procedure or permit required by this title or this Code.

F. **Amendment**: Except as may be provided elsewhere in this title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows:
1. Alteration or expansion of an approved site plan may be permitted by the Community Development Director upon making the following findings:
    a. The proposed amendment does not relate to a matter specifically required as a condition of approval;
    b. Any proposed change of use is consistent with uses permitted on the site;
    c. Existing uses were permitted when the site plan was approved, or have received a conditional use permit;
    d. The proposed use and site will conform to applicable requirements of City standards and specifications;
    e. The architecture of the proposed alteration or expansion, and landscaping, site design, and parking layout are compatible with facilities existing on the site; and
    f. The site can accommodate the proposed change without any impact on surrounding property or infrastructure.
2. If the Community Development Director cannot make the findings required in the foregoing subsection, an amended site plan shall be approved before any alteration or expansion occurs.

G. **Expiration**: An approved site plan shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the approval is not commenced within one year or is not substantially completed within two (2) years.

Chapter 17.40
Conditional Uses

17.40.010 Purpose.
17.40.020 Conditional use permit process
17.40.030 Determination
17.40.040 General standards of review
17.40.050 Appeals of decision
17.40.060 Inspection and enforcement
17.40.070 Time limit
17.40.080 Violation/revocation

17.40.010 Purpose.
The purpose of this chapter is to provide for a reasonable application, review, and approval process for land uses that are specified as "conditional".

These uses shall integrate into the community through the use of conditions, based on standards, intended to mitigate, the reasonably anticipated detrimental effects of a particular conditional use.

Mitigate, as defined in State Law, means reduce, and does not mean eliminate. Conditional uses shall be approved on a case-by-case basis under the standards in this chapter.

The applicant shall adequately demonstrate that the reasonably anticipated detrimental effects of the proposed use/site plan can be mitigated through the imposition of reasonable conditions based on standards in this chapter.

17.40.020 Conditional use permit process.

A. **Permit required.**
   1. A conditional use permit shall be required for all uses listed as conditional uses in the zoning regulations in the Land Use Table 17.60.050. There are two types of conditional uses: Administrative (AC), and Planning Commission Conditional Use (PC).
   2. The Community Development Director or designee is authorized to process administrative conditional uses. The Planning Commission reviews Planning Commission conditional uses and they have the authority to approve or approve with conditions, based on written standards from the ordinances.
   3. Denial of an application shall only be considered if there are no conditions that can be imposed to mitigate the reasonably anticipated detrimental effects of the use.

B. Application required. Application for a conditional use permit shall be made by the property owner or certified agent thereof to the Community Development Department. Only applications deemed complete by the Community Development Director or designee will be processed. Complete applications include appropriate application forms reflecting the standards of the City, site plans/drawings, texts, and signatures as required on the form available in the Community Development Department and on the City's website. All documentation shall meet City requirements. A letter or email confirming the completeness of the application may be requested by the applicant. All applications shall be accompanied by the appropriate fee as established from time to time by resolution of the City Council.

C. Courtesy notice for conditional uses. The applicant shall notify, by personal conversations or a mailed letter, the adjacent property owners, including those across the street, as a courtesy, for the neighbor's information only. A form letter is available for use in the Community Development Department. Issues raised by neighbors may be incorporated as conditions of approval to mitigate anticipated detrimental effects, pursuant to the standards provided in section 17.40.040.

D. **Review procedures.** The Community Development Director or designee shall administer an application review procedure in which the major and/or administrative conditional use application is evaluated for compliance with all applicable ordinances and codes and for reasonably anticipated detrimental effects.

If in the review of an administrative conditional use, staff finds site plan and/or use issues where the City standards conflict or the impacts of a use are significantly more than anticipated by the basic ordinance standards, staff may raise the application to the level of a Planning Commission conditional use and process it accordingly.

17.40.030 Determination.

A. Each application for an administrative conditional use, and Planning Commission Conditional Use shall be:
    1. Approved if the proposed use, including the manner and design in which a property is proposed for development, complies with the standards of this Code for approval or as outlined in Section 17.40.040; or
    2. Approved with conditions if the anticipated detrimental effects of the use, including the manner and design in which the property is proposed for development, can be mitigated with the imposition of reasonable conditions to bring about compliance with the standards outlined in Section 17.40.040; or
    3. Denied if the anticipated detrimental effects of the proposed use cannot be mitigated with the imposition of reasonable conditions of approval to bring about compliance with the standards as outlined in Section 17.40.040. A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.

B. Any conditions of approval shall be limited to conditions needed to mitigate potential detrimental effects and conform the conditional use to the standards outlined in this Chapter.

C. After a decision is made by the Community Development Director or the Planning Commission, the Community Development Director or designee shall provide the applicant written notice of the final decision of record along with any conditions, findings, and site plan modifications.

17.40.040 General conditional use review standards.

A. All conditional use permits run with the land and may require the applicant to record documents to that effect.

B. The proposed conditional use shall comply with City ordinances, Federal, and State Law, as applicable to the use and to the site where the conditional use will be located, and;

C. Mitigation is required of reasonably anticipated detrimental effects that may arise from the conditional use, including:
    1. Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.
    2. Detrimental effects on the adequacy of utility systems, water and sewer, solid waste, snow removal, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, irrigation systems, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.
    3. Detrimental effects on connectivity and safety for pedestrians and bicyclists.
    4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered

acceptable, within a neighborhood including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations, chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.

5. Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, the removal of dangerous or blighted structures, high ground water, environmental health hazards, or wetlands, as determined by City Engineer, and/or other qualified specialists.
6. Detrimental effects of modifications to exterior lighting that conflict with abutting properties.
7. Detrimental effects arising from site design and/or building design in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, lighting (on-site and adjacent street lighting), signs, and architectural design and exterior detailing/finishes and colors within the area,
8. Detrimental effects on emergency fire service and emergency vehicle access.
9. Detrimental effects on usable/functional/accessible open space and sensitive lands.
10. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
11. Detrimental effects of excessive storm water generation.

17.50.050 Appeals of decision.

The applicant and/or any person adversely affected by a decision of the Community Development Director or Planning Commission or City Council regarding the decision rendered for a conditional use permit may appeal such decision to the Appeal Authority, by filing written notice of appeal with the Community Development Department within ten (10) calendar days from the date of such decision. See Appeal Authority Section 17.20.040.

17.50.060 Inspection and enforcement.

A. Following the issuance of a conditional use permit, the Community Development Director shall ensure that the development is undertaken and completed in compliance with the conditions as set forth in the conditional use. The Community Development Director or designee is entitled to perform on-site inspections to assure that compliance.

B. If the Community Development Director determines that the holder of a conditional use permit is in violation of the terms or conditions upon which the permit was issued, the City Recorder shall notice the permit holder. If the Director determines that the terms or conditions of the permit have been violated, the Director shall cause the permit holder to specify how the holder will promptly comply with the terms and conditions of the permit in a designated time frame, or the Director shall revoke the permit if the applicant is not able and willing to comply with the previously set conditions in a reasonable time frame. The Director shall detail such findings for revocation in the final decision.

17.50.070 Time limit.

Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of one year of its issuance, the conditional use permit shall expire. The permit shall be considered implemented if the recipient either engages or participates in the conditional use or completes substantial construction, such as grading and foundation construction, on the project for which the permit was granted. The Community Development Director may grant a maximum extension of six months under exceptional circumstances, such as financial hardships, lack of constructions materials, etc.

17.50.080 Violation/revocation.

A. A violation of any of the terms of this chapter or any conditions imposed as part of a conditional use permit shall be unlawful and may be remedied or punished as allowed by

law. Such violations may be remedied or punished as allowed by law with penalties as specified in Section 17.00.

B. A conditional use may be revoked upon failure to comply with the conditions of the original approval and the standards of this ordinance. Notification of a revocation shall be provided to the property owner, after a thirty (30) day written of violation and opportunity to comply is given. Such notices are the responsibility of the Community Development Director and/or the Code Enforcement Officer. Such notices may be contested though an application and a public hearing with the Planning Commission. Time extensions to correct the violation (s) may be issued by the Community Development Director and/or Code Enforcement Officer when the extent of the violation(s) warrants additional time to correct.

Accessory Apartments moved to 17.70.060

Temporary Uses moved to 17.70.130

Sexually Oriented Business located in 5.50

Major and Minor Home Occupations Moved to

Chapter 17.50
Annexation Policy Plan

A. The character of the community. The West Point area was originally settled by Mormon Pioneers in 1866. The area spawned large successful farms with agriculture continued as the basic industry and lifestyle until recently.

The general area occupied by West Point is bordered on the west by the Great Salt Lake and on the east by Clearfield City, north by Clinton City and south by Syracuse City. West Point is located in a very aesthetically beautiful setting with the Wasatch National Forest containing stands of Pine and Quaking Aspen trees and abundance of wildlife to the east and the Great Salt Lake with Antelope Island to the west. West Point is a family-oriented community known for its pastoral setting, rural atmosphere, and small-town character.

West Point has experienced significant growth in the last decade as urban development continues to expand. The majority of residential dwellings are single-family detached units in standard subdivisions. This development has occurred mostly in the eastern portion of the City while areas in the western portion of the City remain largely undeveloped and rural in character.

Future expansion of the City may include residential, commercial and business park areas. Neighborhoods within which residents have been historically identified with the community should not be excluded from the community or divided between communities.

B. The need for municipal services in developed and undeveloped unincorporated areas. The areas considered for annexation are located generally within the area illustrated on the expansion area map as adopted by the City. If annexed to West Point, municipal services would likely be able to be provided either by the City or by special service districts such as the North Davis Sewer District, Hooper Water District and Weber Basin Water District. New annexations may include areas which are largely undeveloped and which contain unique features and characteristics. Such areas may include open space, riparian areas, shore lands, and natural resource areas. Expansion of the City into these areas will allow appropriate preservation while blending in development and providing appropriate growth and management opportunities to benefit property owners and the citizens of West Point City.

West Point City believes it is in the interest of its citizens and will provide public health, safety and welfare to assure the responsibility for providing municipal services to the expansion area as adopted by the City. The provision of municipal services to this area will assure the City of the ability to protect the interests of its residents in maximizing the benefits of the economies of scale in the provision of municipal services and in minimizing the harmful impacts of conflicting uses of land that may be proposed or occur within the expansion area.

The area is currently served by Davis County, which provides road maintenance and police protection. The Hooper Water District provides secondary water services. Existing residents receive culinary water from Hooper Water District. The county is not in any position to provide culinary water or site-specific storm drainage services to the area. Providing water, sewer and storm drainage services to the expansion area would present no serious difficulty for West Point City. These facilities could be constructed when development occurs within the annexed areas.

These areas would be serviced by the North Davis Sewer Improvement District as annexation occurs. New annexations should include areas in which services can be provided efficiently. The annexation should not create topographically isolated areas, areas for which the provision of services would be costly or difficult, or an area in which ground water runoff would create multi-jurisdictional problems.

C. **Plans and time frame for extension of municipal services.** The expansion area is close to the existing community and utility infrastructure of West Point City. Major traffic facilities extend to these areas along which all services, whether on, beneath, or above ground, could be extended. Fire, police, solid waste collection, street maintenance and similar municipal services not dependent on the extension of an infrastructure could be commenced when appropriate. Extensions of infrastructures, i.e., water, sewer, and storm drain systems, would be undertaken when needed as capital improvement funds become available. Municipal services would follow development and the City's budget capability.

Areas not now considered for new infrastructure and services beyond the City's budget capability would be serviced over a period of time as development takes place. These areas are presently serviced by the North Davis Sewer District and the Hooper Water District.

When development proposals are submitted for specific urban development, agreements for the provision of services and improvements are entered into between the City and the developer resolving issues before final approvals are given. All developments are required to provide supporting site-specific infrastructure related to developments that are not systems of Citywide improvements which benefit the community as a whole.

D. How services will be financed. The financing of services for newly annexed areas will be accomplished by various means. The City will place requirements on developers in such areas to install public improvements as set forth in this chapter and the development codes.

Previously developed areas for which annexation petitions are submitted to the City will be reviewed for adequacy of services before approval. If deficiencies are discovered, the financing of improvements may be determined by agreements between the City, the petitioners, property owners, and/or developers of adjacent property. The financing may be accomplished by various means, i.e., the City's general fund, debt financing, special improvement districts or by developer contributions. General government and public safety services will be provided to such areas as soon as possible. Interlocal cooperation agreements may be used to cover transition periods.

Lands that are the subject of petitions for annexations that are undeveloped and not serviced will be reviewed carefully by the City engineer and appropriate City departments to determine the most feasible means of financing infrastructure and needed improvements. In most cases, installation of such improvements and services will be financed by the developer of the property.

E. An estimate of a tax consequence to residences both currently within the municipal boundaries and the expansion area. The areas presented herein as favorable for annexation to West Point represent a variety of development potential and distance. It is believed that all of these areas could be serviced adequately by the City. Some of the lands within these areas may be suitable for industrial commercial development and would be considered for such. West Point's property tax base relies primarily upon taxing of residential property. The development of nonresidential uses in some newly annexed areas could ultimately result in some relief for the residential properties throughout the City.

It is generally believed that annexation in the general areas shown, if monitored by the City to assure a satisfactory balance of land uses, would not alter the distribution of taxes to any great extent. It is recognized also that the potential exists for commercial development and the generation of sales tax to augment the City's revenues.

The areas shown as favorable for annexation are all or partially within the North Davis County Sewer District, Hooper Water District, and the Davis County Mosquito Abatement District and are subject to tax levies imposed by these special districts.

F. **The interest of all affected entities.** Prior to the approval of any property for annexation, the petitioners may be requested by the City to provide recommendations from neighboring local governmental jurisdictions regarding the proposal and potential impact of annexation on the general county economic needs, goals or objectives. Applicants for annexation may also have to identify any special districts or county departments that are currently providing services to the property. If the proposed area is receiving services that are to be assumed by West Point City, a statement should be included indicating that steps can be taken to assure an effective transition in the delivery of services. A timetable for extending services should be included if the City is unable to provide services immediately. If the proposal includes a specific urban development, an agreement for the provision of services and improvements should be concluded between the City and the applicant.

All affected entities as defined by Section 10-2-401(1)(a), Utah Code Annotated 1953, may review the proposed annexation policy plan or amendments thereto and may submit oral or written comments and recommendations to the Planning Commission as invited to do so by notice posted and mailed pursuant to state law. The City shall address any comment made by affected entities at or within 10 days after the public meeting held by the Planning Commission to receive said input from affected entities as stated by the law.

G. Expansion area. A map depicting the proposed expansion area for the West Point City's General Plan Document.

Chapter 17.60
Establishment and Designation of ~~Zones Districts~~

17.60.010 Zones established and zoning map.
17.60.020 Application of zoning regulations.
17.60.030 Rules for interpretation of zoning boundaries.
17.60.040 Designation of zone(s) upon annexation.
17.60.050 Table of land use regulations.
17.60.060 Agricultural and Farm Industry A-5
17.60.070 Agricultural A-40
17.60.080 Residential R-1
17.60.090 Residential R-2
17.60.100 Residential R-3
17.60.110 Multi- Family Residential R-4
17.60.120 Multi –Family Residential R-5
17.60.140 Professional Office P-O
17.60.145 Commercial (N-C, C-C & R-C)
17.60.150 Research Industrial Park Zone (R/IP)
17.60.160 Planned Residential Unit Development (PRUD) Overlay Zone
17.60.170 General Regulations for Zoning.

17.60.010 Zones established and Zoning Map.

A. For the purposes of this title, all the land within the incorporated boundaries of West Point City is hereby divided into the following zones which are shown on the zoning map of West Point City which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this title:

A-5	Agriculture and Farm Industry Zone
A-40	Agriculture Zone
R-1	Residential Zone
R-2	Residential Zone
R-3	Residential Zone
R-4	Multi-Family Residential Zone
R-5	Multi-Family Residential Zone
P-O C	Professional Office Zone Commercial Zones- Neighborhood Commercial (NC), Community Commercial (CC) & Regional Commercial (RC)
R/I-P	Research/Industrial Park Zone
PRUD	Planned Residential Unit Development Overlay Zone

B. Zoning map.

1. The zoning map shall be identified by ordinance or resolution. It shall bear the date of its adoption with the Mayor's signature attested by the City Recorder.
2. No changes of any nature shall be made in the zoning map of matter shown thereon except in conformity with the procedures set forth in this title.
3. Regardless of the existence of purported copies of the zoning map, which may from time to time be made or published, the zoning map and ordinances amending the zoning map, which shall be located in the ordinance and resolution file, shall be the final authority as to the current zoning status of land areas and of buildings and other structures in the city.
4. In the event that the zoning map becomes damaged, destroyed, or lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may

by resolution adopt a new zoning map which shall supersede the prior zoning map. The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original zoning map or any subsequent amendment thereof. The new zoning map shall be identified by resolution. It shall bear the date of its adoption with the signature of the mayor of West Point City attested by the City Recorder.

17.60.020 **Application of zoning regulations.**

Except as hereinafter otherwise provided:

A. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure, or premises be used, designated, or intended to be used for any manner other than is included among the uses hereinafter listed as permitted in the zone in which such building, land, or premises is located.
B. No building or part thereof or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located.
C. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged, or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter for the zone in which such building or open space is located.
D. No yard or open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site except in the case of dwelling groups.

17.60.030 **Rules for interpretation of zoning boundaries.**

Where uncertainty exists as to the boundaries of zones as shown on the zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of roads or streets, highways, or alleys shall be construed to follow such centerlines.
B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following city limits shall be construed as following such city lines.
D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
E. Boundaries indicated as approximately following centerlines of streams or canals shall be construed to follow such centerlines.
F. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) of this section shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
G. Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by subsections (A) through (F) of this section, the Community Development Director shall interpret the zoning boundaries.

17.60.040 **Designation of zone(s) upon annexation.**

The City may assign a zoning designation to the territory annexed to the municipality at the time the territory is annexed.

17.60.050 **Table of land use regulations.**

A. **Table of Land Use Regulations**. Glossary and Requirements:

P = PERMITTED USE (P) A site plan application is required with staff processing.
AC = ADMINISTRATIVE CONDITIONAL USE (AC). A site plan application with an administrative staff review is required.
PC = PLANNING COMMISSION CONDITIONAL USE REVIEW (PC). A site plan application with Planning Commission review is required.

B. If a use is not specifically designated below, then it is prohibited.

LAND USE ZONES	A-5	A-40	R-1	R-2	R-3	R-4	R-5	P-O	N-C	C-C	R-C	R/I-P
Agricultural Uses												
1. Agriculture – crop production	P	P	P	P	P	P	P		P	P	P	P
2. Intensive commercial agricultural operations	AC	AC										
3. Farm Animals	P	P	P	P	AC							
4. Accessory Building (Small) up to 1200 sq ft	P	P	P	P	P	P	P	P	P	P	P	P
5. Accessory Building (Medium) 1201 – 1,499 on a lot under 15,000 square feet	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
6. Accessory Building (Large) 1,500 sq ft +	PC	PC	PC	PC	PC	PC	PC					
7. Accessory Building (Side Yard)	AC	AC	AC	AC	AC	AC	AC					
8. Animal Enclosures	P	P	AC	AC	AC							
9. Beekeeping (Apiary)	P	P	P	P	P							
10. Kennels, Private > 2 dogs	PC	PC										
11. Agricultural Subdivision	P	P										
Residential Uses												
1. Dwelling, Single-Family	P	P	P	P	P	P	P					
2. Minor Home Occupations (see 17.70.140)	AC	AC	AC	AC	AC	AC	AC					
3. Major Home Occupations (see 17.70.140)	PC	PC	PC	PC	PC	PC	PC					
4. In-Home Daycare/Pre-School (see 17.70.140)	PC	PC	PC	PC	PC	PC	PC					

5. Townhomes, duplexes, patio homes, single story or stacked flat condominiums						P	P					
6. Dwelling, Multiple Unit							CC					
7. Accessory Apartment	PC	PC	PC	PC	PC							
8. Residential Subdivision (including a model home as a permitted use after the preliminary plat is approved)	P	P	P	P	P	P	P					
Institutional/Quasi-Public												
1. Cemetery	PC	PC	PC	PC	PC	PC	PC					
2. Religious places of worship and support facilities	P	P	P	P	P	P	P	P	P	P	P	P
3. Commercial Day Care Center and/or Pre-School								CC	CC	AC	AC	AC
5.Senior Care Facilities/Nursing Homes								CC	CC	CC	CC	CC
6. Private/Quasi-Public/Charter School	P	P	P	P	P	P	P	P	P	P	P	P
7.Utility buildings and structures, Electric substations	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
8. Telecommunications Towers (see 17.90 for specific types), and Small Cell Installations. * *Monopole type only and only allowed on public property.			PC*	PC*	PC*	PC*	PC*	PC	PC	PC	PC	PC
9. Public Utilities (including substations). Shops and Storage Yards, and Public Buildings	P	P	P	P	P	P	P	P	P	P	P	P
10. Public Water Reservoir/ Public Storage Tank	P	P	P	P	P	P	P	P	P	P	P	P
11. Group Homes in residential structure	P	P	P	P	P	P	P					
Entertainment/Recreation Uses												

1. Golf Course (Public & Private)	P	P										
Automobile-Related Uses												
1. Gas/convenience store with or w/o car wash									CC	CC	CC	CC
General Retail/Commercial/Hospitality												
1. Retail shops/Services (under 10,000 sq. ft)									CC	CC	CC	CC
2. Mid-box retail (10,001 to 80,000 sq. ft)										CC	CC	
3. Big Box Retail 80,001 and larger)											CC	
4. Financial Institutions								CC	CC	CC	CC	CC
5.Restaurants, bars, including fast food								CC	CC	CC	CC	CC
6. Professional offices, Business Medical/Dental/Optical Office/Clinics and Laboratories								CC	CC	CC	CC	CC
7. Private Instructional Studio - Artist, Photography, Dance, Music, Drama, Health, Exercise									CC	CC	CC	CC
8. Commercial Complex								CC	CC	CC	CC	CC
9. Commercial/Industrial Subdivisions								P	P	P	P	P
10. Signs (see 17.110)	P	P	P	P	P	P	P	P	P	P	P	P
11. Firework stands (temporary) (see 5.25)									P	P	P	P
Commercial Related/Manufacturing												
1. Light Manufacturing (within an enclosed building)											CC	CC
2. General Manufacturing												CC

3. Contractor Storage Yard												CC
4. Self- Storage Units												CC
5. Warehouse												CC
6. Office or retail shop/warehouse											CC	CC
7. Sexually Oriented Businesses (see 5.50)												CC
8. Cannabis Facilities: cultivation, processing, and pharmacies												P

17.60.050 A-5 Agricultural and Farm Industry Zone

A. Purpose
B. Use table
C. Development and building standards
D. Related provisions

1. **Purpose.** The purpose of the A-5 (Agriculture and Farm Industry) zone is to promote and preserve agriculture and farming, to maintain and preserve large areas of open space, and keep greater numbers of farm animals.

B. Use table. See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited. All uses listed in the use table and that require a building permit shall also require a site plan application.

C. Development and building standards.

1. Subdivision Requirements. In addition to the following standards, all lots (including single-lots) shall be approved and developed in accordance with the standards found in the Subdivision Ordinance 17.130.
2. A-5 Lot Standards Tables.

The following standards apply to all buildings in the A-5 zone:

Lot Size and Minimum Dimensions	
Min. Lot Area (acres)	5
Min. Frontage	150’
Min. Depth	100’
Principle Structure	
Min. Front Yard Setback	30’
Min. Front Yard Setback Arterial Street	40’
Min. Side Yard Setback (One Side)	10’ (total of 20’ for both sides)
Min. Side Yard Corner Lot	20’
Min. Side Yard Corner Lot Arterial Street	30’
Min. Rear Yard Setback (see 17.70.20 for encroachment standards)	30’
Min. And Max Height	12’ & 40’
Min. Size of Dwelling	(see 17.70.020)
Accessory Buildings	
Animal Enclosures	(see 17.70.100)
Accessory Buildings	(see.17.70.030)
Accessory Dwelling Units	(see 17.70.060)
Fencing & Landscaping	
Fencing	(see 17.70.050)
Landscaping	(see 17.70.040)
Towers and Flagpoles	
Max Height for Flagpoles	40’

3. Animal enclosures. All pens, corrals, barns, coops, stables and other similar structures to keep animals or fowl shall be located not less than 150 feet from a public street and not less than 100 feet from all dwellings on adjacent lots; unless the enclosing structure is on a corner lot, in which case the structure shall be located not less than 150 feet

from a public street on one side and 25 feet from the other public street. All pigs shall be kept at least 200 feet from dwellings on adjacent lots. Also see 17.70.100

4. Front yard landscaping. On lots over one-half acre in size, landscaping shall only be required on 100 feet of street frontage to the depth of the front yard setback. For lots under one-half acre see Section 17.70.040.

D. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.70. General Regulations
Chapter 17.70.140. Home Occupation
Chapter 17.70.100 Farm Animal Regulations
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions

17.60.070 A-40 Agricultural Zone

A. Purpose
B. Use table
C. Development and building standards
D. Related provisions

A. **Purpose.** The purpose of the A-40 (Agriculture) zone is to provide rural residents the flexibility of having large lots that promote and preserve some agriculture with farm animal keeping.

B. **Use table.** See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited. All uses listed in the use table and that require a building permit shall also require a site plan application

C. **Development and building standards.**

1. Subdivision Requirements. In addition to the following standards, all lots (including single-lots) shall be approved and developed in accordance with the standards found in the Subdivision Ordinance 17.130.
2. A-40 Lot Standards Tables.

The following standards apply to all buildings in the A-40 zone:

Lot Size and Minimum Dimensions	
Min. Lot Area (sq. ft.) First Dwelling Unit	40,000
Min. Frontage	100’
Min. Depth	100’
Principle Structure	
Min. Front Yard Setback	30’
Min. Front Yard Setback Arterial Street	40’
Min. Side Yard Setback (One Side)	10’ (total of 20’ for both sides)
Min. Side Yard Corner Lot	20’
Min. Side Yard Corner Lot Arterial Street	30’
Min. Rear Yard Setback Min. Rear Yard Setback (see 17.70.20 for encroachment standards)	30’
Min. And Max Height	12’ & 40’
Min. Size of Dwelling	(see.17.60.170)
Accessory Buildings	
Animal Enclosures	(see 17.70.100)
Accessory Buildings	(see.17.70.030)
Accessory Dwelling Units	(see 17.70.060)
Fencing & Landscaping	
Fencing	(see 17.70.050)
Landscaping	(see 17.70.040)
Towers and Flagpoles	
Max Height for Flagpoles	40’

3. Animal enclosures. All pens, corrals, barns, coops, stables and other similar structures to keep animals or fowl shall be located not less than 150 feet from a public street and not less than 100 feet from all dwellings on adjacent lots; unless the enclosing structure is on a corner lot, in which case the structure shall be located not less than 150 feet

from a public street on one side and 25 feet from the other public street. All pigs shall be kept at least 200 feet from dwellings on adjacent lots. Also see 17.70.100

4. Front yard landscaping. On lots over one-half acre in size, landscaping shall only be required on 100 feet of street frontage to the depth of the front yard setback. For lots under one-half acre see Section 17.70.040.

D. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.70. General Regulations
Chapter 17.70.140. Home Occupation
Chapter 17.70.100 Farm Animal Regulations
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions

17.60.080 R-1 Residential Zone

A. Purpose
B. Use table
C. Development and building standards
D. Related provisions

A. Purpose. The purpose of the R-1 (Residential) zone is to provide low density single-family neighborhoods.

B. Use Table. See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited. All uses listed in the use table and that require a building permit shall also require a site plan application

C. Development and building standards.

1. Subdivision Requirements. In addition to the following standards, all lots (including single-lots) shall be approved and developed in accordance with the standards found in the Subdivision Ordinance 17.130.
2. R-1 Lot Standards Tables.

The following standards apply to all buildings in the R-1 zone:

Lot Size and Minimum Dimensions	
Max Density	2.2
Min. Lot Area (sq. ft.) First Dwelling Unit	12,000
Min. Frontage	85’
Minimum Average Frontage of All Lots *(no more than three lots in a row shall be the minimum lot width, the next lot must vary by a min. of five feet)*	100’
Min. Depth	100’
Principle Structure	
Min. Front Yard Setback	30’
Min. Front Yard Setback Arterial Street	40’
Min. Side Yard Setback (One Side)	10’ (total of 20’ for both sides)
Min. Side Yard Corner Lot	20’
Min. Side Yard Corner Lot Arterial Street	30’
Min. Rear Yard Setback Min. Rear Yard Setback (see 17.70.20 for encroachment standards)	30’
Yard Exceptions	(see Section C (5) below)
Min. And Max Height	12’ & 40’
Min. Size of Dwelling	(see 17.60.170)
Accessory Buildings	
Animal Enclosures	(see 17.70.100)
Accessory Buildings	(see.17.70.030)
Accessory Dwelling Units	(see 17.70.060)
Fencing & Landscaping	
Fencing	(see 17.70.050)
Landscaping	(see 17.70.040)
Towers and Flagpoles	
Max Height for Flagpoles	40’

3. Front yard exceptions and side yard modifications:
    a. Where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block is less than the least front yard depth prescribed for said R-1 zone, the front yard of such lot may be reduced to the average depth of the existing front yards within 100 feet of the lot in question, or the average depth of existing front yards of the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, and facing on the same street as the lot in question.
    b. A side yard along the side street lot line of a corner lot, which abuts in the rear the side lot line of another lot in an R-1 zone, shall have a width of not less than one-half of the required depth of the front yard on such other lot fronting the side street.

D. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.70. General Regulations
Chapter 17.70.140. Home Occupation
Chapter 17.70.100 Farm Animal Regulations
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions

17.60.090 R-2 Residential Zone

A. Purpose
B. Use table
C. Development and building standards
D. Related provisions

A. **Purpose.** The purpose of the R-2 (Residential) zone is to provide medium density single-family neighborhoods.

B. **Use Table.** See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited. All uses listed in the use table and that require a building permit shall also require a site plan application

C. **Development and building standards.**

1. Subdivision Requirements. In addition to the following standards, all lots (including single-lots) shall be approved and developed in accordance with the standards found in the Subdivision Ordinance 17.130.
2. R-2 Lot Standards Tables.

The following standards apply to all buildings in the R-2 zone:

Lot Size and Minimum Dimensions	
Max Density	2.7
Min. Lot Area (sq. ft.) First Dwelling Unit	10,000
Min. Frontage	85’
Minimum Average Frontage of All Lots *(no more than three lots in a row shall be the minimum lot width, the next lot must vary by a minimum of five feet)*	90’
Min. Depth	100’
Principle Structure	
Min. Front Yard Setback *(minimum setback can be used in either the front or the rear yard but not both)*	25’/30’
Min. Front Yard Setback Arterial Street	40’
Min. Side Yard Setback (One Side)	10’ (total of 20’ for both sides)
Min. Side Yard Corner Lot	20’
Min. Side Yard Corner Lot Arterial Street	30’
Min. Rear Yard Setback *(minimum setback can be used in either the front or the rear yard but not both) (see 17.70.20 for encroachment standards)*	25’/30’
Yard Exceptions	(see Section C (3) below)
Min. And Max Height	12’ & 40’
Min. Size of Dwelling	(see 17.60.170)
Accessory Buildings	
Animal Enclosures	(see 17.70.100)
Accessory Buildings	(see.17.70.030)
Accessory Dwelling Units	(see 17.70.060)
Fencing & Landscaping	
Fencing	(see 17.70.050)
Landscaping	(see 17.70.040)

Towers and Flagpoles	
Max Height for Flagpoles	40’

3. Front yard exceptions and side yard modifications:
    a. Where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block is less than the least front yard depth prescribed for said R-2 zone, the front yard of such lot may be reduced to the average depth of the existing front yards within 100 feet of the lot in question, or the average depth of existing front yards of the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, and facing on the same street as the lot in question.
    b. A side yard along the side street lot line of a corner lot, which abuts in the rear the side lot line of another lot in an R-2 zone, shall have a width of not less than one-half of the required depth of the front yard on such other lot fronting the side street.

D. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.70. General Regulations
Chapter 17.70.140. Home Occupation
Chapter 17.70.100 Farm Animal Regulations
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions

17.60.100 R-3 Residential Zone

A. Purpose
B. Use table
C. Development and building standards
D. Related provisions

A. **Purpose:** The purpose of the R-3 (Residential) zone is to provide medium density single-family neighborhoods on smaller lot sizes.

B. **Use table.** See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited. All uses listed in the use table and that require a building permit shall also require a site plan application

C. **Development and building standards.**

1. Subdivision Requirements. In addition to the following standards, all lots (including single-lots) shall be approved and developed in accordance with the standards found in the Subdivision Ordinance 17.130.

2. R-3 Lot Standards Tables.

The following standards apply to all buildings in the R-3 zone:

Lot Size	
Max Density	3.6
Min. Lot Area (sq. ft.) First Dwelling Unit	9,000
Min. Frontage	85’
Min. Depth	100’
Principle Structure	
Min. Front Yard Setback *(min. setback can be used in either the front or the rear yard but not both)*	25’/30’
Min. Front Yard Setback Arterial Street	40’
Min. Side Yard Setback (One Side)	8’ (total of 16’ for both sides)
Min. Side Yard Corner Lot	20’
Min. Side Yard Corner Lot Arterial Street	30’
Min. Rear Yard Setback *(min. setback can be used in either the front or the rear yard but not both) (see 17.70.20 for encroachment standards)*	25’/30’
Yard Exceptions	(see Section C (3) below)
Min. And Max Height	12’ & 40’
Min. Size of Dwelling	(see 17.60.170)
Accessory Buildings	
Animal Enclosures	(see 17.70.100)
Accessory Buildings	(see.17.70.030)
Accessory Dwelling Units	(see 17.70.060)
Fencing & Landscaping	
Fencing	(see 17.70.050)
Landscaping	(see 17.70.040)
Towers and Flagpoles	
Max Height for Flagpoles	40’

3. Front yard exceptions and side yard modifications:

a. Where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block is less than the least front yard depth prescribed for said R-3 zone, the front yard of such lot may be reduced to the average depth of the existing front yards within 100 feet of the lot in question, or the average depth of existing front yards of the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, and facing on the same street as the lot in question.
b. A side yard along the side street lot line of a corner lot, which abuts in the rear the side lot line of another lot in an R-3 zone, shall have a width of not less than one-half of the required depth of the front yard on such other lot fronting the side street.

D. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.70. General Regulations
Chapter 17.70.140. Home Occupation
Chapter 17.70.100 Farm Animal Regulations
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions

17.60.110 R-4 Multi-Family Residential Zone

A. Purpose
B. Use table
C. Development and building standards
D. Related provisions

A. **Purpose.** The purpose of the R-4 (Multi-Family Residential) zone is to provide medium to high density detached or attached dwelling units (i.e., townhomes, patio homes, condos, etc.) while providing usable and accessible open space.

B. **Use table.** See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited. All uses listed in the use table and that require a building permit shall also require a site plan application

C. **Development and building standards.**

1. Subdivision Requirements. In addition to the following standards, all lots (including single-lots) shall be approved and developed in accordance with the standards found in the Subdivision Ordinance 17.130.
2. R-3 Lot Standards Tables.

The following standards apply to all buildings in the R-4 zone:

Lot Size	
Max Density (Units Per Gross Acre)	8.0
Open Space	30%
Principle Structure	
Min. Front Yard Setback to Garage – Public Road	25’
Min. Front Yard Setback to Garage – Private Lane	25’
Min. Front Yard Setback to Front Plane of Building	20’ (3’ to 5’ variation required between building groups fronting on a public street)
Min. Front Yard Setback to Front Plane of Building – Private Lane	20’
Min. Front Yard Setback Arterial Street	40’
Min. Side Yard Setback (One Side)	8’ (total of 16’ for both sides)
Min. Side Yard Corner Lot	20’
Min. Side Yard Corner Lot Arterial Street	30’
Min. Rear Yard Setback *(see 17.70.20 for encroachment standards)*	20’
Min. Distance from other Main Buildings	10’
Min. Side yard from adjacent zones: A-5, A-40, R-1, R-2, R-3	25’
Min. Distance to Garage – Alley	8’
Min. Distance to Rear Plane of Building - Alley	8’
Max. Height	40’
Min. Size of Dwelling	(see Section C (3) below)
Accessory Buildings	
Accessory Buildings	(see.17.70.030)
Fencing & Landscaping	

Fencing	(see 17.70.050)
Landscaping	(see 17.70.040)
Towers and Flagpoles	
Max Height for Flagpoles	40’

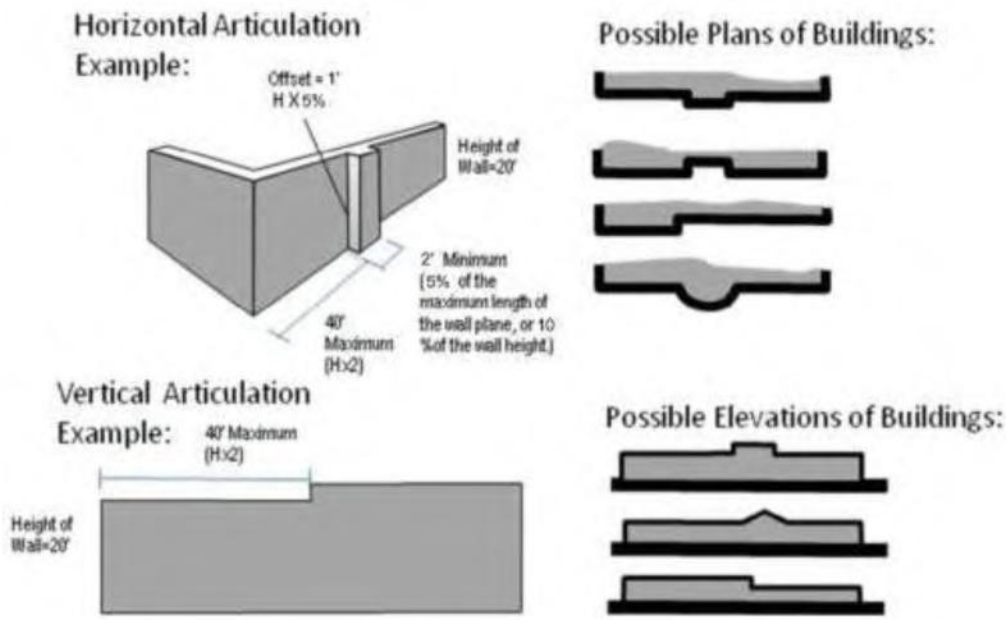
3. Dwelling Type: R-4 Minimum Size of Dwelling

Residential Units		
1	Only areas of the dwelling that have been completely finished shall be counted in the minimum square footage	1,200’ for Townhouse, Patio Homes, and Condominiums
2	The R-4 zone requires 9,000 square feet for the first two dwelling units	

4. Carport Location. The carport of a duplex or a twin home may be in the front yard if the main building is set back so that the required front yard is provided between the front lot line and the closest part of the carport. Carports located in this manner shall increase or vary their setback by 3’ to 5’ for adjacent units

5. Building Design Standards.
    a. Design and Unit Variation. Town house, patio homes, and condominium projects shall include design features that differentiate adjoining units and create identity for each unit. This goal shall be achieved through the following requirements:
        i. Unit Size. Each unit in a project when computed for the overall project shall average 1200 square feet.
        ii. Articulation. Projects shall include a variety of heights. For attached town house units up to 4 groups of town houses may have the same height. For patio homes, no more than two adjacent units can have the same height. For stacked condominiums, no more than four buildings can have the same height.
    b. Roofline articulation and wall articulation shall follow the requirements: Articulation and Windows. All street facing facades shall meet the following minimum standards for articulation, as illustrated in Figure 17.60.110-1. For purposes of this section “articulation” shall mean the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch or height.
        i. Horizontal Articulation. No plane of a building wall shall extend for a horizontal distance greater than two times the height of the wall without having an offset of at least five percent of the wall’s height, and that new wall plane shall extend for a distance equal to at least five percent of the maximum length of the first plane.
        ii. Vertical Articulation. No wall shall extend for a horizontal distance greater than two times the height of the wall without changing height by a minimum of 15 percent of the wall’s height. Where allowed, a pitched roof may be considered as vertical articulation.
    c. Windows: All building facades that face public streets shall have windows along at least 25 percent of their horizontal length. If 25 percent actual windows is not feasible because of the nature of the use of the building facade, then the remainder of such walls shall include false windows, either glazing or pattern, and defined by frames, sills, and lintels, or similarly proportioned features.

Figure 17.60.110-1.



d. Color. Projects shall include a variety of building colors and materials.
   i. Color utilization should be sensitive to existing development, with earth tones using colors that reflect natural landscape in which the project is situated.
   ii. A minimum of four colors per elevation is preferred, with three required.
e. Townhomes, patio homes and stacked condominiums. Townhouses that are attached horizontally shall not exceed six attached units in alignment. Exterior design shall vary for every 5th townhouse group. Patio homes shall vary with no more than two adjacent street facing facades being the same. Stacked condominiums shall vary with projects limited to no more than 50 units per building and no more than two adjacent building facades can be the same or similar. Differentiation is defined as having windows and doors located in different locations, the use of at least 30% different materials and/or colors, and for every sixty feet of a building façade, a 2' vertical recessed section.
f. Foundation. Exposed foundation walls shall not exceed two feet above finished grade at any point and shall include a stucco type finish or brick or stone.
g. Building Materials. Building materials for projects shall consist of at least 40 percent brick, stone, or synthetic stone on all sides of the structure. The balance of the exterior wall area shall consist of brick, stone, glass, decorative integrally colored block, or stucco. All building materials shall be high quality, durable, and low maintenance. Roofs shall be hipped or gabled with a minimum six to 12 pitch.
h. Garages. Garages shall complement the project architecture in terms of design, materials, and colors while following the standards set forth in this section. For townhouse and patio homes, garages shall be recessed from the front façade by a minimum of 3'.
i. Balconies for townhouses and stacked condominiums. It is preferred that railings on balconies should be open rail to maximize natural light penetration. All townhouse and patio home projects shall include a patio with a minimum dimension of 8' by 10' for 100% of the units. Stacked condominiums shall include balconies for at least 50% of the units with a minimum dimension of 6' by 10'.

j. Stairways. All exterior stairways shall be enclosed and screened from view.
k. Architectural Theme. A design theme shall be established for each project such as craftsman or farmhouse styles or be established through a master plan/development agreement.
l. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
m. The exterior walls of all multifamily buildings shall be properly maintained by the owners or the homeowners' association.

6. Open Space Standards:
    a. No less than 30 percent of the gross project area shall be landscaped and designated for usable open space uses**.** Usable open space means spaces that serve a recreation function and not leftover non-usable pieces such as landscaped islands in parking lots or property corners with insufficient space to provide a recreation function/lacking a connection to project amenities.
    b. Open space areas shall be available to everyone residing in the boundaries of a development with convenient locations and resident access. Open space areas shall be maintained by a Homeowner's Association.
    c. Open space excludes private balconies, decks, patio areas, recreation buildings, indoor amenities, vehicle parking, streets, park strips, required buffer areas (unless such areas have a recreation function), and sidewalks.
    d. Open space may include pathways and outdoor amenities.
    e. Open space should be clustered to create usable spaces with a recreation purpose.
    f. Each project shall include a larger open space where at least 25% of the open space area adjoins a street. Open space should be designed as a system with many components.
    g. Open spaces shall be designed for a particular function such as a leisure space with shade and seating - such spaces should be appropriately sized for the development and shall include at least one usable space with a minimum dimension of 50' by 100'. Other spaces may accommodate active uses such as a trail, exercise course, or to kick a ball, or a place to gather such as a shaded picnic table with a barbeque. Connected open spaces distributed throughout the development are required.
    h. All open space, if not dedicated to the City, will be labeled and recorded as a lot or lots in a subdivision, as common area in a condominium or as a perpetual open space easement to be jointly owned and properly maintained as open space and/or recreation by a Homeowners' Association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City. Open space shall include recreational improvements such as play courts, swimming pools, tot lots, picnic areas, and walking paths. The City shall determine the acceptability of proposed recreational amenities during the site plan and development approval process. The City may require a bond to guarantee installation of the open space improvements. All open spaces shall be preserved and properly maintained by the owner of record.

7. Condominium Projects Amenities.: Centrally located amenities shall be provided for all stacked condominium-projects with over 50 units. Amenities shall be appropriate for the project size and location. All stacked condominium projects over 50 units shall have the following amenities:
    a. One playground with a minimum of one multi-function play structure encompassing a minimum of 300 square feet. The size and quality of the playground shall be approved in the site planning process by the Community Development Director.

b. One indoor, centrally located, fully functional social area, no less than 1,000 square feet in gathering space.
c. One swimming pool. .30' by 60' minimum size with the size increasing 10% for every additional 25 units over 100 units.
d. In addition to the amenities listed above, one amenity for each additional 50 units over 50 must be provided. Choose one from the following list:
    i. A second tot lot/play structure (at least 5 different play functions).
    ii. Courtyard with benches (paver surface with at least 500 square feet).
    iii. Picnic tables and barbecue area with shade structures.
    iv. Trail system easily accessible from the entire project (minimum 8' hard surface)
    v. Sports courts (i.e., tennis, basketball, pickleball, volleyball).
    vi. Natural open space area (minimum .5 acre) with benches/viewing areas and/or trails.

8. Recreation spaces.
    a. If not dedicated to the City, recreation spaces will be labeled and recorded as a lot or lots in a subdivision, as common area in a condominium or as a perpetual open space easement to be jointly owned and properly maintained as open space and/or recreation by a Homeowners' Association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City.
    b. The City shall determine the acceptability of proposed recreational amenities during the site plan and development approval process. The City may require a bond for any publicly accessed recreation spaces, to guarantee installation of the open space improvements including all landscaping, pavement, lighting, and amenities if accessed by the public. All open spaces shall be preserved and properly maintained by the owner of record.
9. Parking Standards
    a. 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.
    b. 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.
    c. The front yard setbacks are listed in the Lot Standards Table.
    d. Setbacks shall apply to all private and public streets, private driveways, private lanes and alleys.
    e. 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.
    f. Only areas of the dwelling that have been completely finished shall be counted in the minimum square footage.
10. Parking Lot Landscaping and Lighting:
    a. Parking Lot. Every parking lot with more than 10 spaces and 3,500 square feet shall contain internal landscaped areas.
    b. Curbed planters, designed to accept stormwater, with two-inch or larger caliper medium to large shade trees, shall be installed at the ends of parking rows. Planters shall be at least five feet wide. The remainder of the island shall be landscaped with additional shrubs, ground cover, decorative gravel, or turf, and shall include an appropriate irrigation system.
    c. For every 20 parking stalls there shall be a planter area. This area shall have a minimum of two two-inch caliper medium size trees planted along with grass, shrubs, decorative gravel, or ground cover. Said planter shall be at least five feet wide and the length of two tandem parking spaces.

d. Minimum five-foot landscaped planters shall be provided around building foundations except at building entrances, drive-up windows and loading and utility areas.
e. All landscaped areas adjacent to parking areas shall be curbed and designed to accept stormwater.
f. Light poles shall be no higher than 25' and all associated fixtures shall be downward directed and shielded.

11. Landscaping
    a. All areas of development not approved for parking, buildings, recreation facilities, or otherwise exempted with site plan approval, shall be landscaped and properly maintained.
    b. At a minimum 15 percent of all multifamily developments shall be landscaped. The developer must provide an acceptable, water-wise, method of watering all plant materials, in accordance with an approved landscape plan.
    c. Landscaped Area. For every 800 square feet of landscape area and setback area required by this chapter, one shade tree (two-inch caliper or larger) shall be planted. Two 10-gallon ornamental trees may be substituted for every one required shade tree as long as at least half of the required number of shade trees is installed.
    d. facilities, or otherwise exempted with site plan approval, shall be landscaped and properly maintained.
    e. A minimum of one tree per 400 square feet of required landscaped yard areas is required in addition to other trees required in this section. A minimum of 30 percent of the required yard area trees shall be minimum seven-foot evergreens. Deciduous trees shall be minimum two-inch caliper. Deciduous and evergreen trees required in this section need not be equally spaced but shall be dispersed throughout the yard areas on site.

12. Management. 24-hour, on-site management is required for any townhouse or stacked condominium development with over 25 units.

D. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.70. General Regulations
Chapter 17.70.140. Home Occupation
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions

17.60.120 R-5 Residential Zone

A. Purpose
B. Use table
C. Development and building standards
D. Related provisions

A. Purpose. The purpose of the R-5 (Multi-Family Residential) zone is to provide medium to high density detached or attached dwelling units (i.e., townhomes, patio homes, condos, multi-family buildings etc.) while providing on-site amenities, and usable/accessible open space.

B. **Use table.** See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited.

C. Development standards.

1. The R-5 zone requires 9,000 square feet for the first two dwelling units.
2. Subdivision Requirements. In addition to the following standards, all lots (including single-lots) shall be approved and developed in accordance with the standards found in the Subdivision Ordinance 17.130.
3. R-5 Lot Standards Table.

The following standards apply to all buildings in the R-5 zone:

Lot Size	
Max Density (Units Per Gross Acre)	20
Open Space	30%
Principle Structure	
Min. Front Yard Setback	20 (3' to 5' variation required between buildings fronting on a public street)
Min. Front Yard Setback Arterial Street	20'
Min. Side Yard Setback (One Side)	8' (total of 16' for both sides)
Min. Side Yard Corner Lot	20'
Min. Side Yard Corner Lot Arterial Street	30'
Min. Rear Yard Setback	20'
Min. Distance from other Main Buildings	10'
Min. Side yard from adjacent zones: A-5, A-40, R-1, R-2, R-3	25'
Min. And Max Height	12' & 40'
Min. Size of Dwelling	(see Section C (4) below)
Accessory Buildings	
Accessory Buildings	(see.17.70.030)
Fencing & Landscaping	
Fencing	(see 17.70.050)
Landscaping	(see 17.70.040)
Towers and Flagpoles	
Max Height for Flagpoles	40'

4. Dwelling Type: R-5 Minimum Size of Dwelling.

Townhouse, Duplex, Patio Homes, and Condominiums	1,200 sf
Multi-family	700 sq. ft. min, 900 sq. ft. average

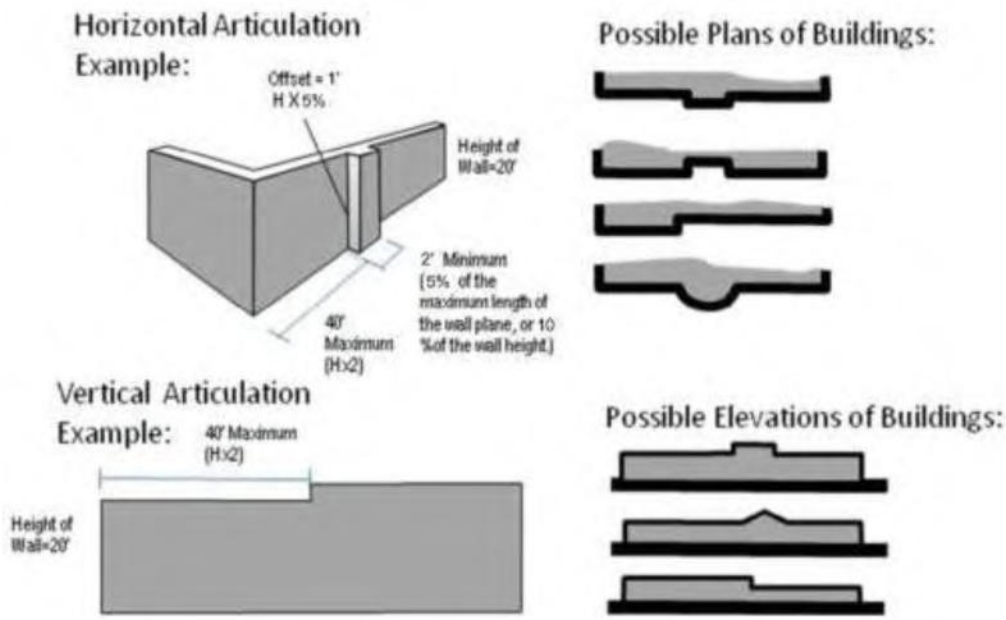
5. Carport Location. The carport of a duplex or multiple-family dwelling-or a twin home may be in the front yard if the main building is set back so that the required front yard is provided between the front lot line and the closest part of the carport. Carports located in this manner shall increase/vary their setback by 3' to 5' for adjacent units

6. Building Design Standards.
    a. Design and Unit Variation. Town house, patio homes, and condominium projects shall include design features that differentiate adjoining units and create identity for each unit. This goal shall be achieved through the following requirements:
        i. Unit Size. Each unit in a project when computed for the overall project shall average 1200 square feet.
        ii. Articulation. Projects shall include a variety of heights. For attached town house units up to 4 groups of town houses may have the same height. For patio homes, no more than two adjacent units can have the same height. For stacked condominiums, no more than four buildings can have the same height.

b. Roofline articulation and wall articulation shall follow the requirements: Articulation and Windows. All street facing facades shall meet the following minimum standards for articulation, as illustrated in Figure 17.60.120-1. For purposes of this section "articulation" shall mean the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch or height.
        iii. Horizontal Articulation. No plane of a building wall shall extend for a horizontal distance greater than two times the height of the wall without having an offset of at least five percent of the wall's height, and that new wall plane shall extend for a distance equal to at least five percent of the maximum length of the first plane.
        iv. Vertical Articulation. No wall shall extend for a horizontal distance greater than two times the height of the wall without changing height by a minimum of 15 percent of the wall's height. Where allowed, a pitched roof may be considered as vertical articulation.

c. Windows: All building facades that face public streets shall have windows along at least 25 percent of their horizontal length. If 25 percent actual windows is not feasible because of the nature of the use of the building facade, then the remainder of such walls shall include false windows, either glazing or pattern, and defined by frames, sills, and lintels, or similarly proportioned features.

Figure 17.60.120-1.



e. Color. Projects shall include a variety of building colors and materials.
   i. Color utilization should be sensitive to existing development, with earth tones using colors that reflect natural landscape in which the project is situated.
   ii. A minimum of four colors per elevation is preferred, with three required.

e. Townhomes, patio homes and stacked condominiums. Townhouses that are attached horizontally shall not exceed six attached units in alignment. Exterior design shall vary for every 5th townhouse group. Patio homes shall vary with no more than two adjacent street facing facades being the same. Stacked condominiums shall vary with projects limited to no more than 50 units per building and no more than two adjacent building facades can be the same or similar. Differentiation is defined as having windows and doors located in different locations, the use of at least 30% different materials and/or colors, and for every sixty feet of a building façade, a 2' vertical recessed section.

f. Foundation. Exposed foundation walls shall not exceed two feet above finished grade at any point and shall include a stucco type finish or brick or stone.

g. Building Materials. Building materials for projects shall consist of at least 40 percent brick, stone, or synthetic stone on all sides of the structure. The balance of the exterior wall area shall consist of brick, stone, glass, decorative integrally colored block, or stucco. All building materials shall be high quality, durable, and low maintenance. Roofs shall be hipped or gabled with a minimum six to 12 pitch.

h. Garages. Garages shall complement the project architecture in terms of design, materials, and colors while following the standards set forth in this section. For townhouse and patio homes, garages shall be recessed from the front façade by a minimum of 3'.

i. Balconies for townhouses and stacked condominiums. It is preferred that railings on balconies should be open rail to maximize natural light penetration. All townhouse and patio home projects shall include a patio with a minimum dimension of 8' by 10' for 100% of the units. Stacked condominiums shall include balconies for at least 50% of the units with a minimum dimension of 6' by 10'.

j. Stairways. All exterior stairways shall be enclosed and screened from view.
k. Architectural Theme. A design theme shall be established for each project such as craftsman or farmhouse styles or be established through a master plan/development agreement.
l. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
m. The exterior walls of all multifamily buildings shall be properly maintained by the owners or the homeowners' association.

7. Multi Family Apartments.
   a. Multi-family apartment-style projects shall have a minimum of 100 dwelling units.
      i. Design and Unit Variation. Multifamily buildings shall include design features that vary the design of buildings within a project. This goal shall be achieved through the following requirements:
      ii. Unit Size. Each unit in an apartment-style multifamily project shall be a minimum of 700 square feet and the average square footage of all units shall be at least 900 square feet.
      iii. Articulation. Multifamily projects shall include a variety of heights. No more than four buildings in a project shall have the same height.
      iv. Roofline articulation and wall articulation shall follow the requirements as required in Section C (6) (A) (ii) above.
      v. Color. Multifamily projects shall include a variety of building colors and materials.
   b. Color utilization should be sensitive to existing development, with earth tones using colors that reflect natural landscape in which the project is situated. A minimum of four colors per elevation is preferred, three are required.
   c. Foundation. Exposed foundation walls shall not exceed two feet above finished grade at any point and shall include a stucco type finish or brick or stone.
   d. Building Materials. Building materials for projects shall consist of at least 33 percent brick, stone, or synthetic stone on all sides of the structure.
   e. Garages. Garages and carports shall complement the project architecture in terms of design, materials, and colors and shall not be located within the front yard setback.
   f. Balconies. It is preferred that railings on balconies should be open rail to maximize natural light penetration. All multi-family apartment style projects shall include balconies for at least 50% of the units with a minimum dimension of 6' by 10'.
   g. Stairways. All exterior stairways shall be enclosed and screened from view.
   h. Architectural Theme. A design theme shall be established for each project such as craftsman or farmhouse styles or be established through a master plan/development agreement.
   i. Multifamily development architecture. The following exterior materials and architectural standards are required for all multifamily apartment developments:
      i. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with site plan review. In projects containing multiple buildings, a design layout containing architectural theme, features, exterior materials and colors governing the entire project shall be submitted.
      ii. Each exterior wall of a main building shall be constructed with a minimum of 40 percent masonry product (brick, rock, or stone). The balance of the exterior wall area shall consist of brick, stone, glass, decorative integrally colored block, or stucco. No vinyl siding shall be allowed on any facade that faces a street unless it is a rear facade. All building materials shall be high quality, durable, and low maintenance. Roofs shall be hipped or gabled with a minimum six (6) to twelve (12) pitch.

iii. Exterior walls of all multifamily buildings in excess of 60 feet in length shall have relief features including as a minimum an indentation or a protrusion of at least 12 inches deep at regular intervals, not exceeding 50'. All sides of buildings (360 degree) shall receive design consideration. If a building has multiple levels, the relief must extend through all levels to be counted as a part of the required relief features.

iv. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.

v. The exterior walls of all multifamily buildings shall be properly maintained (free of peeling paint, loose bricks, failed stucco, etc.) by the owners or the homeowners' association.

vi. Alternative materials may be approved by the Community Development Director if it can be shown that the finished product shall result in a highly durable exterior.

8. Open Space Standards.
   a. No less than 30 percent of the gross project area shall be landscaped and designated for usable open space uses**.** Usable open space means spaces that serve a recreation function and not leftover non-usable pieces such as landscaped islands in parking lots or property corners with insufficient space to provide a recreation function/lacking a connection to project amenities.
   b. Open space areas shall be available to everyone residing in the boundaries of a development with convenient locations and resident access. Open space areas shall be maintained by a Homeowner's Association.
   c. Open space excludes private balconies, decks, patio areas, recreation buildings, indoor amenities, vehicle parking, streets, park strips, required buffer areas (unless such areas have a recreation function), and sidewalks.
   d. Open space may include pathways and outdoor amenities.
   e. Open space should be clustered to create usable spaces with a recreation purpose.
   f. Each project shall include a larger open space where at least 25% of the open space area adjoins a street. Open space should be designed as a system with many components.
   g. Open spaces shall be designed for a particular function such as a leisure space with shade and seating - such spaces should be appropriately sized for the development and shall include at least one usable space with a minimum dimension of 50' by 100'. Other spaces may accommodate active uses such as a trail, exercise course, or to kick a ball, or a place to gather such as a shaded picnic table with a barbeque. Connected open spaces distributed throughout the development are required.
   h. All open space, if not dedicated to the City, will be labeled and recorded as a lot or lots in a subdivision, as common area in a condominium or as a perpetual open space easement to be jointly owned and properly maintained as open space and/or recreation by a Homeowners' Association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City. Open space shall include recreational improvements such as play courts, swimming pools, tot lots, picnic areas, and walking paths. The City shall determine the acceptability of proposed recreational amenities during the site plan and development approval process. The City may require a bond to guarantee installation of the open space improvements. All open spaces shall be preserved and properly maintained by the owner of record.

9. Condominium Projects Amenities. Amenities. Centrally located amenities shall be provided for all stacked condominium-projects with over 50 units. Amenities shall be appropriate for the project size and location.

a. All stacked condominium projects over 50 units shall have the following amenities:
    i. One playground with a minimum of one multi-function play structure encompassing a minimum of 300 square feet. The size and quality of the playground shall be approved in the site planning process by the Community Development Director.
    ii. One indoor, centrally located, fully functional social area, no less than 1,000 square feet in gathering space.
    iii. One swimming pool. 30' by 60' minimum size with the size increasing 10% for every additional 25 units over 100 units.
    iv. In addition to the amenities listed above, one amenity for each additional 50 units over 50 must be provided. Choose one from the following list:
b. A second tot lot/play structure (at least 5 different play functions).
c. Courtyard with benches (paver surface with at least 500 square feet).
d. Picnic tables and barbecue area with shade structures.
e. Trail system easily accessible from the entire project (minimum 8' hard surface)
f. Sports courts (i.e., tennis, basketball, pickleball, volleyball).
g. Natural open space area (minimum .5 acre) with benches/viewing areas and/or trails.
h. Preservation of a sensitive area such as a wetland, that incorporates benches and trail (s).

10. All Recreation spaces.
    a. If not dedicated to the city, recreation spaces will be labeled and recorded as a lot or lots in a subdivision, as common area in a condominium or as a perpetual open space easement to be jointly owned and properly maintained as open space and/or recreation by a Homeowners' Association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City.
    b. The City shall determine the acceptability of proposed recreational amenities during the site plan and development approval process. The City may require a bond for any publicly accessed recreation spaces, to guarantee installation of the open space improvements including all landscaping, pavement, lighting, and amenities if accessed by the public. All open spaces shall be preserved and properly maintained by the owner of record.
11. Parking Standards
    a. 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.
    b. 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.
    c. The front yard setbacks are listed in the Lot standards table.
    d. Setbacks shall apply to all private and public streets, private driveways, private lanes and alleys.
    e. 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.
    f. Only areas of the dwelling that have been completely finished shall be counted in the minimum square footage.

12. Parking Lot Landscaping and Lighting
    a. Parking Lot. Every parking lot with more than 10 spaces and 3,500 square feet shall contain internal landscaped areas.

b. Curbed planters, designed to accept stormwater, with two-inch or larger caliper medium to large shade trees, shall be installed at the ends of parking rows. Planters shall be at least five feet wide. The remainder of the island shall be landscaped with additional shrubs, ground cover, decorative gravel, or turf, and shall include an appropriate irrigation system.
c. For every 20 parking stalls there shall be a planter area. This area shall have a minimum of two two-inch caliper medium size trees planted along with grass, shrubs, decorative gravel, or ground cover. Said planter shall be at least five feet wide and the length of two tandem parking spaces.
d. Minimum five-foot landscaped planters shall be provided around building foundations except at building entrances, drive-up windows and loading and utility areas.
e. All landscaped areas adjacent to parking areas shall be curbed and designed to accept stormwater.
f. Light poles shall be no higher than 25' and all associated fixtures shall be downward directed and shielded.

13. Landscaping.
    a. All areas of development not approved for parking, buildings, recreation facilities, or otherwise exempted with site plan approval, shall be landscaped and properly maintained.
    b. At a minimum 15 percent of all multifamily developments shall be landscaped. The developer must provide an acceptable, water-wise, method of watering all plant materials, in accordance with an approved landscape plan.
    c. Landscaped Area. For every 800 square feet of landscape area and setback area required by this chapter, one shade tree (two-inch caliper or larger) shall be planted. Two 10-gallon ornamental trees may be substituted for every one required shade tree as long as at least half of the required number of shade trees is installed.facilities, or otherwise exempted with site plan approval, shall be landscaped and properly maintained.
    d. A minimum of one tree per 400 square feet of required landscaped yard areas is required in addition to other trees required in this section. A minimum of 30 percent of the required yard area trees shall be minimum seven-foot evergreens. Deciduous trees shall be minimum two-inch caliper. Deciduous and evergreen trees required in this section need not be equally spaced but shall be dispersed throughout the yard areas on site.

14. Management.
    24-hour, on-site management is required for any townhouse, stacked condominium, or multi-family development with over 25 units.

D. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.70. General Regulations
Chapter 17.70.140. Home Occupation
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions

17.60.130 Professional Office Zone (P-O)

A. Purpose
B. Use table
C. Development and building standards
D. Related provisions

A. **Purpose:** The purpose of the P-O (Professional Office) zone is to provide an area for offices and institutions in which the intensity of use, in terms of hours of operation and number of customers, is less than that of a commercial zone. The P-O zone also provides for the conversion of single-family homes to office uses in certain locations on the major streets of West Point.

B. **Use Table.** See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited.

C. **Development standards.**

1. All lots (including single-lots) shall be approved and developed in accordance with the standards found in this Chapter as well as the commercial development standards found in Chapter 17.60.140 (C) 3-6, unless specified below.
2. P-O Zone Lot Standards Table.

The following standards apply to all buildings in the P-O zone:

Lot Size	
Min. Lot Area (sq. ft.)	20,000
Min. Landscaping	15%
Principle Structure	
Min. Front Yard Setback	20’
Min. Front Yard Setback Arterial Street	20’
Min. Side Yard Setback	0’
Min. Side Yard Corner Lot	20’
Min. Side Yard Corner Lot Arterial Street	-
Min. Rear Yard Setback	10’
Min. Distance Between Structures on Same Lot	10’
Min. And Max Height	12’ & 40’
Accessory Buildings	
Min. Front Yard Setback	25’
Min. Side Yard Setback	1’
Min Rear Yard Setback	1’
Min. Side Yard Corner	20’
Min. And Max. Height	12’ & 40’
Fencing & Landscaping	
Fencing	(see Section 17.70.030)
Landscaping	(see 17.70.140 and see Section C (7) below)
Towers and Flagpoles	
Max Height for Flagpoles	40’

3. Horizontal Facade Articulation. In the P-O zone no plane of a building wall shall extend for a horizontal distance greater than two times the height of the wall without having an offset of at least five percent of the wall’s height, and that new wall plane shall extend for a distance equal to at least five percent of the maximum length of the first plane.

Accessory Buildings	
Accessory Buildings	(see.17.70.030)
Fencing & Landscaping	
Fencing	(see 17.70.050)
Landscaping	(see 17.70.040)
Towers and Flagpoles	
Max Height for Flagpoles	40’

4. Vertical Façade Articulation. In the PO zone no wall shall extend for a horizontal distance greater than two times the height of the wall without changing height by a minimum of 15 percent of the wall’s height. Where allowed, a pitched roof may be considered as vertical articulation.
5. Exterior walls of buildings in the P-O zone shall be constructed with a minimum of 50 percent brick or stone. The balance of the exterior wall area shall consist of brick, stone, glass, decorative integrally colored block, or stucco. All building materials shall be high quality, durable, and low maintenance. Roofs shall be hipped or gabled with a minimum six to 12 pitch. Flat roofs shall include a parapet wall extending no more than 3’ above the roof. Any exception or changes to roof standards shall be reviewed by the Community Development Director or Designee and approved if the Community Development Director is assured through architectural drawings of the quality and general conformity with the intent of this section.
6. Landscaping. All areas of lots in the P-O zone not approved for parking, building, or other hard surface shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material in conjunction with a site plan or plat for the development, and a minimum of one tree per 400 square feet, or part of, of required landscaped yard areas is required in the P-O zone in addition to other trees required in this section.

D. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.60.140 Commercial Zone
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions
Chapter 17.60.170 General Regulations

17.60.140 Neighborhood Commercial (N-C), Community Commercial (C-C) and Regional Commercial Zone (R-C)

A. Purpose
B. Use table
C. Development and building standards
D. Related provisions

A. Purpose.
The purpose of the N-C (Neighborhood Commercial) zone is to provide commercial services to neighborhoods with basic trade and personal services which occur regularly or frequently.

The purpose of the C-C (Community Commercial) zone is to provide a range of commercial uses greater than that of the neighborhood commercial but at a lower intensity than a regional commercial zone.

The purpose of the R-C (Regional Commercial) zone is to provide an area in which a full range of commercial and professional uses may locate that attract customers from a larger service area.

B. Use Table. See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited.

C. DEVELOPMENT STANDARDS

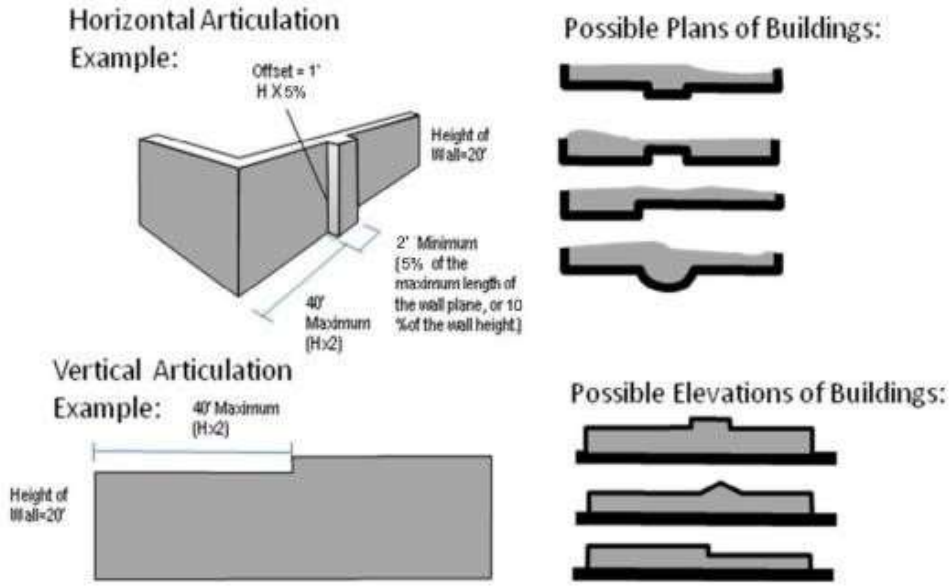
1. Subdivision Requirement. In addition to the following standards, all lots (including single-lots) shall be approved and developed in accordance with the standards found in the Subdivision Ordinance 17.130.
2. Commercial Lot Standards Table.

The following standards apply to all buildings in the N-C, C-C and R-C zones:

	N-C	C-C	R-C
Lot Size			
Min. Lot Area (sq. ft.)	10,000	20,000	20,000
Min. Frontage	-	-	-
Min. Depth	-	-	-
Min. Landscaping	15%	15%	15%
Principle Structure			
Min. Front Yard Setback	20’	20’	20’
Min. Front Yard Setback Arterial Street	20’	20’	20’
Min. Side Yard Setback (One Side)	10’	10’	10’
Min. Side Yard Corner Lot	20’	20’	20’
Min. Side Yard Corner Lot Arterial Street	20’	-	-
Min. Rear Yard Setback	10’	10’	10’
Distance Between Structures on Same Lot	10’	10’	10’
Distance Between Structures on Adjacent Lots	10’	10’	10’
Min. And Max Height	10’ & 40’	10’ & 40’	10’ & 60’
Accessory Buildings			
Min. Front Yard Setback	25’	25’	25’
Min. Side Yard Setback	1’	1’	1’
Min Rear Yard Setback	1’	1’	1’
Min. Side Yard Corner	0’	0’	0’
Min. And Max. Height	10’ & 40’	10’ & 40’	10’ & 40’

3. Building Design Standards. The following exterior materials and architectural standards are required:
    a. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with site plan review. In projects containing multiple buildings, a design layout containing architectural theme, features, exterior materials and colors governing the entire project shall be submitted.
    b. Articulation and Windows. All street facing facades shall meet the following minimum standards for articulation, as illustrated in Figure **17.60.140-**1. For purposes of this section "articulation" shall mean the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch or height.

17.60.140-1.



    c. All building facades that face public streets shall have windows along at least 25 percent of their horizontal length. If 25 percent actual windows is not feasible because of the nature of the use of the building facade, then the remainder of such walls shall include false windows, either glazing or pattern, and defined by frames, sills, and lintels, or similarly proportioned features.
    d. The exterior walls of all buildings shall be properly maintained (no peeling paint, loose bricks, broken stucco, etc.) by the owners.
    e. Alternative materials may be approved by the if it can be shown that the finished product shall result in a highly durable surface that enhances the building.

4. Parking Lot Landscaping and Lighting.
    a. Parking Lot. Every parking lot with more than 10 spaces and 3,500 square feet shall contain internal landscaped areas.
    b. Curbed planters. Curbed planters shall be designed to accept stormwater, with two-inch or larger caliper medium to large shade trees, shall be installed at the ends of parking rows. Planters shall be at least five feet wide. The remainder of

the island shall be landscaped with additional shrubs, ground cover, decorative gravel, or turf, and shall include an appropriate irrigation system.

c. For every 20 parking stalls there shall be a planter area. This area shall have a minimum of two two-inch caliper medium size trees planted along with grass, shrubs, decorative gravel, or ground cover. Said planter shall be at least five feet wide and the length of two tandem parking spaces.
d. Minimum five-foot landscaped planters shall be provided around building foundations except at building entrances, drive-up windows and loading and utility areas.
e. All landscaped areas adjacent to parking areas shall be curbed and designed to accept stormwater.
f. Light poles shall be no higher than 25' and all associated fixtures shall be downward directed and shielded.

5. Landscaping Standards.
    a. The developer shall landscape not less than 15 percent of the site including all required front, side and rear yards. Reuse and conversion of existing dwellings shall require that existing front yard landscaping be maintained, and all parking occurs to the rear or side of the home. The developer must provide an acceptable method of watering all plant materials, in accordance with an approved landscape plan. Such landscaping shall use plant materials appropriate for this area and emphasize trees and other larger ornamental plants.
    b. The landscaping shall be completed before occupancy, or as soon thereafter as weather permits. If landscaping is not completed before occupancy, the developer shall provide the required guarantee of improvements to guarantee completion of the landscaping.
    c. The landscaping shall be maintained as long as the site is used. Removal of the required landscaping shall void the site plan approval.
    d. A minimum of 30 percent of the required yard area trees shall be minimum seven-foot evergreens. Deciduous trees shall be minimum two-inch caliper. Deciduous and evergreen trees required in this section need not be equally spaced but shall be dispersed throughout the yard areas on site.
    e. Landscaping shall be installed in all park strips to the same standards as on-site landscaping as well as a minimum of two small to medium size trees per every 50 feet of frontage. Asphalt, paving stones, brick or concrete paving in place of landscaping in the park strip shall only be allowed by the Community Development Director or Designee if interspersed with appropriately sized trees at intervals that reflect the tree's canopy at maturity.
    f. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of the site plan approval.
    g. Exceptions to the minimum landscaping standards, based on site constraints or increased quality may be allowed by the Community Development Director or Designee during the standard approval process.
    h. List of acceptable tree species. Any tree not mentioned on this list may be accepted, by the Community Development Director or Designee, during the site plan approval process if it can be shown that the addition of such trees will enhance and improve the landscaping plan.
        i. The following trees may be planted on the property:

Golden Raintree
Any Flowering Plum
Any Flowering Cherry
Any Flowering Pear
American Red Bud
Flowering Crabapple (all nonweeping varieties acceptable)
Lavalle Hawthorn (Crataegus lavallei)

Carriere Hawthorn (Crataegus carrierei)
Washington Hawthorn (Crataegus phaenopyrum)
Paul Scarlet Hawthorn
May Day Tree (Prunus padus)
Amur Maple (Acer ginnala)
Rocky Maple
Paperbark Maple
Bigtooth Maple

ii. These trees may be planted on the property but ~~may~~ shall not be planted in the park strip:

Any Pine or Spruce
Common Hackberry
Thornless Honey Locust
Oak Norway Maple
Any Oak
Any Beech
Japanese Pagoda
Eastern Redbud
Fruitless Mulberry
Mountain Alder
Pear Variegated Box

6. Landscape buffer yards. The buffer yard is a unit of land, together with the planting required thereon, to avoid nuisances between adjacent land uses or between a land use and public road. Both the calculated amount of land and the type and amount of planting specified for each buffer yard required by this chapter shall ensure they do, in fact, function as buffers.
    a. Determination of standards. Buffer yards shall separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.
        i. Buffer yards shall be located on the outer perimeter of a lot or parcel adjacent to a different use and shall extend along the entire boundary of the property adjacent to that use. Fencing associated with buffer yards shall be located on property lines.
        ii. To determine the type of buffer yard required between two adjacent parcels or between a parcel and a street, the following procedure shall apply:
            a. Identify the land use category of the proposed use.
            b. Identify the use category of the existing land use adjacent to the proposed use to determine the intensity classification from Table 1. Agricultural determination need not directly relate to whether or not someone is farming the adjacent property.
            c. Determine the buffer yard required for the proposed development by using Table 2.
            d. Using Buffer Tables 1 and 2 identify the buffer yard options using the buffer yard requirement determined in Table 2.
        iii. Changes or exceptions to the buffer requirements may be granted, based on the criteria of physical site constraints that require adaptation or if the changes increase the overall landscape quality for the project, by the Community Development Director or Designee.

Table 1

Land Use Classification	
Classification	**Current Land Use**
1	Agriculture
2	R-1, Parks, Recreation
3	R-2, R-3, Schools
4	R-4, R-5, PUD, Churches
5	Medical Care Facilities, Professional Offices, General Retail and Small Commercial
6	Commercial Entertainment, Big Box Development
7	Industrial

Table 2

Buffer Classification							
Proposed Land Use	**Current Land Use Classification**						
	1	**2**	**3**	**4**	**5**	**6**	**7**
Industrial	-	E	E	E	B	B	-
Large Commercial	-	E	E	E	A	-	-
Small Commercial	-	B/D	B/D	B	-	A	B
Professional Office	-	B/C	B/C	B	-	A	C
A-40, A-5	-	-	-	-	-	-	-
R-1	-	-	-	-	B	E	E
R-2	-	-	-	-	B	E	E
R-3	-	-	-	-	B	E	E
R-4	-	B	A	-	B	D	E
R-5	-	B	A	-	B	D	E
PRUD ~~PUD~~	-	B	A	-	B	D	E

Table 3

Landscape Buffer Requirements	
Buffer	**Standard**
A	Shall consist of an unbroken strip of open space, five feet wide and planted with the following: One large evergreen tree or deciduous, dense canopied tree with the approval of the community development director, every 20 feet with a maximum mature height of 25 feet. Other shrubbery and plantings shall also be included in this buffer area. A six-foot chain link fence is required at a minimum.
B	Shall consist of an unbroken strip of open space, 10 feet wide and planted with the following: One large evergreen tree or deciduous, dense canopied tree with the approval of the community development director every 20 feet with a maximum mature height of 25 feet. Other shrubbery and plantings shall also be included in this buffer area. A six-foot chain link fence is required at a minimum.
C	Shall consist of an unbroken strip of open space 15 feet wide and planted with the following: One large evergreen tree or deciduous, dense canopied tree with the approval of the community development director every 20 feet with a maximum mature height of 25 feet.

	Other shrubbery and plantings shall also be included in this buffer area. A six-foot vinyl or wood fence is required at a minimum.
D	Shall consist of an unbroken strip of open space, 35 feet wide and planted with the following: One large evergreen tree or deciduous, dense canopied tree with the approval of the community development director every 20 feet with a maximum mature height of 25 feet. Other shrubbery and plantings shall also be included in this buffer area. A six-foot vinyl or wood fence is required at a minimum.
E	Shall consist of an unbroken strip of open space 50 feet wide and planted with the following: One large evergreen tree or deciduous, dense canopied tree with the approval of the community development director every 20 feet with a maximum mature height of 25 feet. Other shrubbery and plantings shall also be included in this buffer area. A six-foot vinyl or wood fence is required at a minimum.

D. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions
Chapter 17.60.170 General Regulations

17.60.150 Research/Industrial Park (R/IP)

A. Purpose
B. Use table
C. Development and building standards
D. Sexually oriented business and Cannabis regulations
E. Related provisions

A. **Purpose.** The purpose of the R/I-P (Research/Industrial Park) zone is to create an attractive environment for offices, research facilities, and an environmentally appropriate assembly of uses to include appropriate amenities supporting employee activity. This is to be accomplished with a number of design components including attractive buildings, meandering walks, and landscaping.

B. **Use table.** See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited.

C. **Development Standards.**

1. Subdivision Requirement. In addition to the following standards, all lots (including single-lots) shall be approved and developed in accordance with the standards found in the Subdivision Ordinance 17.130.
2. All lots (including single-lots) shall be approved and developed in accordance with the standards found in this Chapter as well as the commercial development standards found in Chapter 17.60.140 (C) 3-6, unless specified below.
3. R/IP Zone Lot Standards Table.

The following standards apply to all buildings in the R/IP zone:

Lot Size	
Min. Lot Area (sq. ft.)	20,000
Min. Landscaping	15%
Principle Structure	
Min. Front Yard Setback	20’
Min. Front Yard Setback Arterial Street	20’
Min. Side Yard Setback	10’
Min. Side Yard Corner Lot	20’
Min. Side Yard Corner Lot Arterial Street	10’
Min. Rear Yard Setback	10’
Min. Distance Between Structures on Same Lot	10’
Min. And Max Height	12’ & 60’
Accessory Buildings	
Min. Front Yard Setback	50’
Min. Side Yard Setback	10’
Min Rear Yard Setback	1’
Min. Side Yard Corner	0’
Min. Distance Between Structures on Same Lot	10’
Min. And Max. Height	12’ & 20’
Fencing & Landscaping	
Fencing	(see 17.60.170)
Landscaping	(see 17.60.170)
Towers and Flagpoles	
Max Height for Flagpoles	40’

4. Horizontal Articulation. In the R/IP zone no plane of a building wall shall extend for a horizontal distance greater than three times the height of the wall without having an offset of at least five percent of the wall's height, and that new wall plane shall extend for a distance equal to at least five percent of the maximum length of the first plane.

D. **Sexually oriented business and Cannabis regulations**

1. Sexually Oriented Business. see Chapter 17.40 Conditional Uses for standards.
2. Cannabis Businesses.
    a. Cannabis production establishment:
        i. Shall only be located in the Research Industrial Park Zone.
        ii. Shall be operated entirely within a permanent enclosed building.
        iii. Shall be designed to filter inside air exchanges to the outside through air filter systems that remove dust, fumes, vapors, odors, or waste from air that exits the building.
        iv. Exterior facade materials that are transparent or translucent, such as greenhouse materials, and intended to allow natural light into the interior of the structure shall be treated to prevent any interior view of the cannabis growing operations/product. Non-visible skylights on the roof of a building are excluded.
        v. Exterior building colors shall not be allowed that draw attention to the building such as fluorescent or bright colors in the green, orange, red, yellow or blue spectrum.
        vi. Provide a security system with a backup power source that detects and records entry into the cannabis production establishment and provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed.
        vii. Shall maintain locks or equivalent restrictive security features on any area where the cannabis production establishment stores cannabis or a cannabis product.
        viii. Outdoor signs on the building may include only the cannabis production establishment's name and hours of operation and a green cross.
        ix. Shall obtain a West Point business license before conducting business within the City; and
        x. Shall meet all land use requirements for the zone in which it is located.
    b. Medical cannabis pharmacy.
        i. Shall only be located in the Research Industrial Park Zone.
        ii. Shall be located in a permanent building and not have drive-through service.
        iii. Shall not have outdoor seating or seating areas.
        iv. Shall not have outdoor vending machines of any kind.
        v. Shall have one public entry door at the front of the building facing the street.
        vi. Shall not darken or cover any windows on the front of the building but shall maintain windows clear and allow visibility into the pharmacy from the street.
        vii. Shall not have cannabis products visible from outside the medical cannabis pharmacy.
        viii. Shall not have bars on windows and shall maintain locks or equivalent restrictive security features on any area where the medical cannabis pharmacy stores cannabis or a cannabis product.
        ix. Provide a security system with a backup power source that detects and records entry into the cannabis production establishment and provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed

x. Exterior building colors shall not be allowed that draw attention to the building such as fluorescent or bright colors in the green, orange, red, yellow or blue spectrum.
xi. Shall be designed to filter inside air exchanges to the outside through air filter systems that remove dust, fumes, vapors, odors, or waste from air that exits the building.
xii. Shall meet all land use requirements for the zone in which it is located.
xiii. Shall obtain a West Point business license before conducting business within the City; and
xiv. Shall limit the hours of operation it is open to the public to 9:00 a.m. to 7:00 p.m.

E. Related provisions

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.60.140 Commercial Zone
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions
Chapter 17.60.170 General Regulations

17.60.160 Planned Residential Unit Development Overlay (PRUD)

A. Purpose
B. Use table
C. Approval standards and procedures
D. Subdivision required
E. Approval expiration
F. Flexible deviations from underlying zone
G. Density calculations and bonuses
H. Development standards
I. General standards
J. Development agreement
K. Related provisions

A. **Purpose:** The purpose of the planned residential unit development (PRUD) overlay is to encourage imaginative and efficient utilization of land through large-scale residential development and provide a greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of dwelling units. These provisions are intended to create more attractive and desirable environments within the residential areas of West Point City.

B. **Use table.** See Use Table Section 17.60.050. If a use is not specifically designated, then it is prohibited.
   1. Uses permitted in the PRUD zone shall be limited to those listed as permitted uses by the provisions of the underlying zone with which the PRUD zone has been combined.
   2. Use in combination. The PRUD overlay zone shall only be used in combination with existing R-1, R-2 and R-3 underlying residential zones. The provisions of the PRUD create flexibility to the provisions of the zone with which it is combined. The PRUD zone shall not be applied to a land area as an independent zone and shall be shown on the zoning map in parentheses next to the zone in which it is combined.

C. Approval standards and procedures.
   1. Procedure. The PRUD overlay zone shall be approved as a rezone by ordinance of the City Council, after a recommendation is provided by the Planning Commission, and following the same process as other zoning amendments pursuant to Chapter 17.00 of this Title in conjunction with a development agreement as set forth in Section J of this Chapter and a development plan as described below. The development plan shall include the following:
      a. A general layout of all proposed lots.
      b. A tabulation of the total acreage of the site, and the percentages thereof to be designated for various uses, i.e., parking, residential units, open space, streets, etc.
      c. Detailed description of proposed density calculations and bonus amenities as defined in Section G of this Chapter.
      d. Proposed circulation pattern, including private and public streets and pedestrian paths.
      e. Parks, common open spaces, playgrounds, school sites, and other public or private recreation facilities and improvements proposed within the planned residential unit development.
      f. The general location of all dwellings and other structures in the PRUD and building densities per gross acre, including tables or graphs showing the percentages of each dwelling type being proposed.
      g. Proposed location of parking and ingress or egress.
      h. A landscaping plan showing what areas are to be landscaped and what types of plants and materials are to be used.

i. Development elevation drawings or perspective drawings of all building types proposed within the PRUD.
j. A draft of the declaration of covenants, conditions, and restrictions for review and to assure their compliance with the provisions of this code.

2. Approval Criteria. Submittal of an application for a zoning amendment for a PRUD overlay zone shall not guarantee that the zone or development plan will be approved. After review of the zoning amendment and development plan, the Planning Commission shall submit a recommendation to the City Council. The City Council may approve the zoning amendment and development plan if it finds:
    a. The proposed PRUD overlay zone and associated development plan:
    b. Implements clear concepts contained in the General Plan; and
    a. Meet the purpose and intent of this Chapter; and
    b. Provide superior site design and increased amenities as set forth in this Chapter.

D. **Subdivision required.** An application for preliminary subdivision approval may be initiated after the City Council has voted in favor of the proposed overlay zone request. Compliance with the requirements of this chapter does not exempt an applicant from meeting the requirements of Chapter 17.130 (Subdivisions Ordinance) except as may be modified pursuant to the provisions of this Chapter.

E. **Approval expiration.** An applicant that has received the PRUD overlay zone and a development plan approval must file a complete final plat application within 24 months from the date of the approval and rezone. Upon request from the applicant, the Community Development Director or Designee may grant a one-time 12-month extension for filing a final plat. If no completed final plat application has been submitted before the time of expiration the property shall be rezoned by the City Council to remove the PRUD overlay zone.

F. **Flexible deviations from underlying zone** The Planning Commission may recommend to the City Council flexible deviations from applicable development standards in the underlying zone that include, but are not limited to, street widths, curb, gutter and sidewalk, park strips, setbacks, frontage widths, minimum lot size, etc., only if it finds that all of the following conditions are met:
    1. That the variations proposed assure additional usable open space.
    2. That the housing units provide designs and present exteriors with increased curb appeal.
    3. That the infrastructure, including streets, is private and reduces the City burden.
    4. That the anticipated storm water demand is 90% accommodated on site.

G. **Density calculations and bonuses**
    1. Base Density. Base density shall be determined by the underlying zone as set forth in the development standards tables found in Chapters 17.60 .080, 17.60.090 and 17.60.100, the R-1, R-2, and R-3 zones of this Title. The base density shall be calculated on the gross area of the site but shall not include sensitive lands as defined in this chapter. Developments seeking flexibility, but not necessarily increased density, may do so under the provisions of this chapter. Base density developments in a PRUD overlay zone can provide a degree of flexibility that would not normally be allowed under the base zoning code. Developments seeking such flexibility must propose a minimum of a five percent amenity bonus as outlined in subsection (2) of this section.

    2. Density Bonus. The City Council, after receiving a recommendation from the Planning Commission, may authorize a density bonus of a minimum of five percent up to a maximum of 20 percent above the base density. The bonus density shall be calculated on the gross area of the site, but shall not include sensitive lands as defined in this chapter. However, sensitive lands if properly improved may qualify as an amenity and count towards the required bonus. The purpose of the density bonus is to provide an incentive to a development while enhancing the overall characteristics of the subdivision that are not allowed by the applicable underlying zone, and which otherwise would not be an option. Density bonus shall be awarded according to the following list of bonus items.

Each qualifying amenity or item shall be granted a percentage increase to the base density, but in no case shall the bonus exceed the percentage indicated (shown in parentheses). Bonuses listed below that share common elements regardless of the subsection shall not be used together to create a greater bonus percentage.

3. Criteria for Bonus increase:
   - **a. Increased Landscaping (Up to 10 Percent).**
     - i. Landscaping is designed and installed by the developer or other reasonable means approved by the city council along all streets of the PRUD according to a theme which provides unity and interest to the PRUD and must include the installation of two two-inch caliper street trees per dwelling placed in the park strip or near the roadway. 6' or wider park strips are required that accommodate street trees which create neighborhood identity (Up to five percent.)

   - **b. Enhanced Overall Design Theme (Up to 15 Percent).**
     - **i.** Fencing on all lots that is uniform in design and type and that is an upgrade from chain link or all vinyl fencing. (Up to five percent.)
     - **ii.** Perimeter fence surrounding the PRUD that is architecturally designed and is an upgrade from chain link or all vinyl fencing. Examples include architecturally designed brick or masonry walls, vinyl with brick or stone columns and open fencing such as wrought iron. (Up to seven percent.)
     - **iii.** Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations within the development. (Up to 10 percent.)
     - **iv.** Large special features, such as lakes, which define the theme of the development and are utilized throughout the entire project. (Up to 15 percent.)

   - **c. Recreational Amenities (Up to 20 Percent).**
     - **i.** The PRUD development includes a recreational amenity primarily for the use of the residents of the development. Recreational amenities include swimming pools, sports courts, spas, or other features as approved by the City Council. The Planning Commission will recommend to the city council the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (Up to 15 percent.)
     - **ii.** Development of a playground or park area with play features or picnic areas. To qualify, a minimum of 5% of the gross area of developments under 10 acres must be dedicated as park area. A minimum of 2% of the gross area of developments 10 acres or larger must be dedicated as park area. Bonus density points will be awarded according to the following table (Up to 10 percent.)

Park Space			
Development under 10 acres		Development 10 acres and larger	
Park Space (percentage of gross area)	Bonus Density	Park Space (percentage of gross area)	Bonus Density
5%	5%	2%	5%
6%	6%	3%	6%
7%	7%	4%	7%
8%	8%	5%	8%
9%	9%	6%	9%
10%	10%	7%	10%

iii. iii. Development of a common building which shall be used for meetings, indoor recreation, or other common uses as approved by the planning commission. (Up to 15 percent.)
iv. Development of a trail system throughout the subdivision and connecting to adjacent trail systems where possible. (Up to 10 percent.)
v. Dedication of land to the city for the development of a regional trail system. (Up to 10 percent.)
vi. Dedication of land to the city for the development of all or a portion of a regional or community park. (Up to 10 percent.)

d. Energy Efficiency (Up to Three Percent). All dwellings are designed with active, passive, or photovoltaic solar features. (Up to three percent.)

e. Improved Open Space (up to 15 Percent).
   i. Stormwater detention facility areas that are designed and used for multiple purposes which blend with the overall theme of the open space design, i.e., the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (Up to five percent.)
   ii. Open space shall be designed and improved (not leftover space between buildings) and shall flow uninterrupted through the entire development, linking dwellings and recreational amenities. Open space shall be improved with grass, shade trees, and a sprinkler system for the majority of the area. Open space areas shall not include areas that are occupied by buildings, lots, structures, parking areas or streets. Additionally, open space shall not include:
      a. Area between buildings and outside of platted lots and building pads unless part of an approved pedestrian circulation plan and at least eighteen feet (18') in width;
      b. Front, rear, and side yard setbacks; and
      c. Paved areas such as driveways, streets, and private sidewalks.

   To qualify, a minimum of 5% of the gross area of developments under 10 acres must be dedicated as open space. A minimum of 2% of the gross area of developments 10 acres or larger must be dedicated as open space. Bonus density points will be awarded according to the following table (Up to 10 percent.)

Open Space			
Development under 10 acres		Development 10 acres and larger	
Open Space (percentage of gross area)	Bonus Density	Open Space (percentage of gross area)	Bonus Density
5%	5%	2%	5%
6%	6%	3%	6%
7%	7%	4%	7%
8%	8%	5%	8%
9%	9%	6%	9%
10%	10%	7%	10%

f. Other Amenities (Up to 15 Percent). Other amenities may be approved by the City Council with a recommendation from the Planning Commission. (Up to 15 percent)

H. **Development standards**. The development standards that are set forth in this section shall prevail over any contrary base zoning standards established in this title. The following standards shall apply and are still subject to the requirements set forth in Chapter 17.130 unless flexible deviations are granted as set forth in F above and are included in a development agreement:

1. **Common Space Subdivisions**. The following standards shall apply to common space subdivisions:
   a. Density. Allowed density and bonus density for common space subdivisions shall conform with the standards set forth in this chapter.
   b. Open Space. Due to the clustering of dwelling units within the common space subdivisions, there will naturally be open space remaining. The open space must be maintained as set forth in subsection (I)(5) of this section.
   c. Zones Allowed. Common space subdivisions shall only be allowed in the R-2 and R-3 zones and shall not be allowed in the R-1 zone.
   d. Attached Units. Dwelling units in this subdivision option may be clustered in common-wall construction only in the R-2 and R-3 zones with a maximum of four consecutively attached units. Common-wall construction in the R-2 zones shall only be limited to side-by-side arrangements. No such units are allowed above other units.
   e. Multifamily. All PRUDs that have attached units shall follow the standards set forth in Chapter 17.60.110 Multi- Family Residential R-4 and 17.60.120 Multi – Family Residential R-5 of this Title, which shall include, but not be limited to, landscaping, parking, and building design.
   f. Minimum Building Setbacks. The following minimum standards shall apply:

Building Setbacks for Common Space Subdivisions			
	R-1	R-2	R-3
Minimum distance to garage	-	25’	25’
Minimum distance to front plane of building	-	20’	20’
Side (from building to building)	-	10’	10’
Rear (from building to building	-	30’	30’

2. **Traditional Lot-Style Subdivisions**. The following standards shall apply to traditional lot-style subdivisions:
    a. Density. Allowed density and bonus density for traditional lot-style subdivisions shall conform with standards set forth in Section G above.
    b. Minimum Lot Standards. The following minimum standards shall apply:

Minimum Lot Standards			
	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	-	-
Minimum distance to garage	-	25’	25’
Minimum distance to front plane of building	-	20’	20’
Side*	10/8’	10/5’	10/5’
Rear**	30’	25’	25’

Notes:
* 1. One side must be 10 feet and the other side eight feet for a total of 18 feet.
** 2. The front and rear setbacks may be swapped.

I. **General standards** The following standards shall apply to all developments in the PRUD overlay zone regardless of the style of development that is proposed:
1. Access. Access shall be required as described in Chapter 17.130 of this Title.

2. Local streets which are internal to the development and provide circulation within the development shall be as public streets. Minor terminal streets that provide access to individual units or a group of units may be either public or private streets, provided they meet the following criteria:
    a. Public streets, sidewalks, curb/gutter and other street facilities shall meet the appropriate right-of-way widths and design requirements as required in the public works standard drawings.
    b. Private streets, sidewalks, curb/gutter and other street facilities shall meet the appropriate right-of-way widths and design requirements as required in the public works standard drawings.
    c. The Homeowners’ Association shall be responsible for maintenance, repair, and replacement of private streets, including curb, gutter, and sidewalks.

3. Common Areas. Unless otherwise approved by the city council, common open space that is provided shall be devoted to landscaping, preservation of natural features, and recreational areas. Common open space may be distributed throughout the PRUD and need not be in a single large area. Developments that include sensitive lands such as the FEMA floodplain, wetlands or other sensitive features may only include such sensitive lands as open space when they have been designed as an integral part of the project.

4. Fencing. Perimeter fencing shall be required in all PRUD overlay zones.

5. Maintenance Plan. In order to maintain a visually appealing development, the developer shall provide a maintenance plan for the upkeeping of open space or other landscaped amenities within the development. If any open space or other landscaped amenities exist that are owned in common, a Homeowners' Association (HOA) shall be required. In the event that the HOA does not maintain the open/common space and improvements as indicated at the time of approval, the city may perform the required maintenance or contract with a third party to perform the required maintenance and recover all costs from the HOA. The City shall provide written notice to the HOA 30 days prior to performing any work. After the work is completed the City shall send a bill to the HOA for any costs associated with performing the work. If the HOA does not pay within 30 days, the city may issue a lien on the property. This provision shall be included in the developer's agreement.

J. Developer's agreement. An applicant that is seeking to develop under the provisions of this chapter must at the time of approval enter into a developer's agreement with the city council as set forth in this Title.

J. Related Provisions.

Chapter 17.00 Administration and Enforcement
Chapter 17.10 Definitions
Chapter 17.30 Site Plan Review Standards
Chapter 17.40 Conditional Use Permits
Chapter 17.100 Off Street Parking and loading
Chapter 17.110 Sign Regulations
Chapter 17.120 Lighting
Chapter 17.130 Subdivisions
Chapter 17.60.170 General Regulations

Chapter 17.70
General Regulations

17.70.010 Lot size
17.70.020 Residential dwellings
17.70.030 Accessory buildings other structures on residential lots
17.70.040 Residential landscaping requirements
17.70.050 Residential fencing requirements
17.70.060 Accessory Dwelling Units
17.70.070 Group homes
17.70.080 Model homes
17.70.090 Recreational vehicles
17.70.100 Farm animal regulations
17.70.110 Right to agricultural activities
17.70.120 General regulations for all zones
17.70.130 Temporary Uses
17.70.140 Home Occupations

17.70.010 Lot size

In any zone where no public sanitary sewer is accessible, and regardless of any lot area or width elsewhere prescribed for said zone, no lot shall have an area or width less than that required by the health departments of Davis County or the state of Utah for the satisfactory functioning of a septic tank on the property.

17.70.020 Residential dwellings

The following regulations apply to all residential and agricultural zone unless otherwise specified in the respective zone sections in this Title.

A. Minimum dwelling sizes in the A-1, A-5, R-1, R-2, R-3 zones

Minimum Dwelling Size						
Dwelling Type	**Rambler**	**Slab on grade**	**Bi-level**	**Tri-Level**	**Multi-level**	**Two Story**
Minimum size of dwelling (sq ft)	1,400	1,400	2,000	1,400	1,400	2,000

Note: 10% variance between floors. Buildings above 2,200 sq. ft., no minimum variance

B. Residential dwellings.
   1. The real property and the dwellings thereon shall be held in common ownership and taxed as real property.
   2. Dwellings must be at least 20 feet wide.
   3. Dwellings shall be attached to a foundation in accordance with plans prepared by a registered engineer providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the International Building Code.
   4. Dwellings shall be permanently connected to and approved for all required utilities.
   5. For purposes of this subsection, the definition of “facade” means all exterior walls.
   6. Regulations for new residential construction must meet one of these two options:
      a. **Option 1:** A minimum of 40 percent of the front exterior wall construction for all single-family, duplex, and townhomes shall be constructed of brick, rock, or stone. The 40 percent requirement shall be calculated by measuring the front

facade of the structure from the foundation to the top plate line of the uppermost level, excluding openings for windows, doors, and trim, and by multiplying that figure by 40 percent. The builder of the structure shall be authorized to satisfy the 40 percent requirement by the lacing of brick, rock, or stone. No vinyl siding shall be allowed on any facade that faces a street unless it is a rear facade. In addition to the 40 percent requirement on the front of the structure, the sides of the structure shall have a minimum of a three-foot-high wainscot of brick, rock, or stone along the entire length of the wall on each side of the structure.

b. **Option 2:** All front and side exterior walls, including corner lots for single-family, duplex, and townhomes shall be constructed of 100 percent brick, rock, stone or engineered siding (includes fiber cement boards such as Hardie or engineered wood siding such as LP Smartside) as a stand-alone product or in combination with other materials previously mentioned. Specific to the front face of the house, homes with 100 percent engineered siding, must use a different pattern on the gables.

C. Residential height limit exceptions.
   1. Roof structures for the housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, shade structures (awnings, fabric roof coverings, wood and metal open frame structures, etc.), towers (where required by City ordinances), flagpoles, chimneys, stealth wireless or television installations, theater lofts, solar panels, may be erected above the height limits prescribed in this chapter, but no space above the height limit shall be allowed for the purpose of providing additional habitable floor space.
   2. No such structures except towers, parapet walls, and solar panels, may be located closer than 10 feet to edge of the building. The maximum increase in height for the above features shall be 12 feet.

D. Residential projections into required yards. Certain architectural features may project into required yards or courts as follows:
   1. Every part of a required yard shall be open to the sky, unobstructed except for accessory building in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, bay windows, and other ornamental features.
   2. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet; and the ordinary projections of chimneys and flues are permitted.
   3. Architectural features ~~which~~ shall be allowed to project into required rear yards but not closer than 10 feet from rear property line ~~or courts~~ including, but are not limited to, patio coverings, decks and balconies.

E. Residential front yard exceptions and side yard modifications.
   1. In any R zone where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block is less than the least front yard depth prescribed for said R zone, the front yard of such lot may be reduced to the average depth of the existing front yards within 100 feet of the lot in question, or the average depth of existing front yards of the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, and facing on the same street as the lot in question.
   2. A side yard along the side street lot line of a corner lot, which abuts in the rear the side lot line of another lot in an R zone, shall have a width of not less than one-half of the required depth of the front yard on such other lot fronting the side street.

F. Garage provisions. Two side-by-side covered parking spaces within a garage shall be required in all single-family and two-family residences. Interior garage dimensions shall be an unobstructed minimum of 20’ width by 22’ length.

G. Arterial and collector location provisions.
   1. Driveways that allow vehicles to avoid backing out onto major collector and arterial streets are required.
   2. Front yard setbacks along arterial streets, for building purposes, shall be determined from the proposed ultimate width of the arterial street.

17.70.30 <u>Accessory buildings and other structures on residential lots</u>

A. Accessory building standards. All accessory buildings shall not be located in the front yard. Accessory buildings located in the rear yard shall be located at least five feet from any on-site dwelling structure and at least 15 feet from any dwelling structure on an adjacent lot.
   1. Any accessory building attached to the main building shall be made structurally a part of the main building and shall comply in all respects with the requirements of all ordinances applicable to the main building. If an accessory building is attached to the main building, it is no longer an accessory building. It is a portion of the main building and all setbacks for the structure must be maintained.
   2. Accessory buildings in any zone shall occupy no more than 20 percent of the lot area less the area of the footprint of the main building and shall be separated by not less than five feet. If there is more than one accessory building on a lot, the combined area of all accessory buildings shall occupy no more than 20 percent of the lot less the area of the footprint of the main building.
   3. Accessory buildings on a lot of 20,000 square feet or less shall have a roofline equal to or less than the residential dwelling on the same lot.
   4. Accessory buildings that are more than 1,200 square feet or occupy more than 15 percent of the lot area and are located on lots that are less than 15,000 square feet shall require a conditional use permit.
   5. All accessory buildings that are more than 1,500 square feet no matter the size of the lot shall require a conditional use permit.
   6. The following setbacks from property lines shall apply for all accessory buildings. See 17.70.30(A)(7) for minimum setbacks of accessory buildings located in the side yard.

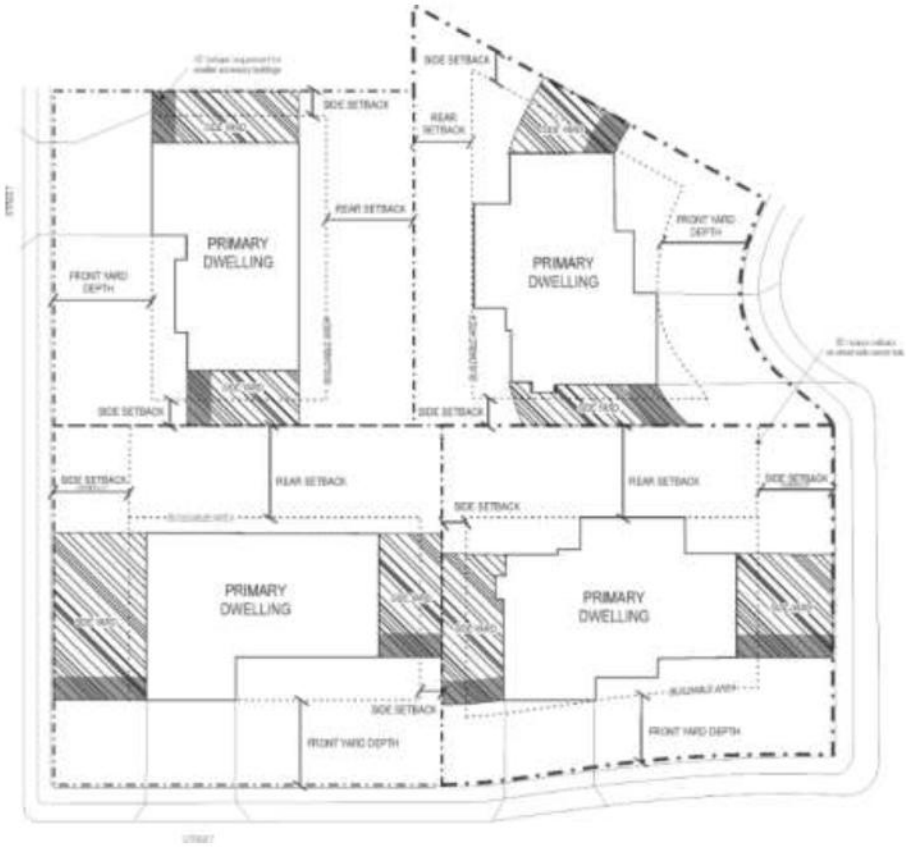
Accessory Building Setbacks							
Wall Height (feet)	0 to 12	12+ to 16	16+ to 19	19+ to 22	22+ to 25	25+ to 28	28+ to 30
Minimum setback (feet) *as measured from the drip line of the structure*	1	3	4	5	6	7	8

   a. Wall heights for accessory buildings are measured from the ground level to the highest point of the wall including the gables as shown in Figure 17.70-2

<u>Figure 17.70-1</u>

7. An accessory building may protrude into the side yard of the residential dwelling but shall require a conditional use permit and must also fulfill the following commitments:
    a. The accessory building shall maintain the side yard setback of the residential dwelling.
    b. Exterior Material and Design.
        i. Accessory buildings that are less than 200 square feet and are located 10 feet behind the defined front yard depth (see below Figure 17.70-2) are exempt from design standards as outlined in 17.70.20(b).
        ii. Accessory buildings that are less than 200 square feet and are located closer than 10 feet to the defined front yard depth (see below Figure 17.70-2) must follow the design standards as listed in 17.70.20(b)
        iii. All accessory buildings that are greater than 200 square feet and located in any portion of the side yard must adhere to building material standards, as it pertains to the front facade, outlined in 17.70.20(b)

Figure <u>17.70-2</u>



8. Accessory buildings shall be limited to one story on lots less than 20,000 square feet, shall have a roofline equal to or less than the residential dwelling on the same lot.
9. Living space in any accessory building may be permitted as regulated in 17.70.060 in this title.
10. Accessory buildings on a vacant lot shall not be allowed except in agricultural zones.

B. Other structures Additional structures such as pergolas, green houses, awnings, carport, tents, arbors, and trellises, occur to provide outdoor spaces for relaxation and storage. The following apply to each structure type:

1. Temporary carports, tents or similar items are often made out of metal, canvas, or other fabric material with pole support structures. All temporary enclosures of this nature shall:
    a. Be securely tethered to the ground at all times.
    b. Not be allowed in the front yard setback or between the front facade and the street.
    c. Can be located in a side yard but not closer than ten feet to the defined front yard, must adhere to the setbacks as required for accessory buildings.
    d. Be repaired, replaced or removed immediately if they fall into disrepair.
    e. Not direct water onto neighboring properties.
2. Carports, shed roof, or similar structures which are attached to a residence are additions to the principal structure and must meet all required side, front, and rear setbacks established by the zone. Additions require a building permit.
3. Shipping containers, semitrailers, boxcars, Portable On-Demand Storage (PODS) or similar structures are not allowed in any residential zones other than for the temporary purposes of moving, construction and remodeling.
4. Swimming pools or tanks, private.
   No swimming pool or tank shall be allowed in any R zone except as an accessory use and unless it complies with the following conditions and requirements:
    a. The pool or tank is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.
    b. It may not be located closer than five feet to any property line.
    c. The swimming pool or tank shall be walled or fenced to at least six feet in height, to prevent uncontrolled access.

17.70.040 Residential landscaping requirements.

Landscaping on residential lots shall comply with the following standards:

A. Landscaping shall be installed in front yards on the entire width of the lot including park strips but excluding the driveway. On corner lots, landscaping shall be installed in all areas between the side line of the house between the front property line and the rear property line which are visible from the public right-of-way.
B. Park strips – shall be efficiently irrigated and landscaped. The live plant materials may include xerographic concepts with up 50% inert materials. Any xeriscape plan shall include at least one shrub for every 40 square feet of xeriscape area, and no more than 25% of the area as turf or defined beds of ornamentals.
C. Landscaping shall include a combination of lawn, shrubs, ground cover, or trees. Ground cover may include vegetative vines, low-spreading shrubs, or annual or perennial flowering or foliage plants. Ground cover may also include mineral or nonliving organic permeable material. Mineral ground cover may include such materials as rocks, boulders, gravel, or brick over sand.
D. Residential dwelling lots shall have no more than 30 percent of ground cover (excluding driveways and lawn).
E. On lots over one-half acre in size, landscaping shall only be required on 100 feet of street frontage to the depth of the front yard setback.
F. Said landscaping shall be completed within one year from the date the certificate of occupancy was issued for ~~of~~ the residence or within one year of removal of landscaping.
G. If more than 30 percent mineral ground cover is desired (excluding driveways and lawn) for approval, after a site plan review by the Community Development Director, increases may be granted if a professional design is provided that shows a combination of different sizes/types of inert materials, such as boulders, dry streams, gathering places, etc.
H. Trees ROW location: Lawn trees are permitted but must be planted at least 8' feet back from the right-of-way (ROW) as measured to the point of the tree nearest the street line. Trees that encroach upon the ROW shall be pruned to provide a clear, walkable and drivable public ROW.

17.70.050 Residential fencing standards

No fence or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of four feet (see e. clear provisions below); nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of six feet, unless the fence/wall acts as a retaining wall for an area with significant slope.

A. Fence Permit Application:
   Fence permit application is required for any fence erected within West Point City. There is no fee for this permit.
B. Fence Building Permit:
   A building permit is required for a fence/wall which exceeds six feet in height, which is only allowed in sloped terrain, because they are considered structures under the International Building Code. The application for a permit must include a drawing of the site indicating the location and height of the proposed fence/wall. If the wall is of masonry or concrete, construction details showing horizontal and vertical reinforcement need to be shown on the plan submitted. The design and construction shall meet relevant standards set forth in the International Building Code.
C. Fence Type: A tangible barrier or obstruction of any material with the purpose or intent or having the effect of preventing passage or view across the fence line. It includes hedges and walls. Agricultural fencing will not be allowed in the front yard in any residential zones. Agricultural fencing includes rope; string; wire product including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; netting; corrugated metal panels; galvanized sheet metal; plywood; fiberglass panels in any fence or materials that are not manufactured specifically as fencing materials. Exceptions may be granted by the planning commission.
D. Fencing corner lots:
   No solid fence, shrubs, trees, or other obstructions to view between the heights of two, and seven feet shall be allowed within the triangular area at the corner formed by measuring a distance of 40 feet along both property lines back from the point of intersection of said lines. This area shall be known as the “clear vision triangle.” Where a rear yard borders a street, creating a corner lot, no solid fence, shrubs, or other obstructions to view between the heights of two and seven feet shall be allowed within the triangular area at the corner formed by measuring a distance of 20 feet along both lot lines back from the point of intersection of said lines. This area shall be known as the “clear vision triangle.”
E. Clear View. Where a rear yard borders the front yard of an adjacent lot, provisions shall be made to provide a clear view for driveways. No solid fence, shrubs, or other obstructions to view between the heights of two and seven feet shall be allowed within the triangular area bounded by lines drawn from a point on the centerline of the driveway set back 15 feet from the front property line, to points along the front property line 30 feet either side of the centerline of the driveway.
F. Fencing retaining wall:
   Where a fence is erected upon a retaining wall, or for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, the height of the fence shall be measured from a point halfway between the top of the retaining wall and the land on the lower side or from the average elevation of the surface of the land on either side of a fence, but nothing herein contained shall be construed to restrict a fence to less than four feet in height (except to maintain a clear view of an intersection) measured from the surface of the land on the side having the highest elevation.
G. Fencing on Public Property:
   On public property when it is determined to be necessary for public safety, a fence no higher than six feet may be erected in a yard bordering a street or front yard of an adjoining lot; provided, that: The fence is constructed of materials that do not create a barrier to vision, i.e., chain link. The fence is not constructed on any portion of a public right-of-way.

<u>17.70.060 Accessory dwelling units</u>

A. **Accessory apartments (PC) process.**

1. All accessory apartments shall be processed as a Planning Commission conditional use and be subordinate in size and prominence to the primary unit. The property must be owner occupied. This means that the owner must reside in the primary home or the detached structure at all times (except as specified herein, and may not delegate, assign, or transfer this responsibility to another party).
2. The applicant shall have a fee simple title to the property.
3. The applicant has not been notified or fined by the city for any code violations relating to this property or any other property within the previous 12 months.
4. The Accessory Apartment shall have a separate entrance that faces away from the street and that does not disrupt the single-family appearance of the existing structure.
5. The Accessory Apartment shall have at least one additional paved off-street parking space, which may be in a tandem configuration.
6. The Accessory Apartment shall have a minimum of one bedroom and a three-quarter bath.
7. The Accessory Apartment shall have a kitchen.
8. The Accessory Apartment shall meet all building code and obtain all required permits prior to occupancy of the Accessory Apartment.
9. The primary unit shall maintain the outward appearance of a single-family residence, so that the appearance is not altered in a manner to appear as a duplex with such features as two front doors and two garages or carports facing the street.
10. The primary or secondary unit shall not be occupied by more than three persons per bedroom.
11. No vehicles shall be parked on the front lawn or other landscaped areas.
12. The property shall be neatly maintained and shall meet all current codes regarding property maintenance and public health standards.
13. An accessory building located in the rear yard, may be used as an Accessory Apartment, but shall maintain a 5' distance from the principal dwelling, a 10' rear setback, and a minimum of 10' for a side yard setback. The height to the peak of the roof shall be no more than 20'.
14. The owner may request a leave of absence for up to three years for personal, business, military, and/or ecclesiastical reasons, through a letter requesting such absence filed with the Community Development Department. During that time, a manager shall be identified that lives in the home and that person's contact information provided within the letter of absence request.
15. The property owner shall record a document with the Davis County Recorder indicating that this property is a single-family residence, that the secondary unit is inseparable from the primary unit, that the owner agrees to live in the unit at all times (except as provided above) and that the permit may be revoked at any time for violation of the conditional use requirements.
16. The property owner shall renew the conditional use permit each year through the payment of a business license fee to the City to cover administrative expenses. A fee schedule may be obtained from the City Recorder.

17.70.070 Group homes

A. Any group home for persons with a disability shall meet all municipal building, safety and health ordinances and provide required licenses from applicable State agencies.
B. Have adequate off-street parking space provided.
C. Be capable of use as a group home without exterior structural or landscaping alterations that would change the structure's residential character
D. The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a group home, or if the structure fails to comply with the requirements.
E. The minimum site development standards for a residential facility for elderly persons shall be the same as those required for a single-family dwelling in the zone in which the facility is to be located.

F. All required setback areas not occupied by buildings or parking shall be landscaped and properly maintained.

17.70.080 Model Home

A. After a preliminary plat for a subdivision is approved then a developer may request a model home which requires a site plan and building permit. The process for the site plan and building permit is outlined in Chapter 17.30 Site Plan Review Standards. This is a concurrent process.
B. A model home cannot operate prior to that building having received a certificate of final occupancy from the building inspector.
C. Model homes must be removed when the subdivision is more than 80 percent occupied or has been occupied for three years, whichever comes first.
D. The Community Development Director may grant a six-month extension based on evidence of continued need for the model home in that particular subdivision.
E. Adequate off-street parking must be provided on site. Three parking stalls must be provided.
F. An exterior lighting and signage plan must be submitted.
G. There shall be no more than one sign located on the property of any model home.
H. At a model home, flags, banners, or other temporary signs are not allowed.
I. National flags shall be allowed as in all residential zones.
J. A model home shall not be used as a general real estate office or construction management office, and shall never be utilized as a meeting place for more individuals than parking is available on site.
K. Full landscaping must be installed prior to occupying the building as a model home. The community development director may grant one six-month extension for weather-related reasons.
L. A model home shall not operate before 8:00 a.m. and never after 8:00 p.m.

17.70.090 Recreational vehicles

A. No recreational vehicle shall be located, placed, used, or occupied for residential purposes in West Point City except within approved and licensed recreational vehicle parks. A recreational vehicle is not considered an accessory building.
B. Recreational vehicles may be stored, but not used for living quarters, anywhere within the city in accordance with the following provisions:
    1. Two recreational vehicles may be placed within an enclosed structure lawfully existing on the premises.
    2. One recreational vehicle may be placed on a lot in an A or R zone; provided, that on corner lots it shall not be located within 10 feet of the side property line adjacent to the street; and provided, that it shall not be occupied for residential purposes.
    3. Unlawful parking of boats and trailers – see WPCC 10.05.050(L).

17.70.100 Farm animal regulations

A. **Purpose and intent.** To establish the standards and criteria by which farm animals may be kept within West Point City. The city recognizes that farm animals are inextricably associated with certain noise, sight, and smell nuisances that are generally unacceptable in urban areas. However, the city also recognizes the importance of maintaining its farming heritage and the traditional values associated with that heritage. It is with this purpose, to preserve the farming heritage of the community, that this chapter is enacted.
B. **Animal allowance.** Farm Animals held for noncommercial purposes are permitted solely in the agricultural A-5 and A-40, R-1, and R-2 zones as a permitted use and shall be an administrative conditional use in the R-3 zone for all animals except small animals which may include chickens, ducks, geese, pigeons, and rabbits, unless restricted by private development agreements, covenants, or other legally binding contracts. Roosters shall not be kept in any residential zone. Residents in the R-1, R-2 and R-3 zones may, at any time, keep and maintain a base number of no greater than four chickens, regardless of the size of their property, subject to the requirements

of this section and any other applicable provisions of this code. The number of additional chickens shall be based on the same formula as other animals as follows:

1. The quantity of animals permitted on a property shall be determined on the basis of 100 animal points per vacant acre (e.g., 0.50 acres x 100 = 50 animal points; 1.45 acres x 100 = 145 animal points).
2. Vacant acreage on properties with nonagricultural uses is determined by the following: Residential properties shall deduct 0.20 acres (approximately 8,700 square feet) per unit from the total acreage before calculating the animal allowance (e.g., (0.50 acres – 0.20 acres) x 100 = 30 animal points; (1.45 acres – 0.20 acres) x 100 = 125 points). All other properties shall deduct the exact amount of acreage not being used for animal production before calculating the animal allowance.

Type of Animal	Number of Points per Animal
Pigs	50
Horses and cattle	25
Sheep and goats	10
Chickens, ducks, geese, pigeons, rabbits, and other small animals	5

3. Commercial agricultural operations shall only be permitted in A-40 and A-5 zones. Intensive commercial agricultural operations, such as feed lots, shall only be permitted by an administrative conditional use with a minimum lot size of five acres.

C. **Yard and structure regulations.**

1. Animal Enclosures: barns, coops, stables, and other structures for the care and keeping of livestock and/or fowl that exceed 120 square feet shall be permitted in all zones where livestock and/or fowl are permitted; provided, that all such structures are located at least 75 feet from the street and 150 feet from the nearest dwelling on adjacent lots. All structures to be constructed in accordance with the building codes of West Point City.
2. Animal Enclosures: barns, coops, stables, and other structures for the care and keeping of livestock and/or fowl that do not exceed 120 square feet shall be permitted in all zones where livestock and/or fowl are permitted; provided, that all structures are at least 50 feet from any public or private street and 50 feet from the nearest dwelling on adjacent lots. These structures shall be placed at least 10 feet from all property lines. All structures shall be constructed in accordance with the building codes of West Point City.
3. Feed yards and the keeping of pigs shall be at least 200 feet from all dwellings on adjacent lots. If adjacent lots are vacant then they shall be kept no closer than 30 feet to the side yard or rear property lines.

D. **Apiaries/**Beekeeping..

The keeping of bees is allowed on all properties in the A-5, A-40, and all residential zones as a permitted use subject to the following requirements:

1. Application. All beekeepers of any hives located in all residential zones must submit a fee application to the city for verification that all the requirements have been met.
2. Number of Hives. There is no defined maximum number of hives for properties in the A-5 and A-40 zones. It is unlawful for any hive(s) to be located on properties under 8,000 square feet. For properties with detached residential dwellings (single-family lots) and vacant properties, two hives may be kept on properties greater than 8,000 square feet in size. Three additional hives may be kept for each 10,890 square feet (one-quarter acre) of property but shall not exceed 10 hives in residential zones.
3. Placement of Hives.
    a. Hives shall not be located in any front or side yards.
    b. Hives or any component thereof shall not exceed six feet in height.

c. No hives shall be located closer than 25 feet to the principal building on the abutting lot; and
d. the placement of the hive shall not be any closer to the abutting lot's principal building than the principal building on the lot where the hive is located.
e. No hive shall be located closer than 10 feet to any public sidewalk.

4. Flyways. In each instance in which any hive is situated closer than 25 feet of a public or private property line as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.
5. Water. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.
6. Compliance. It shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others. The beekeepers are expected to follow beekeeping best management practices such as disease control, hive management and working the hive at appropriate times. Bees and associated beehives may be ordered removed from property if they are determined to be a nuisance by West Point City or Davis County animal control officer.
7. State Registration. If required by the Utah Department of Agriculture.

17.70.110 Right to agricultural activities

A. **Purpose.**
The City of West Point values its rich agricultural heritage and values agricultural activities as a component of the City's community fabric, quality of life amenities and contributions to the city. The City of West Point places value on its agricultural areas and desires to provide for the protection and preservation of agricultural activities. It is the policy of the City of West Point to preserve and protect agricultural activities and to reduce the occurrence of conflicts between agricultural activities and nonagricultural land uses and to protect the public health. It is a purpose of the city to reduce the loss of agricultural activities by limiting the circumstances under which agricultural activities may be deemed a nuisance.

It is the policy of the City to provide purchasers and tenants of nonagricultural land close to agricultural activities with notice of the City's support for the preservation of agricultural activities and operations. An additional purpose of the notification requirement is to promote a good-neighbor policy by informing prospective purchasers and tenants of nonagricultural land of the effects associated with living close to agricultural activities and operations.

It is further the policy of the City to require all new developments adjacent to agricultural activities or operations to reduce the potential conflicts between agricultural and nonagricultural land uses.

The following issues should be used to identify any potential incompatibilities and to identify actions to minimize possible conflicts:

1. Protection of irrigation access and maintenance of ditches and canals.
2. Safety and protection of the public from ditches, canals, ponds and drainage systems.C. Livestock movement corridor protection and safety.
3. Fencing, access, livestock safety, farm equipment ingress and egress.
4. Erosion and soil protection and conservation concerns.

5. Drainage of subdivision areas and designs to minimize the discharge or impact to agricultural lands and soils.
6. Weeds, pest and household pet controls in subdivision areas.
7. Provisions, acknowledgments and understanding by new property owners the right of agricultural activities' work hours and that agricultural activities' operations may contribute to objectionable noises and odors.
8. The need and requirement for screening provisions and landscaping to reduce noise or visual impacts for adjoining uses.
9. Any other provisions that the planning commission and city council considers necessary to protect the right for agricultural activities, operations and areas.

B. **Deed restriction.**

As a condition of the development approval process including, but not limited to, tentative subdivision and parcel maps, use permits and rezoning and planned developments, relating to property within West Point City, an area of agricultural activity, operations or land, every transferor of such property shall insert the deed restriction recited below in the deed transferring any right, title, or interest in the property to the transferee.

Right to Agricultural Activities

Deed Restriction

The City of West Point permits operation of properly conducted agricultural activities and operations within the City.

You are hereby notified that the property you are purchasing is located within West Point City, an area of agricultural activities, agricultural operations, or agricultural land. You may be subject to inconvenience or discomfort from lawful agricultural activities or agricultural operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operations of machinery (including aircraft) at any time during the day or night. One or more of the inconveniences described may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact the Davis County Farm Bureau.

The City of West Point's Right to Agricultural Activities Ordinance does not exempt farmers or others from compliance with law. Should a farmer or other person not comply with appropriate state, federal, or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency.
This Right to Agricultural Activities Deed Restriction shall be included in all subsequent deeds and leases for this property until such time as the property is not located within agricultural activities, agricultural operations or agricultural land.

C. Notification to transferees.

Every transferor of property subject to the notice recorded pursuant to this Chapter shall provide to any transferee in writing the notice of right to agricultural activities recited below. The notice of right to agricultural activities shall be contained in each offer for sale, counteroffer for sale, agreement of sale, lease, lease with an option to purchase, deposit receipt, exchange agreement, or any other form of agreement or contract for transfer of property; provided, that the notice need be given only once in any transaction. The transferor shall acknowledge delivery of the notice and the transferee shall acknowledge receipt of the notice. The form of notice of right to agricultural Activities is as follows:

Notice of Right to Agricultural Activities

The City of West Point permits properly conducted agricultural activities and agricultural operations within the City.

You are hereby notified that the property you are purchasing/leasing/renting is located within agricultural activities, agricultural operations or agricultural lands. You may be subject to inconveniences or discomfort

from lawful agricultural activities or agricultural operations. Discomfort or inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) at any time during the day or night.

One or more of the inconveniences described may occur as a result of agricultural operations, which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact the Davis County Farm Bureau.

The City of West Point's Right to Agricultural Activities Ordinance does not exempt farmers or others from compliance with law. Should a farmer or other person not comply with appropriate state, federal, or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency.

By signing below, you are acknowledging receipt of this notification.

_____ _____

Transferee's Signature Transferor's Signature

The failure to include the foregoing notice shall not invalidate any grant, conveyance, lease, or encumbrance. This notice shall be included in every agreement for transfer entered into after the effective date of the ordinance codified in this chapter.

C. <u>Existing agricultural activities.</u>

This Section shall apply to all existing agricultural activities, agricultural operations and agricultural lands before the date of adoption of the ordinance codified in this chapter.

<u>17.70.120 General Regulations applicable to all zones</u>

A. General performance standards for all uses. The operation of any use permitted in the zone is subject to the following standards of performance:
   1. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature to the premises upon which they are located.
   2. Any light used to illuminate signs, parking areas, or for any other purpose shall be so arranged as to confine direct light beams to the lighted property by appropriate directional hooding. Low Impact Development – on site drainage required. To the greatest extent possible drainage from roofs, and other hard surfaces shall be contained on the lot.
   3. Secondary water irrigation is required.
   4. Grading of any parcel of land for a permitted use where no bank of over eight feet in height is left standing and exposed or when less than 1,000 cubic yards of material are removed from or deposited on said parcel.

B. Public utilities (including substations), shops and storage yards, and public buildings. Public utilities shall be permitted uses in all zones and shall be screened from neighboring uses with a 6' masonry wall, solid board/composite fence, or a screening hedge. Public utility substations are allowed with less than the required lot area, width and yards. A site plan is required for review and approval by the Community Development Director or designee.

<u>17.70.130 Temporary Uses:</u> <u>Temporary uses are limited to the following:</u>

A. Firework stands (see WPCC 5.25)
B. Seasonal fruit and vegetable stands (see WPCC 5.10)
C. Christmas tree lots (see 5.20)
D. Food trucks:
   1. Hours of operation shall fall between 7 AM and 9 PM on any given day.
   2. Coordination and permitting is required with the Fire and Health Departments.

3. Location shall not interfere with traffic circulation on a site and shall not be located closer than 10' to any public right-of-way.
4. Temporary signs shall conform to the Sign Ordinance.

17.70.140 Home Occupations

The purpose of these provisions is to ensure that home occupations remain incidental and accessory uses within the dwelling or on the dwelling site and that any coincidental nuisance remains within the dwelling or on the dwelling site. Home occupations are a temporary privilege that can be revoked if disruption of the residential neighborhood occurs. Home occupations are subject to additional conditional use requirements and standards set forth in chapter 17.40.

A. Permitted Home Occupations: All home occupations not specifically listed as prohibited may be managed as a minor or major conditional use as set forth in subsection D and E of this section.

B. Prohibited Home Occupations: The uses set forth below involve operations not suited to a residential area and shall be prohibited as home occupations (minor or major) in all zones:

1. Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the International Fire Code in a dwelling.
2. Auto body or fender work
3. Junkyards, storage or recycling yards;
4. Mortuaries and crematoriums.
5. Sexually oriented businesses
6. Welding or machine shops.

C. General conditions: The following conditions shall apply to all home occupations:

1. The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one home occupation.
2. The owner of the home occupation business must reside in the dwelling or be an immediate family member of the resident of the home, i.e., mother, father, son, daughter.
3. The use must follow all applicable state, county and city fire, building, plumbing, electrical, and health codes and/or ordinances.
4. The use must be inspected to determine continued compliance with the provisions of all state, county and city laws and/or ordinances.
5. The home occupation must be licensed as a valid business in West Point City.
6. Home occupation license fees shall be established from time to time by the city council by resolution. All annual license fees shall be due and payable before the first day of January of each year. License fees are not rebatable.

D. Minor Home occupations. Uses classified as minor home occupations may be allowed by administrative conditional use permit (see 17.40) in all zones. The following regulations shall apply to all minor home occupations:

1. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.

2. No more than 300 square feet, or 20 percent of the gross floor area of the dwelling, may be used for home occupations. (The least restrictive shall apply). Accessory buildings as allowed in the zoning may be used for home occupations as permitted but include no outside storage. Home occupations shall occupy no more than five percent of the lot area.

3. There shall be no signs present on the property except for one unlit wall sign, not to exceed two square feet, indicating the address and the occupant's name/business, for example, "John Doe – Accountant."
4. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products; provided, that incidental retail sales may be made in connection with other permitted home occupations, for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on site.
5. Parties for the purpose of selling merchandise or taking orders shall not be held more often than four times each month.
6. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted, without a permit, not more than twice a year, and each sale shall not last more than two consecutive days.
7. Two vehicles, including trailers and/or equipment, may be associated with the minor home occupation, however, only one vehicle/trailer/piece of equipment over 22 feet in length shall be used in a minor home occupation. Vehicles over 22 feet in length shall not be parked on the street nor within a yard abutting a street. Trailers/equipment shall not be parked in a yard abutting a street.
8. The use shall be conducted primarily within the dwelling site and carried on by up to one additional family member, not living in the home, and one non-family member employee.
9. A permit for a home occupation is valid for only the original applicant and is not transferable to any resident, address or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void. Permits shall be tracked through the required business license.
10. Minor home occupations include, but are not necessarily limited to, the following: Artists, authors, architectural services; Single-chair beauty parlors and barber shops; Consulting services, craft sales; Organized classes such as dance, music, tutoring, etc.,(provided the number of students is limited to two at a time); Direct sales distribution; Data processing, computer programming; Home crafts,(crafts will be sold off site); Garden produce; Janitorial; Insurance sales or broker, interior design, small business contractors; Mail order (not including retail sales from site); Real estate sales or broker.

E. Major home occupations. Major home occupations as defined are home occupations which meet the standards for minor home occupation administrative conditional uses listed above except that increases in intensity of use of the home occupation. The following uses are typical major home occupations: Contractors, carpenters, plumbers, electricians, landscape installers, small engine repair.

1. The use shall not generate pedestrian or vehicular traffic beyond that normal to the zone in which it is located.
2. Up to three commercial vehicles or trailers may be kept on site, provided they are parked on private property, out of the front yard, and adequately screened by a 6' opaque fence. One vehicle, larger than a one-ton, may be considered, if parked in the back yard and screened with a 6' opaque fence.
3. Up to 30% of the home or the entire accessory building may be used for the home occupation, except that pre-schools, instructional studios, and daycares, may increase this percentage to 50% of the home or 100% of a detached accessory building. No maximum square footage applies, except in the case of an accessory building, which is regulated by the size of the lot.
4. Preschool home occupations shall have a play area, fenced from the street and a fire inspection performed to ensure the safety of the children.
5. Up to three employees may be employed on or report to the premises; provided, that adequate parking is provided on private property and screened from all abutting residential dwellings. Tandem parking is allowed, and such parking shall be located out of

the front yard. Residential lots must be large enough to accommodate one parking space for each employee that does not live in the dwelling.

F. Home Group Instruction: A home occupation for group instruction, including, but not limited to, preschools, tumbling lessons, swimming lessons, or dance lessons, shall meet the home occupation standards of this chapter and the following additional requirements:

1. The instructor shall be a bona fide resident of the premises where the home occupation is conducted.
2. For purposes of this section, a group shall be defined as three (3) or more students attending a session.
3. The number of classes shall be limited to two (2) sessions per day. The sessions must be separated by at least thirty (30) minutes to allow adequate time for pick-up and drop-off.
4. Residential preschools: Residential preschools may be allowed by conditional use permit in all zones. The following regulations shall apply to all residential preschools:
    a. A preschool provider shall obtain and submit to the city of West Point a background criminal investigation which was produced by a law enforcement agency. A preschool provider shall receive professional training in first aid and cardiopulmonary resuscitation (CPR) and shall provide evidence of this training to the city prior to receiving a business license.
    b. A preschool with only one employee shall have no more than eight children in a class. With an additional adult a preschool may have up to 12 children in a class. A preschool shall never have more than 12 children in a class.
    c. If a second adult is employed by the preschool provider they shall submit to the city of West Point a background criminal investigation which was produced by a law enforcement agency.
    d. A preschool class shall never exceed four hours and a preschool shall never have more than two classes each day. These classes must never overlap in timing.
    e. Preschool facilities must have a play area fenced from the street and a fire inspection performed to ensure the safety of the children.
    f. Off-street parking shall be provided for the residents and employees as required by the planning commission.

G. **Residential child day care**: Residential child care of not more than eight children may be allowed by conditional use permit in all zones. The following regulations shall apply to all residential child care:

1. The child care shall comply with all regulations of the state of Utah. A child care provider who cares for one to eight children shall obtain a State Residential Child Care Certificate. A child care provider who cares for nine or more children shall obtain a state license. More than eight children may be considered if a second adult is employed on the premises.
2. If a second adult is employed by the child care provider they shall submit to the city of West Point a background criminal investigation which was produced by a law enforcement agency. This employee must also receive professional training in first aid and cardiopulmonary resuscitation (CPR) and shall provide evidence of this training to the city.
3. Off-street parking shall be provided for the residents and employees as required by the planning commission.
4. Day care facilities must have a play area fenced from the street and a fire inspection performed to ensure the safety of the children.

Chapter 17.70
Manufactured Homes

A. Regulations for buildings and structures. Where buildings or structures are allowed, they shall comply with the following regulations specific to each type of structure:

1. Regulation for all residential structures.

a. All residential structures shall be permanently affixed to the property on which they are sited and held in common ownership with said property and classified and taxed as real estate.

b. Permanent connections to all available utilities shall be made to each residential structure.

c. Any and all appendages or accessory uses such as steps, carports, garages, storage buildings, decks and awnings or additions and alterations shall be done in accordance with the adopted addition of the International Building Code.

B. Regulations for manufactured housing.

1. All manufactured homes shall be certified by the U.S. Department of Housing and Urban Development inspectors as meeting the National Manufactured Housing Construction and Safety Standards Act of 1974, effective June 15, 1976 (HUD Code), and any subsequent amendments thereto. For purposes of this section, a manufactured home is the same as defined in UCA Section 15A-1-302, except that the manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the applicable building code.
2. Each manufactured home shall be installed, with or without basement, on a site-built permanent foundation system that meets or exceeds applicable requirements of the building codes as detailed in the “Guidelines for Manufactured Housing Installations.” Permanent masonry or concrete perimeter enclosures shall be required and shall conform to the adopted edition of the International Building Code as specified for foundation walls.
3. The manufactured home shall be a minimum of 24 feet wide; each half of the unit shall be a minimum of 12 feet wide.
4. Towing hitches and running gear, which includes tongues, axles, brakes, wheels, lights, and other parts of the chassis intended to be operated only during transport, shall be removed.
5. The manufactured home is required to have outside hose bibs attached to the front and back of the home.
6. All manufactured homes must meet requirements of the city ordinances pertaining to the to the respective zone they are to be located in and the associated regulations such as the General Regulations. Manufactured homes are considered a single family dwelling, with additional regulations to address their unique design.

Chapter 17.80
Nonconforming Uses, Noncomplying Structures and Other Nonconformities

17.80. 010 Purpose and administration of provisions.
17.80.020 Existing lots of record exceptions.
17.80.030 Continuing existing uses.
17.80.040 Construction approved prior to title.
17.80.050 Nonconforming uses.
17.80.060 Noncomplying structures.
17.80.070 Other nonconformities.

17.80.010 Purpose and administration of provisions.

A. The purpose of this chapter is to regulate and gradually eliminate buildings, structures, and land uses that were legally permitted at the time of their inception, but that no longer conform to existing city ordinances. All such items shall be considered nonconforming uses. The designation of nonconforming use shall not apply to any building, structure, or land use that was not legally permissible at the time of inception. These items are considered illegal uses. An illegal nonconforming use shall be terminated immediately without regard to this section and shall be abated or brought into conformance with applicable provisions of this Title.

B. Procedure for determination. Upon request, the Community Development Director or designee, shall determine whether a building, structure, or parcel of land meets the criteria of a nonconforming use based on evidence presented. The Community Development Director or designee, shall determine the existence, expansion, or modification of a nonconforming lot or use, noncomplying structure, or other nonconformity as provided in the following procedure:
    1. If a determination of the nonconforming status of a property is desired, the owner or his designee shall make application for a zone verification with the Community Development Department. The Community Development Director or designee shall then investigate the factual and legal history of the subject property and shall thereafter make a determination of the nonconforming status of the property.
    2. Notice of the determination of nonconforming status shall be mailed to the owners of the subject property.
    3. If within ten (10) days after notice is mailed, information is received by the Community Development Director or designee, which may affect the validity of the determination, the administrator may make an amended determination. Notice of an amended determination shall be given as set forth in subsection (b) of this section.
    4. The notice shall include a statement that any determination may be appealed as provided in Chapter 17.00 of this title and shall state the date by which the appeal must be filed.
    5. Such evidence may include building permits, tax records, photographs, receipts, signed contracts, historical documents, or other written evidence. The property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.

17.80.020 Existing lots of record exceptions.

A. The requirements of this title as to minimum building site area shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such land was held in separate ownership at the effective date of the original West Point City zoning ordinance.

B. On any lot held under a separate ownership from adjacent lots, and of record at the time of the passage of the original West Point City zoning ordinance, the side yard requirements may be waived by the Community Development Director or designee, to the extent that the buildable

width of such lot is not reduced to less than 25 feet, except that at least a six-foot side yard is required on each side of any interior lot and the side yard on the street side of a corner lot must be at least 15 feet.

C. The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but in no case shall it be less than 10 feet.

17.80.30 Continuing existing uses.
Except as hereinafter specified, any use, building, or structure, lawfully existing at the time of the enactment or subsequent amendment of the ordinance codified in this title, may be continued, even though such use, building, or structure does not conform with the provisions of this title for the zone in which it is located. Except as otherwise provided by law, nothing in this title shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

17.80.40 Construction approved prior to title.
A building, structure, or part thereof which does not conform to the regulations for the zone in which it is situated, but for which a building permit was issued and construction started prior to the enactment of the ordinance codified in this title, may be completed in accordance with such plans providing work is prosecuted continuously and without delay. Such buildings shall be deemed to be nonconforming and shall be subject to the regulations set forth herein.

17.80.50 Nonconforming uses – substitution, extension, discontinuance, etc.
A nonconforming use shall not be enlarged, extended, or changed unless the use is changed to a use permitted in the zone in which it is located, except as follows:

A. Substitution or extension.
   1. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
   2. When authorized by the Community Development Director or designee, in accordance with this title, a building devoted to a nonconforming use may be completed upon the lot occupied by such building; provided, that such completion is necessary and incidental to the existing use of such building.
   3. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.
   4. A nonconforming use in a conforming structure damaged by fire, wind, tornado, earthquake, or other natural disaster or calamity may be restored as it existed previously and its use may be continued so long as restoration is complete within one (1) year.

B. Discontinuation.
   A nonconforming use shall be deemed to have ceased when it has been discontinued either temporarily or permanently for a period of 12 months or more, and there is evidence that there was an intent to abandon such use. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

   Any of the following shall be considered evidence of intent to abandon a nonconforming use:
   1. Actual notice given by a property owner or his authorized agent.
   2. Constructive notice given to the public, city, county, or other government agency.
   3. Cessation of any city-required utility service, such as culinary water, sewer, or electrical power, for a period of 12 months or greater,
   4. Cessation of all maintenance for a period of 12 months or greater.
   5. A 75 percent or greater reduction in scope of nonconforming operation(s) within a period of 12 months.
   6. Failure to implement city, county, state or federal ordinances within six months of written notification.

7. Failure by a property owner or his authorized agent to physically occupy a structure or property within a period of 12 months.

17.80.60 Noncomplying structures.

A. A nonconforming building shall not be reconstructed or structurally altered unless such alteration shall result in removing those conditions of the building which render it nonconforming.
B. Repairs and structural alterations may be made to a nonconforming building; provided, that the floor space of such building is not increased.
C. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to the extent of not more than one and one-half times its assessed value at that time, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such partial destruction may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds one and one-half times the assessed value of such nonconforming building or structure, no repairs or reconstruction shall be made, except in the case of residences or accessory farm buildings, unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone in which it is located.

17.80.070 Other nonconformities.

A. Application and intent.
B. This section shall apply to any other circumstance which does not conform to the requirements of this title including, but not limited to, fence height or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off-street parking; and any other nonconformity not covered by this chapter. Because the nonconformities regulated by this section involve less investment and are more easily corrected than those regulated by other sections of this chapter, the intent of the City is to eliminate such nonconformities as quickly as practicable. The degree of such nonconformities shall not be increased.
C. 2. Nonconforming development with approved site plan.
D. Any nonconforming development which is governed by an approved site plan shall be deemed to be in conformance with this title to the extent such development conforms to the plan.
E. 3. Compliance Required.
F. A nonconformity other than one enumerated in other sections of this chapter shall be brought into conformance upon the occurrence of any one of the following:
    1. Any action which increases the floor area of the premises by more than thirty percent (30%).
    2. Any action which, when combined with one (1) or more previous expansions that have occurred over a period of time, causes the aggregate area of expansion to exceed thirty percent (30%) of the original floor area of the premises.
    3. For a lot located in a commercial or industrial zone, any change in use to a more intensive use when a new certificate of occupancy is required.

Chapter 17.90
Telecommunications

17.90.010 Purpose.
17.90.020 Conditional uses.
17.90.030 Yard requirements.
17.90.040 Wall-mounted antennas.
17.90.050 Roof-mounted antennas.
17.90.060 Whip antennas.
17.90.070 Review requirements for lattice and monopole towers.
17.90.080 Accessory buildings.
17.90.090 Structural integrity and inspections.
17.90.100 Nonmaintained, abandoned, **or obsolete facilities.**
17.90.110 Amateur radio facilities, towers and equipment
17.90.120 Access to facility.
17.90.130 Building permits.
17.90.140 Denial of request to install or construct.

17.90.010 Purpose.

The purpose of this article is to address planning issues resulting from the rapid growth and demand for low power radio services. This article distinguishes low power radio from other broadcasting-type telecommunications technologies and establishes provisions relating to demand, visual mitigation, noise, engineering, residential impact, health, safety and facility placement.

17.90.020 Conditional uses.

All conditional use shall be processed under Chapter 17.40 of this Title.

A. Lattice or monopole towers in PO, all C zones and the RI/P zone.
B. Monopole towers on public property in all residential zones.
C. Roof-mounted or wall-mounted antennas in PO, all C zones and the RI/P zone.
D. Towers that use a generator in all PO, all C zones and the RI/P.
E. zones.
F. Roof-mounted antennas for commercial providers and business users in the PO, all C zones and the RI/P zone.

17.90.030 Yard requirements.

A. All telecommunications towers shall be located on the lot so that the distance from the base of the tower to any adjoining residential zone or any residential structure is a minimum of 100 percent of the proposed tower height with an additional 10-foot buffer. The total distance of the tower base from the residential zone or structure shall be no less than 100 percent of the tower height plus 10 feet. Towers that use generators shall at no time have an acoustic reading that exceeds 65 decibels (reference: U.S. EPA (1974) 11.4 and 24 CFR 51 Housing and Urban Development).
B. No towers shall be permitted in the required front yard in any zone and shall not be located in a required landscape area or required parking area. Towers located on vacant lots shall have a minimum front yard setback of 25 feet in all zones.

17. 90.040 Wall-mounted antennas.

Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet horizontally from the face of the building. The supporting structure and equipment shall be painted to match the color of the building or structure or the background against which they are most commonly seen.

17.90.050 Roof-mounted antennas.

The support structure for roof-mounted antennas may not extend more than 25 feet above the highest point of the roof. The antenna may not extend more than 15 feet above the support structure. Support

structures extending less than 25 feet above the highest point of the roof, plus the mounted antenna length, may not exceed 40 feet above the highest point of the roof.

17.90.060 Whip antennas.
Flexible whip antennas are not allowed in any zone.

17.90.070 Review requirements for lattice and monopole towers.
Along with the general review conditional use standards in Chapter 17.40 the following shall be considered by the Planning Commission:

A. Compatibility with height of structures on surrounding parcels.
B. Height of the tower structure should be designed for operational purposes yet also with a consideration of the impact on the structures or buildings in the surrounding neighborhood.
C. Collocation.
D. Consideration of whether collocation of the antenna on other structures in the same vicinity such as other towers, buildings, water towers, and utility poles, etc., is possible without significantly impacting antenna transmission or reception.
E. Lighting and security.
F. Any lighting on towers shall meet FAA and FCC requirements. When lighting is required and permitted by the FAA or any other federal or state authority, it shall be oriented inward and down directed so as not to project onto surrounding property. All towers shall be enclosed by a six-foot chain link or opaque fence. All climbing pegs shall be removed from the lower 20 feet of the tower.

17.90.080 Accessory buildings.
Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zone in which they are located and require a building permit if more than 200 square feet in size. All storage of equipment and materials must be inside an enclosed building. Storage in open areas shall not be permitted.

17.90.90 Structural integrity and inspections.
All new towers and any modifications to existing towers shall be certified by a licensed engineer according to structural standards for antenna towers of the Electronic Industries Association (EIA). The city may require periodic inspections of telecommunications towers to ensure structural integrity. The inspections shall be conducted by a licensed engineer, and based upon the results of an inspection, the city may require repair or removal of a telecommunications tower. The expense of the inspection and/or removal of the tower shall be the responsibility of the tower owner.

17.90.100 Nonmaintained, abandoned, or obsolete facilities.

A. When a facility has not been repaired or used by the owner, the person having control of, or the person receiving benefit of the structure for a period of 30 days, it will be considered abandoned by the Community Development Director or designee. Within 60 days after notice of abandonment is given to the owner, the person having control of, or the person receiving benefit of, the facility, the antenna, the tower, all support structures, and no less than the top three feet of footing must be removed by the owner of the tower.
B. If the tower is not removed after the conclusion of the 60-day notice of abandonment period, the Community Development Director or designee is hereby authorized to cause the tower and accompanying structures deemed abandoned to be removed forthwith at the expense of the owner, agent, or person owning the facility. The city shall have the right to collect such costs as provided for in Title 10, Chapter 11, Utah Code Annotated 1953, as amended.
C. Obsolete antennas, towers and other equipment at the facility must be updated when it is financially feasible by the owner, the person having control of, or the person receiving benefit of the facility.

17.90.110 Amateur radio facilities, towers and equipment.
Amateur radio facilities are governed by restrictions provided by the Federal Communications Commission (FCC).

17.90.120Access to facility.
All telecommunications tower facilities must have reasonable access and fulfill all easement requirements necessary for construction, repair, or necessary access to the facility.

17.90.130 Building permits.
A building permit shall be required for the construction or siting of all commercial or business use towers.

17.90.140 Denial of request to install or construct.
Any application for construction of a wireless communication tower that is denied by any official of the City, the Planning Commission, or the West Point City Council must be in writing and must be based on evidence with a written record of proceedings. Denial may not be based upon the grounds that radio frequency emissions from the facilities will be harmful to the environment or health of residents. FCC standards govern this application.

Chapter 17.100
Off-Street Parking and Loading

17.100.010 Purpose.
17.100.020 Off-street parking.
17.100.030 Off-street loading.
17.100.040 Other access and parking-related provisions.
17.100.050 Number of parking spaces required.

17.100.010 Purpose.
To reduce street congestion and traffic hazards in West Point City by incorporating adequate, attractively designed facilities for off-street parking and loading as an integral part of every use of land in the city.

17.100.020 Off-street parking.

A. General. There shall be provided at the time of erection of any main building, or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provision for ingress and egress by standard-size automobiles in accordance with the requirements herein. Parking for each use shall be provided within the same zone as the use. Only parking for permitted or conditional uses in the residential zone is allowed in residential zone, however parking from a commercial use that functions as a buffer, may encroach on a residential zone, if it includes expanded landscaped areas with enhanced landscaping, walls, and dark sky compliant lighting with light poles no closer than 20' to the lot line.

B. Size. For the purpose of this section, one parking space shall be assumed to be 200 square feet, exclusive of adequate interior driveways.

C. Access. Adequate ingress and egress to all uses shall be provided as follows: For the purpose of this section, "driveway" or "access" shall mean the width of the curb cut or the driveway approach. Where curb does not exist, this shall mean width of the hard surface driveway.
    1. Access for all uses except residential shall be by a maximum of one driveway for each 200 feet of frontage on a public street, such driveways to be not over 50 feet in width.
    2. Accesses for residential uses shall not be regulated by a maximum driveway width.
    3. No residential driveway shall be closer than 20 feet measured along the property lines to the point of intersection of two property lines at any corner.
    4. In a commercial zone, no driveway shall be closer to an intersection of two streets than 40 feet.
    5. Height, location, structural specifications, maximum and minimum curb radii permitted, and minimum roadway approach angles to the centerline of the street are subject to the American Public Works Association (APWA) standards.

D. Alternatives to on-site parking.
    1. Off-site: For any new use, structure, or building other than a dwelling, required off-street parking which due to the size or location cannot be provided on the premises may be provided on other property not more than 500 feet distant from the nearest point of the parcel, or for a use in a commercial zone, not more than 600 feet distant

E. Parking areas, development and maintenance. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile, farm equipment, or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:
    1. Public parking areas shall be separated from the property lines abutting streets by landscaped buffers of not less than ten feet. Public parking areas shall be separated from

property lines abutting residential uses by landscaped buffers of not less than ~~four~~ ten feet or a screening fence.

2. Public parking areas in the general commercial and light industrial zone shall be separated from property lines abutting residential zones by landscaped buffers of not less than 10 feet and be screened for noise and air pollution by landscaping and fencing. In addition, such parking lots shall be separated from street rights-of-way by a landscape buffer intended to partially screen the parked cars from view.
3. Parking areas shall be graded for proper drainage. Low impact development techniques shall be used in all parking lots to reduce impervious surface runoff and to retain stormwater on-site.
4. Every parcel of land hereafter used as a public parking area shall be paved with an asphalt concrete or concrete surface, shall have appropriate bumper guards where needed, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles.
5. Lighting used to illuminate a parking area shall be downward directed and shielded as per Chapter 17.120 of the Title.
6. Curbed planters with two-inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet wide.
7. For every 20 parking stalls there shall be a planter area. This area shall have a minimum of two two-inch caliper trees planted along with grass, shrubs or ground cover. Said planter shall be at least five feet wide.
8. Minimum five-foot landscaped planters shall be provided around building foundations except at building entrances, drive-up windows and loading and utility areas.
9. All landscaped areas adjacent to parking areas shall be curbed.

F. Alternate: Parking lot landscaping. When total parking lot spaces exceed thirty (30) stalls, for every ten (10) parking spaces delineated, one (1) raised four (4) foot wide landscaped parking island/diamond bounded with slotted high back curbs shall be provided and planted with one medium sized tree or light pole. Raised or curved circulation islands shall be constructed at the ends of the rows of parking spaces or at other locations where circulation drives intersect. Parking lots shall be bounded with slotted curbs to allow water to drain into landscaped areas. Paved areas and parking lots shall be separated from buildings with a minimum 4' wide landscape area bounded with slotted curbs and/or a five-foot raised sidewalk.

G. Pedestrian access. In designing a parking lot, safety of pedestrian access to the use shall be integrated into the design.

H. Drive up services. Drive-up windows and ordering stations shall not be located in the required front yard. Such facilities shall include off street stacking out of the front yard for a minimum of three vehicles per window/ordering station. If required, depending on business type, a waiting for a pickup order area shall be constructed, out of the front yard.

17.100.030 Off-street loading.

A. For every building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a commercial use, to or from which delivery of materials or merchandise are regularly made by motor vehicle, there shall be provided and maintained, on the same lot, with such building, at least one off-street loading space plus one for each additional 20,000 square feet or major fraction thereof.
B. Each loading space shall be not less than 14 feet in width, 25 feet in length, and 15 feet in height.
C. Such space may occupy any required yard, other than a front yard, or court except that if it is located closer than 50 feet to any lot in any R zone, it shall be enclosed by a brick or stone wall or landscaping not less than six feet in height.

17.100.40 Number of parking spaces required.

A. Except as may be provided elsewhere in this title, there shall be provided at the time of erection of any building, or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-size automobiles. If any land, structure, or use is changed from one use to another which requires more off-street parking spaces, there shall be provided such additional off-street parking for the new use as is required by this chapter.

B. Specific requirement for each land use. Required off-street parking shall be provided for each use as listed below in Table 17.100-2. Requirements calculated on floor area shall be based upon gross floor area as defined in the Title. Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the Community Development Director or designee. Parking shall be provided as follows, with spaces based upon one or a combination of uses listed:

Table 17.100-2

USE	PARKING REQUIREMENT
RESIDENTIAL:	
Single family dwelling	2.~~5~~ parking spaces
Townhouse dwelling	2.5 parking spaces per unit
Multi-family units	
Studio units	1 space per unit
One bedroom units	1.5 spaces per unit
Two bedroom units	2 spaces per unit
Three bedroom units	2.5 spaces per unit
Four bedroom units	3 spaces per unit
Guest/visitor parking	.33 spaces per unit
Golf courses, tennis courts and similar recreation areas	Determined by specific review by Community Development Director or designee
Intensive retail commercial shops selling directly to the public	3.5 spaces for each 1,000 square feet of floor area
Less intensive commercial business, as furniture, appliance, and lumber sales	1.5 spaces for each 1,000 square feet of floor area
Offices:	
Personal services, including medical and dental clinics	2 spaces for each 1,000 square feet of floor area plus 1 space for each employee per shift

USE	PARKING REQUIREMENT
Business	3.5 spaces for each 1,000 square feet of floor area
Restaurants, bars, dining rooms	1 space for every 4 seats
Religious places of worship, auditoriums, assembly halls	1 space for 5 seats
Bowling alleys, skating rinks	2 spaces for every 1,000 square feet of floor area
Industrial and wholesale establishments	1.2 spaces for each employee per shift
Private/Quasi-Public/Charter Schools, civic buildings	Determined by specific review by the Community Development Director or designee.
Shopping centers/commercial complexes, or rentable commercial space	At least 3.5 spaces per 1,000 square feet of floor area

C. Parking space reduction. If the Community Development Director or designee finds that reducing the parking spaces per unit requirement is not detrimental to the traffic circulation in the surrounding area and will enhance the proposed development, they may reduce these parking standards, based on, but not limited to, a traffic/parking study by a traffic engineer (paid for by the applicant but managed by the City), and staff recommendations concerning existing and proposed road conditions and fire safety, subject to the provisions of this ordinance.

D. Parking lot dimensions. The following regulations set standards for the minimum sizes of parking lot features.

Table 17.100-3

PARKING ANGLE	45°	60°	90°
Stall Width	9'	9'	9"
Stall Depth	18'	19'	19'
Aisle Width	13'	17'6"	25'

Chapter 17.110
Sign Regulations

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17.110.010 Purpose.
This chapter seeks to promote the public safety, general welfare, aesthetics, and business community of West Point City by regulating the use, placement, size, height, and construction of signs.

17.110.020 Interpretation.
The sign requirements contained herein are declared to be the maximum allowable, and sign types not specifically allowed as set forth within this chapter are prohibited. Where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.

17.110.030 Scope and application.
All signs shall be considered permitted uses except those considered under Section **17.110.110** and processed through the Community Development Department for compliance with this ordinance and through the Building Department for structural and electrical standards. All conditional uses shall be processed under Chapter 17.40 of this Title. Except as provided in this title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered unless in conformity with the regulations herein specified. A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this title.

17.110.050 Permit required.

A. Permits. Except as provided in this chapter, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the community development department an application in writing and obtaining a sign permit. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, based on the type of sign, structural and electrical permits are required for signs through the Building Department. When a sign permit has been issued by the Community Development Director or designee, it shall be unlawful to move, change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval Community Development Director or designee.

B. Application for permit. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a licensed sign contractor. The application is available on a form provided in the Community Development Department.

C. Fees for sign permit. Sign permit fees shall be as established from time to time by resolution of the City Council.

D. Completion date. If the work authorized under a sign permit has not been completed within 180 days after the permit was issued, said permit shall expire and become null and void, and there shall be no refund of any fee required by this Chapter.

E. Permission of property owner. No person shall erect, construct or maintain any sign upon any property or building without the written consent of the owner or person entitled to possession of the property or building, if any, or their authorized representatives.

F. Illegal signs. No person shall erect or maintain or permit to be erected or maintained on any premises owned or controlled by him any sign which does not comply with the provisions of this title.

G. Sign permit not required. The following do not require a sign permit:
    1. The changing of the text or copy of permitted signs.
    2. The electrical, painting, or cleaning maintenance or repair of a permitted sign in accordance with the permit.
    3. Interior signs.
    4. Real estate signs no larger than six square feet.
    5. Political signs no larger than 32 square feet. All political signs shall be on private property and not closer than 10 feet to a driveway.
    6. Window signs.
    7. Memorial signs or tablets, names of buildings, and dates of building erection when cut into the surface of the facade of the building.
    8. Official notices posted by public officers or public employees in the performance of their duties.
    9. Public necessity signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety.
    10. The flags, emblems, or insignias of any nation or political subdivision.
    11. Religious symbols, commemorative plaques of recognized historical agencies; provided, that no such symbol, plaque, or identification emblem shall exceed 10 square feet in area.
    12. House numbers and name plates not exceeding two square feet in area for each residential building.
    13. Trespassing signs in all zones.
    14. Subdivision development signs as set forth in this title.
    15. These exceptions are not to be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.

H. Appeal. Should a sign application be denied that decision may be appealed to the Appeal Authority Chapter 17.00 of this Title.

17.110.060 Abatement of dangerous signs.

If an unsafe or dangerous sign is not repaired or made safe within 10 working days after written notice is delivered to or sent by certified mail to the person having charge or control or benefit of such sign, the City may at once abate and remove said sign and the person having charge, control or benefit of any such sign shall pay to West Point City the costs incurred in such removal within 30 calendar days after written notice of the cost is delivered to or mailed to such person.

17.110.070 Violation and penalties – other remedies.

The city is hereby authorized to exercise the following additional remedies, jointly or severally:

A. The City Code Enforcement officer may prepare and serve notice of a violation of this chapter, requiring compliance within 14 days of the date of the notice. The notice shall describe the sign, specify the violation(s), and inform the recipient that if the violation(s) is/are not remedied, the sign may be removed at the responsible party's cost. The notice shall also inform the recipient that if the recipient disagrees with the Code Enforcement Officer regarding the violation, the recipient may appeal the code enforcement officer's determination to the Community Development Director. Said appeal must be in writing and received by the director within the 14-day period. Notice of violations are deemed to have been given when notice is mailed or given to the property owner of record or the occupant of the property upon which the sign is located.

Notice to the property owner shall be mailed to the owner of the property on which the sign is located, as shown on the last assessment roll. If known, the notice may also be mailed and delivered to the owner of the sign.

B. A sign in violation of this chapter may be removed by the City:
   1. Pursuant to a court order issued in conjunction with an enforcement action, either civil or criminal;
   2. At the conclusion of the 14-day period set forth in subsection (A) of this section, provided no appeal has been filed;
   3. Immediately in situations where the sign is in such a condition or location so as to constitute an imminent threat to the health, safety, welfare, or property of citizenry; and/or
   4. Immediately where the sign is located upon public property and is not permitted to be so located.

C. The City may initiate civil action in the district court seeking compliance and other available remedies.
   1. The City is hereby authorized to recover its expenditures for the enforcement of this chapter, pursuant to any available method, including, but not limited to, restitution pursuant to a criminal prosecution, civil penalties, statutory nuisance abatement processes, etc. Any challenges to these costs shall be made pursuant to the applicable process.
   2. Within two business days after a sign comes into the possession of the City, the enforcement officer shall use reasonable means to provide notice to the owner of the sign or agent thereof. Said notice will state that the sign must be retrieved from the city within five business days of the date of the notice.
   3. If the sign is not retrieved within that time period, the sign becomes the property of the City and may be disposed of at the City's discretion. Any costs for removal and storage may be recovered from said owner or agent.
   4. If the sign is retrieved within that time period, the person retrieving said sign shall demonstrate ownership and shall pay costs of removal and storage before receiving the sign.

17.110.080 General sign provisions.

A. Signs to conform with other codes and regulations. All signs shall conform with the provisions of the International Electrical Code, and other codes duly adopted by West Point City. If any provision of this chapter conflicts with any provision of other codes, then the more restrictive provision shall apply.

B. Traffic hazard. Signs shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

C. Clearances. Clearances over utility easements shall be a minimum of 14 feet. The placement of all signs shall adhere to the clear view at intersection standards found in Chapter 17.60 of this Title.

D. Setbacks. Except for projecting signs, the setback for all signs shall be at least five feet from the property line as measured from the leading edge of the sign.

E. Signs on and over public property. No sign shall be located on publicly owned land or inside a street right-of-way except signs required and erected by permission of an authorized public agency. Prohibited signs shall include, but not be limited to, handbills, posters, advertisements or

notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk, or street.

F. Lighted signs. A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties. All lighted signs shall be downward directed and/or shielded to assure dark sky compliance.

G. Planning commission/conditional use permits. When a parcel of land is five acres or larger, the Planning Commission may consider an on-premises sign proposal for a development that is less restrictive than regulations set forth herein. Such sign plans shall be considered a major conditional use as regulated by Chapter 17.40 of this Title. Exceptions to size and height may be considered where additional setbacks can be achieved.

H. Maintenance of signs. All signs and advertising structures shall be maintained in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, rust removal, and other acts required for the maintenance of said sign to prevent deterioration.

I. Abandonment of signs. Single purpose/individual signs relating to a product no longer available for purchase, or to a business which has moved, shall be removed within 60 days of such unavailability, closure or relocation. Multi-tenant signs may remain anticipating a new tenant as determined by the Community Development Director or his designee.

17.110.090 Nonconforming signs.

A. A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this title.

B. On-premises nonconforming signs which are destroyed by natural causes, i.e., earthquakes, floods, winds, etc., exceeding 60 percent of the sign's true value must be brought into conformance. Nonconforming signs shall be allowed to have routine maintenance including the repair or replacement of the sign face by an existing or new business but shall not be allowed to increase the height, size or change the location thereof.

C. Expansion of non-conforming signs is permitted if the sign can be brought into an increased level of compliance by such expansion as determined by the Community Development Director.

D. If a business applies for an increase of square footage other than for temporary signs, all signs on the site shall be brought into conformance with the provisions of this Chapter.

17.110.100 Prohibited signs.

Signs not specifically allowed by this chapter are prohibited. The following signs are specifically prohibited:

A. Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle which is operable, properly licensed and legitimately utilized in said operation.

B. Intensely lighted signs. No sign shall be permitted which because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

C. Sound. No advertising sign or device shall be permitted which emits audible sound.

D. Billboards. Billboards are not allowed within the corporate limits of West Point City.

17.110.110 Signs permitted by zone.

A. Neighborhood identification signs. In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification. If said sign is to be a freestanding structure, it must be a low profile sign and must comply with the provisions set forth in Section **17.110.080 of this Chapter**. Any sign or display must be located so it is not in the clear view area.

B. Subdivision development signs. In any zone, the Community Development Director or designee may allow a temporary sign in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:
   1. One subdivision development sign per frontage, not to exceed 32 square feet in area within residential, commercial and industrial zones. In commercial and industrial zones, if the property is being marketed by more than one entity, the sign may increase in square footage by 32 square feet for each additional entity to a maximum of 96 square feet. The sign must be approved by the Community Development Director or authorized agent with a one-year limitation per approval. Renewals may be granted on a yearly basis, but not to exceed two years.
   2. Any subdivision development sign shall comply with all clear view requirements and be set back from all property lines a minimum of two feet. Subdivision development signs shall be located only on property which the sign is advertising.

C. Construction signs. In any commercial or industrial zone, one unlighted sign per development not to exceed 96 square feet in area may be placed on the lot or attached to the outside of a building during its construction period. Construction signs shall be set back a minimum of two feet from property lines and out of all clear view areas. Said sign shall identify only the project, its developer, architects, engineers, designers, contractors or other persons or groups participating in the project.

D. Residential real estate signs. Within any residential or agricultural zone, residential real estate signs are allowed. Real estate signs are not to exceed eight square feet in area and six feet in height. Said signs must be located entirely on the property to which they pertain and not in a public right-of-way.

E. Commercial real estate signs. In any commercial zone, commercial real estate signs are allowed. Commercial real estate signs are not to exceed 32 square feet in area and 10 feet in overall height. Said signs must be located out of clear view areas, public rights-of-way and entirely on the property to which they pertain.

F. Campaign signs. Campaign signs shall meet the following requirements:
   1. Posting on Public Right-of-Way. It shall not be lawful for any person to post a campaign sign in the area between the sidewalk and curb and gutter of any public street. No campaign sign may be attached to any utility pole within a public right-of-way. No campaign sign may overhang the travel way or sidewalk in a public right-of-way.
   2. *Repealed by Ord. 01-18-2011.*
   3. Limitation of Size of Campaign Signs. In any residential zone, said campaign sign shall not exceed 24 square feet in aggregate on or in front of any parcel and, in any agricultural zone, said campaign sign and combination of signs shall not exceed 64 square feet in aggregate on or in front of any parcel with a minimum 150-foot frontage and two acres. If detached, said signs shall not exceed six feet in height in residential zones and 12 feet in height in agricultural zones. Said sign shall not be erected in such a

manner as to constitute a roof sign. In commercial and industrial zones, campaign signs shall not exceed 150 square feet in aggregate on or in front of any parcel and 12 feet in height.

4. Removal of Illegal Campaign Signs. The director of community development or authorized agents are authorized to remove any campaign sign found posted within the corporate limits of the city when such sign is in violation of the provisions of this section. For the purpose of removing campaign signs, the director of community development or authorized agents are empowered to take all steps necessary to remove the unauthorized sign including but not limited to enlisting the aid or assistance of any other department of the city and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.
5. Upon discovery, the director of community development or authorized agents shall immediately notify by telephone the candidate, committee or person responsible for the posting of any sign in violation of this section, indicating the location of the sign and that the sign must be removed within five working days. If the address or phone number of the person responsible for the violating sign is not known, the sign shall be removed under the provisions as set forth in subsection (F)(4) of this section.
6. If, after the five-day notice has been given under subsection (F)(5) of this section, any campaign sign has not been removed, the community development director or authorized agents shall remove said campaign sign and keep a record of the location from which the sign was removed. He/she shall store the sign in a safe location for at least 30 days. The community development director or authorized agents shall return any campaign sign upon the payment of the fee provided in subsection (F)(7) of this section.
7. The city shall be entitled to receive the sum of $10.00 for every campaign sign removed by the community development director or authorized agents to cover the expense of removal, notice and storage.
8. In a campaign for elective office, the candidate for such office shall be deemed the person responsible for the posting of campaign signs, unless the candidate first notifies the city recorder and the director of community development of another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless said person first notifies the city recorder and director of community development of some other person responsible, in the manner described above. The candidate, or in the case of a ballot measure, the committee president or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs as set out herein. Further, such candidate, committee president, or other designated person shall be subject to prosecution for any violation of this chapter.
9. Illegal Signs – Public Nuisance. Campaign signs in violation of this section are hereby declared to be public nuisances, and may be abated as such by the city. The collection of removal fees shall not preclude the city from prosecuting any person for violating this chapter.

G. Trespassing signs. In any commercial or manufacturing zone, any number of signs not exceeding six square feet each and placed a minimum of 50 feet apart may be attached to a structure, fence, or may be freestanding. In no case shall a trespassing sign be placed at a height greater than eight feet above the finished grade immediately below the sign. No permit shall be required for this type of sign. In residential zones, any number of trespassing signs not exceeding three square feet each and placed a minimum of 50 feet apart may be attached to a structure, fence, or may be freestanding. In no case shall a trespassing sign be placed at a height greater than six feet above the finished grade immediately below the sign. No permit shall be required for these types of signs.

H. Home occupation signs. Within any zone, home occupation signs are allowed. Home occupation signs are not to exceed four square feet in area and must be attached to the home.

I. Civic, institutional, or philanthropic signs.Within any agricultural or residential zone, civic, institutional or philanthropic signs are a administrative conditional use. They are an allowed use in all other zones. The review by the Community Development Director or designee shall be based on compliance with the following standards:
    1. When detached, said signs are not to exceed 16 feet in height and 60 square feet in sign area and have a minimum of a 10-foot setback from any public right-of-way.
    2. Said signs shall be located on the property to which they pertain and upon which civic, institutional, or philanthropic use is ongoing.
    3. Civic, institutional or philanthropic signs may be illuminated but the source of illumination shall not be visible; no flashing or intermittent illumination shall be employed.
    4. Attached sign area shall be determined by one square foot of sign area for every one lineal foot of building frontage at the main entrance not to exceed 250 square feet.
    5. Said signs may only be placed on a parcel of property that is a minimum of one acre and has a minimum lot frontage of 100 feet.

J. Low profile signs. Low profile signs are required in all commercial and industrial zones and shall be allowed in conformance with the following provisions:
    1. Low profile on-premises or identification signs will be allowed in all commercial, professional and manufacturing zones; provided, that these signs:
        a. Must have a minimum front setback of five feet.
        b. Must have a minimum setback from any driveway or traffic access as required in Section 17.110.080 of this Chapter.
        c. Must be incorporated into a landscape design scheme or planter box with a minimum of a two to one ratio of landscaping to sign area. Shall be limited to a maximum of six feet in height. Sign height is to be measured from the average grade of the area around the base of the sign.
        d. Must be separated from any other detached sign by a minimum of 150 feet unless all of the following criteria apply: a business or businesses do not have direct exposure on an arterial street, the minimum separation is 75 feet, the business or businesses shall have no other sign exposure on an arterial street, and all other provisions of this section are complied with.
    2. Square footage shall be counted towards the maximum area allowed on the parcel as specified in subsection (K)(1)(iii) of this Section.
    3. There shall be no changeable copy.

K. Detached signs – area and location – commercial and industrial zones. Within the N-C, C-C, R-C, and industrial zones, signs are permitted as follows:
    1. Detached signs – area requirements.
        a. One detached on-site sign for each developed parcel not exceeding one square foot of sign area for each lineal foot of street frontage within the first 10 feet of setback not to exceed 200 square feet of total sign area.
        b. Where a developed parcel has an excess of 300 lineal feet of street frontage on an arterial street and contains at least five acres, one additional freestanding sign may be allowed.
        c. Maximum Detached Sign Area. There shall not be more than 200 square feet of detached sign area per parcel.
        d. Where a developed parcel is permitted to have more than one detached on-site sign under these regulations, the distance between said detached signs on the parcel shall be not less than 200 lineal feet.
        e. Where a parcel does not have frontage on a public street, one detached sign may be allowed on site as approved by the Community Development Director, or one detached sign may be located on an adjacent parcel with frontage on a street, upon approval by the Community Development Director after receiving proof of acceptability by the adjacent parcel owner. The allowable square footage of the sign shall be determined by the width of the parcel at the front setback line

of the building applying for the sign. One square foot of sign area is allowed for each lineal foot of parcel width up to a maximum of 200 square feet for a single business and up to 400 square feet in aggregate for more than one business.

2. The maximum height limit for detached signs shall be as follows:
    a. In the N-C zone: 20 feet above average grade of the front property line.
    b. In the C-C and R-C zones: 30 feet above average grade of front property line.

3. A detached sign may consist of more than one sign panel, provided all such sign panels are attached to one common integrated sign structure and any additional panels must meet minimum clearance as designated in subsection (K)(6) of this section. The total area of all such panels shall not exceed the maximum allowable sign area specified for a detached sign on said parcel. Where a sign message consists of separated or individual letters, modules, or symbols, each portion of said sign message shall not be considered as one sign panel. In such cases, a single continuous perimeter completely surrounding the sign message shall be utilized to determine its sign area.

4. On corner lots, a single sign is permitted. The total area for all detached signs shall not exceed 200 square feet. Said maximum allowances, however, are not transferable either in whole or in part from one street frontage to another. When a sign is erected at the street intersection corner of the parcel, or at the intersection of a building front, and is situated at an angle so as to be visible from both streets or both frontages, said sign shall not exceed the maximum area allowed for the longest front footage of building occupancy or street frontage. The area of such sign shall be deducted from the total area and number of signs permissible on said property.

5. No detached sign shall project over a public right-of-way. Detached signs shall have a two-foot setback from all property lines. The two-foot setback is determined from the leading edge of the detached sign. Where a detached sign has a two-foot or more base width from ground level to a height of 10 feet, the base of said sign shall be located a minimum of 10 feet from any front property line and shall not be located in any clear view area.

6. A detached sign shall have a minimum clearance of 10 feet between the ground surface and the bottom of the sign; provided, that the community development director may reduce this clearance if the sign is not illuminated with exposed neon tubing and is located in an area not accessible to pedestrian or vehicular traffic or if an acceptable site feature is constructed to protect said pedestrian and vehicular traffic. The minimum clearance shall not be reduced where a traffic hazard may be created. In no case shall this clearance be reduced to less than six feet.

7. Gas station canopies are considered a sign and shall be allowed in addition to the maximum allowed detached sign space explained above. Gas station canopy signs are permitted as follows:
    a. Maximum Sign Area. Sign copy, corporate logos, etc., may be a maximum of 15 percent of one face of the canopy;
    b. No More Than Three Sides. Up to three sides of the canopy may be used for a sign;
    c. Maximum Height. The height of the top of the canopy may not exceed 20 feet from grade and no canopy fascia may exceed four feet in height;
    d. Maximum Font Size. Individual letters, logos or symbols may not exceed four feet in height and may not project out from the surface of the canopy more than 18 inches, or project above or below the canopy;
    e. Gas Prices. Gas prices are not allowed on, attached to, or hanging from the canopy;

f. The remaining canopy fascia may include corporate insignia, colors, stripes, or other decor so long as it does not include wording, letters, or symbols, and is not illuminated nor project from surface.

L. Attached signs. Said attached signs shall be allowed as follows:

1. Attached signs are not to exceed a total area of three square feet of sign area for each front foot of building occupancy (see “front footage of building occupancy” definition). Said signs may be placed flat against a building, may be projecting or nonprojecting signs, and may be located on an architectural projection. In the P-O zone, there shall not be more than 50 square feet of sign space in total per tenant.

2. Signs placed flat against a building may extend no more than 18 inches from the wall of such buildings. Said signs may project over a public right-of-way a distance not exceeding said 18-inch depth. The minimum heights shall be 10 feet or more above the sidewalk.

3. Signs on Awnings or Canopies. Awnings or canopies including electric awning signs may be placed on buildings in any commercial or industrial zone. Awnings or canopies shall be mounted a minimum of eight feet above the ground surface. The area of any logo or insignia message shall be calculated and shall comply with the provisions outlined in this section.

4. Signs for Other Than Ground Floor Use. In any commercially zoned property where there are businesses above the ground floor of a building and such businesses are different from the ground floor uses, one additional sign per building placed flat against the building may be erected for all such uses. Said signs shall not exceed one square foot of sign area for each two lineal front feet of building frontage.

5. Attached Signs in Agricultural Zones. Attached signs in agricultural zones shall be a permitted use and shall have the additional following requirements:
   a. Size shall be determined by one square foot of sign area for every one lineal foot of building frontage at the main entrance not to exceed 200 square feet.
   b. Said sign shall not be illuminated.

M. Permanent and temporary window signs. Except in the residential and agricultural zones, for each ground floor occupancy of a building not more than two permanent signs may be painted on or otherwise displayed from the inside surface of any window, showcase or other similar facility. Said signs shall be in addition to those signs permitted under the other provisions of this chapter. The total area of such signs, in combination with temporary window signs, shall not exceed 30 percent of the total window area.

N. Electronic message sign.

1. Electronic message signs shall be allowed in C-C and R-C zones as permitted signs. Said signs may be attached, detached, or low profile signs. The square footage of these signs shall be counted into the maximum sign area.

2. Electronic message signs may be allowed by conditional use permit in the N-C. Said signs may be detached or attached. The square footage of these signs shall be counted into the maximum sign area.

3. Electronic message signs shall not be allowed in the P-O zone.

4. Said signs shall not cause glare or rapid blinking, nor be intensely lighted that may create a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties. These signs shall have a minimum of three-second intervals between screen changes. Any time an

electronic message sign is operating between sunset and sunrise, said signs shall be set at not more than 40 percent of the maximum capable light output.

O. Sign clearance and illumination. The following regulations shall apply to sign clearance and sign illumination:
    1. In all other zones, illuminated signs may be of direct or indirect illumination. All exterior sign lighting shall be shielded and downward directed.
    2. No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the state of Utah or rules and regulations duly promulgated by agencies thereof.

P. Moving signs. No sign or any portion thereof shall be permitted which rotates more than eight complete revolutions every 60 seconds.

Q. Temporary directional signs. In any zone, a sign giving direction to a specific location for any public or private event may be placed under the following conditions:
    1. No more than two of said signs may be placed on a parcel of property.
    2. No such signs shall be placed on public property of any kind.
    3. Said signs must have a setback of one foot from any sidewalk or street right-of-way line, whichever is greater.
    4. Permission must be granted by the landowner as indicated in WPCC 17.90.050.
    5. Said signs may be displayed five days before and after the event, not to exceed 45 days.
    6. Said signs shall not exceed three feet in height or, when placed into a clear view area, two feet in height.
    7. Said signs shall not exceed six square feet in sign area measured on one sign face individually, or 18 square feet collectively.

R. Temporary signs. A business may advertise with temporary signs a special service or product. A permit shall be obtained from the Community Development Department and is valid for a time period specified below. All wind or forced air signs are considered to be temporary and are subject to all regulations.

S. Temporary noncommercial signs in residential and agricultural zones. Residents within residential and agricultural areas may have noncommercial signs aside from home occupation signs for special or holiday events. Banners shall not exceed 24 square feet. Other such temporary noncommercial signs shall include tree lights, holiday displays, decorative lighting, and community and ecclesiastical messages without limitation in size. Said signs shall not be displayed for more than 90 days per any 12-month period.

T. Flags/banners requiring approval. In addition to the above-mentioned requirements, businesses that are considered to have permanent outdoor retail space may, with a special one-time permit issued by the Community Development Director or designee, use flags or banners on any number of parking area light poles or on a single pole in conjunction with governmental flags. The Community Development Director shall use the following criteria for approval/revocation of additional flags and/or banners:
    1. The applicant shall present to the Community Development Director drawings, representations or other types of visual aids to ensure that what is approved will comply.
    2. The applicant shall provide sizes and numbers of all flags or banners.
    3. The proposal must be of a similar look with neighboring development in terms of size, color and volume.
    4. The Community Development Director has the right to revoke this permit if the applicant has misrepresented any aspect of the proposal or the flags/banners become tattered, discolored or the applicant has violated any provisions of this code.

Chapter 17.120
Lighting

17.120.010 Purpose and intent.
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17.120.030 Conformance with applicable regulations.
17.120. 040 General requirements.
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17.120.010 Purpose and intent.
In order to preserve the rural character and dark skies, of West Point City, this chapter is intended to regulate the permitted use of outdoor artificial illuminating devices emitting undesirable rays into the night sky, glare to oncoming traffic, intrusion of light onto adjacent properties, and light pollution in general, which may have a detrimental effect on the welfare and safety of the populace, as well as the ambiance and rural character of the City.

17.120.020 Applicability.
This chapter applies to commercial, industrial, multifamily, municipal, public and quasi-public outdoor lighting fixtures other than 160 watts or less incandescent.

17.120.030 Conformance with applicable regulations.
All outdoor artificial illuminating devices, unless exempted, shall be installed in conformance with the provisions of this Chapter, the zoning regulations and any building codes which may hereafter be enacted, as applicable. Where any provisions of any of the Utah State Code or any federal law, or any zoning ordinance, conflict with the requirements of this Chapter, the most restrictive shall be applied.

17.120 040 General requirements.
All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination, pursuant to the guidelines of the International Dark-Sky Association.

A. Shielding. All exterior illumination devices, except those that are exempt from this chapter shall be fully shielded and downward directed.
    1. "Fully shielded" shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

17.120.050 Side yard requirements.
Lighting within side yards shall not exceed two foot candles of illumination at the property line, and shall not exceed one-half foot candle within 10 feet over the adjacent property line.

17.120.060 Prohibitions.

A. Searchlights. The operation of searchlights for advertising purposes is prohibited.

B. Recreation facility. No existing outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 p.m., except to conclude a specific recreational or sporting event or any other activity conducted by a ballpark, outdoor amphitheater, arena or similar facility in progress prior to 11:00 p.m. New public and private recreational facilities shall conform to the provisions of this ordinance and shall conform to the hours of operation standard defined above. Private "sport court" type lighting in residential areas shall also conform to these standards.

C. Outdoor building or landscaped illumination. The unshielded outdoor illumination of any building, landscaping, signage or other purpose is prohibited. Low level, seasonal or holiday, string type lighting is exempt from this requirement.

D. Pole height. Except for public recreation facilities, pole heights for lighting in parking lots and other outdoor areas shall not exceed 25'. Poles intended to illuminate parking lots shall not be located closer than 10' to any property line.

17.120.070 Permanent exemptions.

A. Fossil fuel light. Produces directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

B. Federal and state facilities. Those facilities and lands owned, operated and protected by the U.S. Government or the state of Utah are exempt by law from all requirements of this chapter.

17.120.080 Procedures for compliance.

A. Applications.
   1. Any applicant for a land use permit and/or building permit, intending to install outdoor lighting fixtures, shall, as part of said application, submit evidence, such as a parking lot lighting plan, that the proposed work will comply with this chapter.
   2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the Community Development Director or designee providing evidence that the proposed work will comply with this Chapter and Title.
   3. Utility companies entering into a duly approved contract with the city in which they agree to comply with the provisions of these regulations shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

B. Contents of application or submittal. A full application is available on-line and at the Community Development Department. The application shall contain the following:
   1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, or other devices, etc.
   2. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc., may include, but is not limited to, manufacturer's catalog cuts, and drawings (including sections where applicable).

C. Issuance of permit. Upon compliance with the requirements of this chapter, the Community Development Director or designee shall issue a permit for installation of the outdoor lighting fixtures, to be installed as in the approved application. In the event the application is part of the land use permit and/or building permit or site plan review, the issuance of the land use permit and/or building permit will be made if the applicant is in compliance with this chapter as well as the other requirements for issuance under this title.

D. Amendment to permit. Should the applicant desire to substitute outdoor light fixtures or lamps, or cause any change in the approved design, after a permit has been issued, the applicant shall submit all changes to the Community Development Director or designee for approval, with adequate information to assure compliance with this chapter.

17.120.90 Temporary exceptions.

A. Request for temporary exception. Any individual may submit a written request to the West Point City Community Development Director or designee for a temporary exemption to the requirements of this chapter, such exemption to be valid for up to three months. Exemption approvals shall be granted based on a demonstrated reasonable need/justification such as during construction, and/or a major local celebration. A written request for temporary exception shall contain the following information:
   1. Specific exemptions requested.

2. Type and use of exterior light involved.
3. Duration of time and hours of operation for the requested exemption.
4. Type of lamp and calculated lumens.
5. Total wattage of lamp or lamps.
6. Proposed location of exterior light.
7. Previous temporary exceptions, if any.
8. Physical size of exterior light and type of shielding provided.

Chapter 17.130
Subdivisions

17.130.010 Purpose and intent.
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17.130.010 Purpose and intent.
The purpose and intent of this title is to promote the principles of the General Plan and the health, safety, convenience and general welfare of the inhabitants of West Point City in the matter of subdivision of land and related matters affected by such subdivision.

17.85.020 Scope.

A. No person shall subdivide any tract of land which is wholly or in part in the city except in compliance with this title.
B. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.
C. All lots, plots, or tracts of land located within a subdivision shall be subject to this title regardless of whether or not the tract is owned by the subdivider or a subsequent purchaser, transferor, or holder of the land.

170.130.030 Concept plan required.
A concept plan and attendance at a Technical Coordinating Committee (TCC) meeting is required of all subdividers. Concept plan review provides the subdivider with an opportunity to consult with and receive assistance from the city, and various utility companies/districts, and agencies regarding the regulations and design requirements applicable to the proposed subdivision of property. The applicant or applicant's duly authorized agent shall submit a complete application, to the Community Development Department for subdivision concept plan review in accordance with the provisions of this chapter.

A. The concept plan application is available from the Community Development Department, on-line and in paper form and may include a fee for processing.
B. The Community Development Department, upon receipt of the complete submission, shall coordinate with the applicant to distribute copies of the plan to such government departments and other agencies or advisors as needed and described on the application form.
C. The Community Development Department shall arrange a TCC meeting where input will be provided to guide the concept plan.
    1. At the time and place arranged, the TCC shall review the submitted concept plan for compliance with the City's General Plan, zoning ordinance, this title, and other appropriate regulations. The TCC shall recommend any needed changes and provide guidance on issues that the development may encounter, if any. The Community Development Department staff shall provide notes from the meeting, and specify— any inadequacy in the information submitted, noncompliance with city regulations, or questionable or undesirable design and/or engineering.

2. The Community Development Department may require additional information, data or studies to be provided prior to submittal of a preliminary plat by the subdivider for the overall development.
3. Completion if the concept plan process shall not constitute an approval or disapproval of the proposed subdivision but is intended to give the subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the city.

D. Once a concept plan review process has been completed the subdivider may apply for preliminary plat approval consistent with the concept plan and any suggested revisions. If preliminary plat approval for any portion of a reviewed concept plan has not been obtained within 12 months of the date on which the concept plan was reviewed by the TCC, a resubmittal of the concept plan may be required by the Community Development Department staff prior to the filing of an application for preliminary plat approval.

17.130.040 Preliminary plat process.

A. An application for a preliminary plat is available from the Community Development Department, on-line and in paper form. The subdivider, after having a concept plan reviewed, shall meet with the planning and public works directors or their designees to verify subdivision requirements and explain development approval process and potential infrastructure needs.

B. When the application is complete, subdivider presents the preliminary plat to the Planning Commission. Prior to the presentation, A site visit by the Planning Commission may occur and staff shall provide a report available to the public and the subdivider at least three days prior to the Planning Commission meeting.

C. The subdivider shall pay the preliminary plat fee at the city office with submittal of the application form.

D. The subdivider submits the following to the Community Development Director
1. One electronic copy in a format acceptable to the Community Development Director, four copies of the preliminary plat prepared by a registered engineer or surveyor and supporting documents as specified on the application form.
2. A copy of the preliminary plat fee receipt.
3. A copy of the preliminary title report.
4. Copies of ability to serve letters and/or applicable standards for incorporation in the preliminary plat from all utilities/districts/agencies.

E. If a state highway is involved, the subdivider provides written evidence to the Community Development Director of pre-approval of access, curbs, gutters, and sidewalks by the Utah Department of Transportation.

F. If the subdivision falls within the boundaries of the Hooper Water Improvement District, a letter must be submitted to the city indicating from Hooper Water of availability of culinary water and ability to meet fire flow requirements.

G. A preliminary plat shall be prepared in conformance with the standards, rules and regulations contained herein.

H. When the application and plans are deemed complete by the Community Development Director, it shall be placed on the Planning Commission agenda.

I. The Planning Commission shall meet, review, and approve, or suggest modifications based on written ordinance standards, or deny the application if it cannot meet the City standards. If The preliminary plat is approved, the Community Development Director shall provide written approval with any conditions that are attached and return one approved copy of the preliminary plat to the

subdivider. If the preliminary plat is denied the Community Development Director shall provide a written letter indicating the findings for denial.

17.130.050 Final plat approval process.

A. Approval of the preliminary plat by the Planning Commission shall be authorization for the subdivider to proceed with the preparation of the final plat and construction drawings.

B. The subdivider shall comply with any further conditions determined by the Planning Commission. All corrections must be approved and finalized by Community Development Director or designee.

C. Approval of the preliminary plat by the Planning Commission shall be valid for a maximum period of 24 months after approval. If the final plat has not been submitted within 24 months, then the preliminary plat must again be submitted to the Planning Commission for reapproval.

D. No large-scale excavation, grading or re-grading as determined by the City Engineer shall take place on any land for which a preliminary subdivision plat has been submitted until the final plat has been given final approval.

E. The subdivider shall pay the final plat fee at the city office with submittal of the application form and required drawings.

F. The subdivider submits one electronic copy in a format acceptable to the Community Development Department four copies of the tentative final plat to the Community Development Department. The tentative final plat is checked for compliance and one copy is returned to the subdivider.
    1. Copy of final plat fee receipt.
    2. A letter of certification by the subdivider's engineer, indicating that all lots meet the requirements of the zoning ordinance.
    3. A cost estimate for public improvements.
    4. When necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission as part of the preliminary plat process.

G. The subdivider submits copies of the final plat to jurisdictions listed on the West Point jurisdictional submission checklist. This list includes, as of September 2020, secondary irrigation provider, culinary water provider, UDOT, U.S. Post Office, North Davis Sewer District, and fire service provider. Jurisdictional/service provider reviews plat and returns approvals, suggested modifications, or unresolved issues of non-compliance to subdivider within 15 days of receipt of final plat.

H. The subdivider shall submit to the city signed jurisdiction approvals using the West Point jurisdictional acknowledgment forms.

I. The City Engineer will review and approve the final plat with storm drainage, streets, and utilities, and will provide addresses for lots. The City Engineer will provide addresses for the lots on the final plat. The city engineer shall notify the Community Development Director when and if the plat conforms to this Title and applicable ordinances.

J. The subdivider's engineer submits cost estimates for review by the City Engineer and the subdivider submits a title report, submitting both to the Community Development Director.

K. The City Engineer will review the cost estimate for public improvements and shall notify the Community Development Director and the subdivider if the estimate is acceptable.

L. The Community Development Director or designee shall manage the final plat approval process and when all aspects of the final plat have been satisfied, shall schedule the final plat for a public

meeting with the City Council. After approval by the City Council, the Community Development Director shall provide an approval letter. If approved, the Community Development Director requires an electronic copy of the final drawings and a Mylar copy to be signed and stamped by a registered professional land surveyor. The Mylar shall be signed by the City Engineer.

M. Approval of the final plat by the Community Development Director shall be valid for a maximum period of 12 months after approval unless, upon application of the subdivider, the Community Development Director grants an extension with conditions for up to 24 months. Any final plat, not so approved and signed, or which shall not be offered for recording within one year after the date of final approval, shall not be recorded or received for recording and shall have no validity.

N. After the final plat is approved, the subdivider, contractors and other representatives shall meet with Community Development Department in a preconstruction conference. The subdivider may then, at his own expense, install all improvements prior to recording the final plat or guarantee the installation of such improvements provided in Section P below according to the specifications and under the inspection of the city, provided all inspection fees are paid.

O. If guarantees of the installation of public improvements are needed or required, the subdivider submits the following to the Community Development Director for review by the City Attorney:
    1. Guarantee of improvements.
    2. Escrow.
    3. Warranty bond.
    4. Other agreements as required.

P. The City Attorney will review the documents submitted to ensure compliance and sign the plat when approved.

Q. The subdivider must then pay the recording fees (including any outstanding fees) at City Hall.

R. When the requirements above are met, the final plat shall be signed by the mayor and city recorder.

S. The City Recorder will then have the final plat recorded, subject to the developer paying associated fees, at the office of the Davis County recorder.

17.130.060 Final plan and profile requirements.
Plan and profile drawings must be prepared by a licensed engineer in accordance with the requirements of this title and APWA standards. Copies of the plan and profile drawings (number to be determined by the City) shall be submitted via an electronic copy and one standard 24-inch by 36-inch and 11-inch by 17-inch sized paper/mylar. General information required:

A. Plan for culinary water improvements. Show proposed water main sizes, valves, fire hydrants, and service connections to all lots within the proposed subdivision and connections to existing water mains.

B. Plan for secondary water improvements. Show proposed secondary water main sizes, valves, and service connections to all lots within the proposed subdivision and connections to existing secondary water lines.

C. Plan for sanitary sewer. Show proposed sewer mains and manholes, together with proposed slopes and depths within the proposed subdivision. Also show location of service laterals to each lot within the subdivision.

D. Land drain. Show method of dealing with land drains and subsurface water drains within the proposed development. If applicable, indicate location of any service connections and service manholes within the subdivision.
    1. Land drains will be required according to Chapter 15.16 WPCC.

E. Storm water. Show location and size of storm water drains, together with any manholes or drop boxes within the subdivision. Show slope and grade of all storm drain lines. Show location and size of all storm water detention basins. Storm water calculations need to accompany drawings for engineer review.

F. Streets. Typical cross section of road improvements, together with flow line of proposed curb and gutter improvements as compared with existing ground slopes and centerline offsets of all proposed utilities.

G. Drainage and grading plan. Show existing and proposed contours of the entire site along with proposed elevations of all corners of each lot. The plan must clearly indicate that each lot will drain to the street or to a storm water collection box without discharging water to an adjacent lot or property, unless a drainage easement is provided. If the grading plan will not allow water to properly drain from the rear yard, then a storm drain/land drainpipe and collection box(es) shall be installed to convey the water to an approved storm drain. Surface drainage paths shall have a minimum of two percent slope.

H. Stationing. Stationing callouts should conform with acceptable engineering practices.

I. Final Drawings. The subdivider shall furnish a complete set of reproducible final construction drawings.

17.130.070 Existing building lots.

The purpose of this section is to outline the requirements for subdivisions of property for the purpose of developing one existing lot for building or development purposes. This section also applies to the conversion of an existing parcel to a lot for building purposes.

A. Parcel does not constitute a building lot.

B. An existing parcel of property does not constitute a building lot, unless it can be proven that the lot was created prior to the establishment of zoning for this area or if the lot meets the current zoning ordinance requirements for size and potential setbacks. However, such older lots, shall be exempt from subdivision processing requirements, but shall provide a site plan that includes the information required in B, below. All lots intended for building or development purposes must meet the requirements of this section, unless exempted under Chapter 17.80 of this Title.

C. Site plan/ plat required.

D. A plat is required for all building lots, including single lots and existing parcels. The site plan/plat required information is found on the application form available at the City offices or on-line.

E. Roadway improvements:
    1. The building site shall abut a paved public street of adequate width. The owner shall install curb, gutter, sidewalk, roadbase and asphalt surfacing concurrent with construction of the residence if these improvements exist on either of the adjacent lots or if at least 25 percent of the lots on the same block have improvements. If a block is not defined by intersecting streets the 25 percent rule will apply to all properties within 500 feet each direction from the property lines of the subject lot. In lieu of this requirement, the city may accept an improvement deferral agreement and grant of lien on the property for future construction.

2. If the conditions in subsection (i) of this section do not apply, then the owner shall pay the city an amount sufficient to cover the installation of said improvements.
3. The improvements shall be installed by the owner upon written notice from the city if a lien has been provided. If payment has been made, the city shall have the improvements installed at its discretion and pay for said installation with the payment and interest accrued thereon. In the event the owner has executed a lien and the owner refuses to construct said improvements, upon receiving written notice from the city, the city shall contract to have said improvements completed and the costs of said improvements shall be placed on the owner's annual property tax bill. If the owner still refuses to pay the annual property tax bill, then the city will proceed with foreclosure on the owner's property to collect any and all expenditures that the city may have made in connection therewith.
4. The same specification as defined in the West Point City Public Works Standards shall apply to the construction of street improvements. Detailed plans and profile drawings and elevations prepared by a registered professional engineer are required for all improvements. The owner may provide these materials or pay the appropriate fee to the city, in which case the city shall provide these materials. Installation of improvements shall be accomplished before the final inspection is completed. When extenuating circumstances (i.e., adverse weather conditions) delay installation of the improvements, cash equivalent to 110 percent of the cost of the improvements shall be deposited with the city to guarantee installation of the improvements. The installation of the improvements shall occur within the next construction season or the city shall use the cash deposited to construct the required improvements. The owner shall guarantee such improvements for a period of 12 months after acceptance by the city council and final walk-through by the city.
5. The only exception to this section will be in the instance when a residence is built in a subdivision which was previously approved by the city council without a requirement for full street improvements.

F. Culinary water. All building sites shall be served by the West Point City culinary water system, if available. The owner shall extend the culinary water system and provide a connection for the building site concurrent with construction of the residence.

G. Fire protection. No residence shall be built farther than 250 feet from a fire hydrant. Distance from a fire hydrant to a residence is to be measured along the street to the entrance to the property, then to the furthest part of the residence. If an existing fire hydrant is farther than 250 feet from the proposed residence, the owner will be required to install sufficient pipe (minimum of eight-inch diameter) from the nearest main line and a fire hydrant which will be within 250 feet of the proposed residence.

H. Sanitary sewerage.
1. The owner shall install sanitary sewer facilities and provide a connection for the building site concurrent with the construction of the residence. The building site shall be served by a public sanitary sewer unless the following criteria are met:
    a. The property is more than 300 feet from a public sanitary sewer.
    b. Connection to the public sanitary sewer is not feasible as determined by the city engineer.
2. If the criteria in subsection (1) of this section are met, the building site may be served by an individual wastewater disposal system upon compliance with the following:
    a. The Utah Department of Health Regulations for Individual Wastewater Disposal Systems including a feasibility review and certification by the Davis County health department.
    b. All systems shall be installed to accommodate and facilitate connection to public sanitary sewer facilities when they become available (i.e., structure plumbing oriented to connect to sewer mains).
    c. Execution and recording of an agreement and lien upon the property, in form and substance satisfactory to the city, that the owners will pay their pro rata share of

the costs of public sewer facilities to serve the property, when installed at the discretion of the city, including development fees and street repairs.

I. Pressure irrigation water.
   1. Residential building sites shall be served by pressure irrigation.
   2. The owner shall extend the pressure irrigation system and provide a connection for the building site concurrent with construction of the residence.
   3. The owner shall comply with all the requirements of the pressure irrigation provider and furnish proof thereof to the city.

J. Conformance with ordinances. The plat shall meet all requirements of this Code.

K. Approval process. The normal subdivision approval process may be streamlined as the review process is typically much less intense for a single lot. The Community Development Director shall combine the conceptual, preliminary, and final approvals into one final plat staff approval. Final approval is granted by the Community Development Director. All existing lots shall meet with the TCC before submittal of a final site plan/plat.

L. Construction drawings. The level of detail required on the construction drawings shall be determined by the City Engineer. The one-lot subdivision shall comply with all applicable sections of this title, but the City Engineer shall have discretion to waive any requirements that may not be reasonably applied to a one-lot subdivision.

M. Guarantee of improvements. The subdivider shall provide a guarantee as outlined in this Chapter. If no public improvements are required or if a postponement agreement is signed, then no guarantee will be required.

N. Review fees.Review fees shall be paid by the subdivider to the city and shall be paid before any approval will be granted. The fees for review of an existing lot shall be included in the City fee schedule and may be changed from time to time by resolution of the City Council.

17.130.080 Exemptions from plat requirements for non-building purposes

Any parcel being subdivided for nonbuilding purposes or for agricultural purposes shall be exempt from the requirements of this chapter. Any parcel that is subdivided for nonagricultural purposes is not required to comply with the requirements of this chapter. An existing parcel that has access to a public street, has the required minimum street frontage, has all necessary utilities stubbed to the property, and in essence is ready for building activity, but not requesting development, shall be exempt from the requirements of this chapter; provided, that proposed potential building lot:

A. Is not traversed by the mapped lines of a proposed state or city street as shown in the West Point City master transportation plan in the General Plan and does not require the dedication of any land or street.
B. Has been approved by the culinary water authority, the sanitary sewer authority, and the secondary water authority;
C. If located on a state-owned transportation facility and, as applicable, has been approved by the Utah Department of Transportation;
D. Conforms to all applicable land use ordinances.

17.130.090 Subdivision Design standards.

A. Relation to adjoining street systems.
   1. The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets, curbs, gutters, and sidewalks in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the planning commission for public requirements. The street arrangement

must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

2. Standard residential streets shall approach the arterial or collector streets at an angle of not less than 80 degrees.

B. Street and alley widths, cul-de-sacs, easements, etc.

1. Street Dedication. All streets in subdivisions in West Point City shall be dedicated to the city, except private streets as outlined in the PRUD overlay zone Chapter 17.60.

2. Arterial, collectors and/or residential streets shall conform to the width designated in the general plan whenever a subdivision falls in an area which has been addressed in the general plan. For territory where such street plan has not been completed at the time the preliminary plat is submitted to the planning commission, arterial or collector streets shall be provided as required by the planning commission, with minimum rights-of-way of 106 feet for major arterial streets, 84 feet for minor arterial streets and 66 feet for collector streets.

3. Standard residential streets shall have a minimum right-of-way of 60 feet.

4. Cul-de-sacs shall be no longer than 600 feet from the center of the road to the center of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end condition exists. Such temporary cul-de-sac dead ends shall not exceed 1320' in length. Such temporary improvements shall be eliminated, and permanent improvements provided by deferment agreement for the lots on the temporary turnaround and a 50% contribution requirement for the adjacent developing property

5. Utility and drainage easements shall be provided along the side, front and rear lot lines of all subdivision lots and at such other locations as deemed necessary as directed by the city. The minimum size of these easements shall be 10 feet front and rear, and seven and one-half feet on adjoining sides of every other side yard. In some cases, larger easements may be required as directed by the city. The city will not be responsible for damage caused to landscaping or structures that are disrupted in the course of working inside a dedicated easement. It shall be unlawful to build any type of permanent structure over a sewer, water, storm drain, irrigation ditch, or any other underground easement.

6. Standard Street Sections. All proposed streets, whether public or private, shall conform to the street cross-section standards found in the West Point Public Works Standards as recommended and adopted by the city.

7. Street Grades. Street grades over any sustained length shall not exceed the following percentages: on arterial streets, eight percent; on collector streets, 10 percent; and on standard residential streets, 12 percent.

8. Alleys shall have a minimum width of 20 feet. Alleys may be required in the rear of business lots but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the Planning Commission, and generally adjacent to arterial streets.

9. All existing gravity irrigation ditches or existing land drains within the boundaries of a subdivision shall not be cut off, but provisions for their continuation shall be provided. Any piping of such ditches or drains must comply with the technical specifications.

C. Blocks.

1. The maximum length of blocks generally shall be 1,320 feet and the minimum length of blocks shall be 500 feet. If walkways are considered, then they shall not be less than six feet in width.

2. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

D. Lots.

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and to existing and probable future requirements.

2. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the zoning ordinance for the zone in which the subdivision is located.

3. Each lot shall abut on a public street or private street dedicated by the subdivision plat or an existing publicly dedicated street.

4. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.

5. Side lines of lots shall be approximately at right angles, or radial to the street line.

6. All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

7. Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the City by the county recorder.

E. Natural drainage and other easements.

The City shall require that easements for drainage through adjoining properties be provided by the developer; an easement for water, sewer, drainage, power lines, and other utilities shall be provided in the subdivision.

1. The City Engineer, in addition, shall require the preservation of space within a subdivision for the placement of a storm water detention facility, if the regional system design requires detention in the area.

2. The owner of record of such detention facility, retention facility, or pond shall be responsible for its landscaping and perpetual maintenance.

3. Such landscaping shall be prescribed by the city engineer to include, at a minimum, grass with sprinklers. Sprinkling systems shall be installed in accordance with specifications provided by the city.

4. Detention landscaping shall be accomplished according to the West Point Public Works Standards prior to the occupancy of any homes in the subdivision. If for weather-related reasons landscaping cannot be installed, the City Engineer may grant a single extension of time for up to 12 months.

5. All detention ponds shall adhere to a maximum of three to one (3:1) side slopes, providing a seven-foot landscaped lip or level area surrounding the facility. The City shall require fencing of detention ponds exceeding a depth of five feet.

6. The City reserves the right and intention to accomplish landscaping of detention facilities if the developer fails to fulfill the requirements of this section prior to occupancy of any homes. In such circumstances, the City may contract for such landscaping and then bill the costs back to the developer, plus an administrative charge of not less than $500.00.

7. Developments over 30 lots shall be done in phases. A phase shall consist of no more than 30 lots unless specifically approved by the City. Each phase must be completed with both on- and off-site improvements within two years. The City shall not approve more than 50 lots in a development or single phase without requiring the construction of a second access road that connects to an existing public street.

8. When the off-site improvements have been 100 percent completed within the boundaries of the recorded plat of any phase and approved by the City, and on-site improvements have been 70 percent completed, and building permits have been issued on at least 50 percent of the lots, then the developer may record the plat for the next phase of the development

9. In no case shall more than two phases be developed consecutively. The city council may grant exceptions to these rules if deemed appropriate.

F. Parks, school sites and other public places.

1. If the area to be subdivided covers future park sites, future school sites and/or any other public places as indicated on the West Point City general plan, the subdivider shall coordinate with the City and/or school district, and pending negotiations, incorporate the layout and design for these facilities.

2. If any such proposed public areas or school sites have not been purchased by the appropriate public agency within one year after the recording of the final plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this title.

17.130.100 Subdivision improvements required.

A. Required improvements.

1. The owner of any land to be platted as a subdivision shall at his expense install the improvements referred to in this section prior to recording the final plat,or guarantee the installation of such improvements according to the specifications and under the inspection of the City.

2. The City may require developers to contribute to the costs of infrastructure previously installed by the City or another developer that represent project improvements that would normally have been required of the new development. The costs of the infrastructure shall be determined by the city engineer and shall take into account, among other elements and variables, the cost of the design and construction of the improvements and the amount of impact fee credit that may apply.

3. In the event that impacted infrastructure was installed by a developer, the City shall collect from the impacting developer the appropriate contribution as determined by the City Engineer and forward such to the developer responsible for the original installation. Payment shall be made prior to recording the plat. If a plat is not required for a project, payment shall be made before building permits shall be granted. If a developer desires to be reimbursed for infrastructure, then they shall make a written request to the City to enter into a payback for improvements agreement. The City Council shall adopt the

agreement by resolution. No reimbursement shall be required after 20 years from the date of the resolution unless otherwise specified in the payback for improvements agreement and resolution.

a. In the event that impacted infrastructure was installed by the City, the City Council shall pass a resolution allowing the City to recoup the costs of the infrastructure from the impacting developers. The City shall collect from the impacting developer the appropriate contribution as determined by the City Engineer based on a formula and calculations established in the West Point Public Works Standards. Payment shall be made prior to recording the plat. If a plat is not required for a project, payment shall be made before building permits shall be granted. No reimbursement shall be required after 20 years from the date of the resolution unless otherwise specified in the resolution.
b. If an approved public water or sewer system is within 300 feet of a proposed building lot or development, it must be connected to the public water or sewer system. Domestic water supply and sewage disposal shall comply with the county board of health requirements as represented by a certificate of approval from said board of health in all applications for a building permit where either an approved supply of piped water under pressure or a sewer is not available.

B. Water supply.

1. The subdivider shall install culinary water lines, including laterals to the property line of each lot. The developer shall at his expense install all off-site culinary water to connect his development with existing City systems. This shall include water meters, boxes and covers, and valves. These off-site lines shall be minimum of eight inches in diameter, shall be installed in accordance with the specifications and standard drawings, and shall be dedicated to the city. These utilities dedicated to the city shall be guaranteed by the developer for a period of 24 months after installation. All construction plans showing pipe locations must be submitted to and approved by the City Engineer. The subdivider shall furnish to the City Engineer three copies of plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished. The City Engineer shall determine, based on a formula and calculations established in the West Point Public Works Standards and coordination with any special districts, the adequacy of the existing water system to provide culinary water and fire protection to the lots in the subdivision.

2. Commercial and industrial service connections or fire sprinkler connections greater than two inches in diameter shall require either a compound meter station or a detector-check meter station. Plans and specifications for the compound meter station or detector-check meter station shall be the responsibility of the developer.

3. Backflow prevention devices (reduced pressure backflow preventers) shall be installed by the developer in accordance with the requirements of the plumbing code. Such devices may be inspected annually by the City Public Works Department.

4. The entire system must meet the standards of and be accepted by the City. Service lines to the property line, meter, meter box and cover will be furnished and installed by the developer.

5. Additional requirements.
    a. All water mains shall be sized and approved by the Davis and Weber Counties Canal Company (D.W.C.C.C.) engineer or other designated engineer and the West Point city engineer.
    b. Pressure irrigation water:
    c. Institutional, industrial, commercial, and multifamily development sites shall be served by pressure irrigation.

d. The developer shall extend the pressure irrigation system and provide appropriate connections for the development site concurrent with construction of other site improvements.
e. The developer shall comply with all the requirements of the pressure irrigation provider and furnish proof thereof to the city.
f. The location of all secondary supply improvements shall be shown on the preliminary plat, the cost of installing the same shall be borne by the developer and shall be included in the subdivision improvement agreement and security to be furnished by the developer.
g. Due to the need of providing secondary and culinary water for subdivision development, the subdivider shall convey or otherwise make available to West Point City or its designee water rights that are usable by and acceptable to West Point City to provide a minimum of three acre feet (a.f.) of water annually during normal water years, for each acre or part thereof within the subdivision, to be distributed for secondary and culinary water uses. One-third of the water will be used for culinary purposes and the remaining two-thirds will be used for secondary water.
h. The amount of water required may be adjusted by resolution adopted by the West Point City Council from time to time.
i. In the event there are no owner water rights on the property to be developed, the developer shall obtain and convey to West Point City water rights acceptable and usable by the city.
j. Secondary water may be purchased from Weber Basin Water Conservancy District (WBWCD) through the tri-lateral agreement.
k. If the developer is unable to acquire water shares on the open market to satisfy the culinary water requirement (one acre foot (af) per acre developed), then West Point City at its option may allow the developer to pay a fee to the city and the city may allocate water that is under contract with WBWCD to the project. The fee for the culinary water will be according to the fee schedule adopted by the city council and may be adjusted by resolution adopted by the West Point city council from time to time.
l. For single lot subdivisions or existing building lots not included in the boundaries of a subdivision, the developer or builder may pay a fee to the city in accordance with subsection (B)(v)(j) of this section; however, the approval of such shall be granted by city staff. The fee for culinary water associated with a single lot subdivision shall be equivalent to that specified in the fee schedule for a 12,000-square-foot lot.
m. If the development is within the boundaries of the Hooper Water Improvement District then the culinary water requirement described in this section will not apply. However, the developer must still satisfy the irrigation water requirement, meaning the developer must convey two af of water for each acre developed to West Point City.
n. If any commercial property is rezoned to residential use such property shall be subject to and meet the requirements of this subsection (B) prior to approval of any residential development.
o. The requirements of this subsection shall become effective on and after April 6, 2004. Such requirements shall apply to all applications submitted for preliminary plat approval after said date.
p. Any developer who has entered into an agreement, prior to the date of April 6, 2004, with the D.W.C.C.C. and/or Weber Basin Water Conservancy District concerning the dedication of water, that was customarily used on the property to be developed, sold to either of those companies, may apply those shares to any obligation they may develop in the future concerning the final plat approval.
q. It is unlawful for any person, without specific authority of the City, to open or close any gate valve or other fixture attached to the system of water supply, or in

any way to injure, deface or impair any part or appurtenances of the culinary water system.

C. Sewage disposal. Where a public sanitary sewer is within 300 feet to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations of the city and the sewer district and shall be approved by the city. Sanitary sewer pipelines including laterals to the property line must be laid with approval of the sewer district and must be compatible with the existing system. The said sanitary sewer must be installed within the development prior to the installation of any other improvements. The City Engineer must approve all plans for sanitary sewer extensions prior to issuing a building permit.

D. Storm water.
   1. The City shall require the subdivider to dispose of storm water and surface drainage. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements. A storm drainage plan has been or will be prepared and is maintained by West Point City and Davis County. The developer shall implement the portion of that plan applicable to the development by:
   2. Preparing a detailed drainage plan for the development which is acceptable to the City.
   3. Making sufficient improvements, such as storm drains, cross gutters, catch basins, inlets, and other appurtenant structures, to adequately dispose of 10-year-frequency storm runoff within the development and from adjacent properties. Storm drains shall be not less than 15 inches in diameter and meet city standards and specifications.
   4. Providing for restriction of the runoff from the development to 0.20 cubic feet per second per acre per 10-year-frequency rainfall event through one or more of the following, at the direction of the City:
      a. Conveyance (including easements) of the runoff to a regional detention site and paying the development's proportional share of the cost of the regional detention facility and conveyance to the main channel; or
      b. Dedicating land and constructing regional detention within the development and conveyance to a main channel if said development contains a proposed detention site. The developer will be compensated for the cost of the regional detention and conveyance to a main channel which is not the proportional share for the development; or
      c. If the development is within a subdivision that has fulfilled the controlled release requirements, complying with the storm drainage requirements of the subdivision.
      d. If the development is within 100 feet of a main channel, complying with all Davis County flood control requirements and being approved by Davis County and determined by the City Engineer.

E. Irrigation water/open ditches. Open ditches shall be piped within the subdivision. If the ditch is owned by a ditch company or a landowner has rights to water running through the ditch, then the City will work with the appropriate party to determine the size and type of pipe to be placed. If no company or individual can prove their rights to the ditch then the City Engineer will determine the appropriate size, type, and length of ditch to be piped. Some ditches that are presently piped may be required to be re-laid to meet City standards. In some cases ditches may be abandoned.

F. Street improvements, grading and surfacing.
   1. All public and private streets shall be graded and surfaced in accordance with the West Point Public Works.

   2. Whenever a new structure is built, a structure existing on the effective date of the ordinance codified in this chapter is modified, renovated or improved (where the combined value of such modifications, renovations or improvements undertaken exceeds 50 percent of the current market value of the structure), or where any site development increases the use of public streets, the owner of the property shall place curb, gutter and

sidewalk at the proper location along the frontage of the property for the road width as determined by the City Engineer. If the development abuts a state highway, the developer must obtain approval for the location of curb, gutter and sidewalk from the state highway right-of-way engineer. The owner of the property shall also install road base and asphalt surfacing from the existing asphalt surfacing to the new curb and gutter. The owner shall dedicate the widened portion to the City. The dedication of property shall not alter zoning limitation or zoning privileges.

3. Roadway improvements to be built by the developer which will be dedicated to the City shall conform to the following:
    a. Improvements shall be guaranteed for a period of 24 months after installation and acceptance by the city. The developer will be responsible for maintenance of the improvements during that period.
    b. Total width shall be the standard 60-foot right-of-way from property line to property line, with a pavement width from back of curb to back of curb of 36 feet. Major road widths of 66 feet, 84 feet, or 106 feet will be required when required by the city.
    c. Grades of roads shall be minimum of one-half percent and maximum of 10 percent for local and collector streets and eight percent maximum for arterial streets.
    d. Asphalt surfacing shall be provided on all roads in conformance with all standards and specifications as determined by the City.
    e. Sidewalks shall be provided in all commercial developments and as specified by the Planning Commission in all industrial developments. Sidewalks shall be five feet wide and four inches thick except at driveways, where the thickness shall be increased to six inches. Sidewalks shall have four inches of gravel base course for foundations.
    f. Concrete curb and gutter shall be required in all developments. The curb and gutter shall be 30 inches wide and of standard high back style, or standard roll curb if recommended by the planning commission and approved by the city council, with six inches of gravel base course for foundations.
    g. Installation of all other roadway improvements shall comply with the specifications and standard drawings.

G. Curbs and gutters. Curbs and gutters shall be installed on existing and proposed streets in any R, PO, C, or RI/P zone Agricultural zone developments shall install curb and gutter if needed to control storm water.

H. Street drainage. Drainage structures may be required by the city where necessary, based on system analysis and regional needs.

I. Sidewalks. The minimum of five-foot sidewalks shall be required in all subdivisions, in any R, PO, C, or RI/P zone

J. Survey monuments. Permanent survey monuments shall be accurately set and established at such points as are necessary to establish all lines of the subdivision. Monuments shall be of a type approved by the city. All subdivision plats shall be tied to a public corner or monument of record established by Davis County.

K. Landscape standards.
    1. All new developments along arterial and collector streets shall be required to install enhanced landscaping as part of a streetscape design. When lots double face, with the rear yard backing onto or a side yard facing an arterial or collector street, the provisions of this section shall apply. An 8’ strip of land directly adjacent to the right-of-way line of the street will be set aside to provide a buffer to enhance the streetscape and mitigate the impacts of arterial and collector streets. Where only one lot backs or faces onto a

collector or arterial street, the landscape strip will be maintained by the individual homeowner and no homeowners' association will be required.

2. The landscape buffer shall be identified on the plat as property owned in common by a homeowners' association. The landscape buffer must adhere to the Standard Landscape Drawing found in the West Point City Public Works Standards The sidewalk and parkstrip shall be incorporated into the landscape design and are subject to review and approval by the Community Development Director or designee

3. A landscape and irrigation plan must be submitted and approved by the Community Development Director. Landscaping shall include irrigated street trees, grass, ground covers, rock mulches, and shrubs. One two-inch caliper tree shall be required for every 25 feet of frontage. Trees must be picked from the City approved list. Five shrubs shall be required for every required tree. Shrubs shall be one-gallon containers or larger. A six-foot solid or semi-private fence shall be installed along the entire perimeter on the inside edge of the landscape strip.

4. Irrigation systems will be required in all landscaped areas. The system shall include a single connection to the secondary water system that will be operated by the homeowners' association. All systems shall have an automatic controller and can be either a drip or spray system. The system shall provide sufficient coverage to all landscaped areas and be designed in such a way as to minimize spray on sidewalks and streets.

5. The developer shall be responsible for the installation of all landscaping and irrigation systems required herein and must provide a guarantee for all improvements with the overall subdivision guarantee. All landscaped parcels shall be dedicated as permanent open space on the recorded plat. A homeowners' association (HOA) shall be formed by the recordation of declarations providing for the collection of fees to maintain the landscaped areas. The homeowners' association must be professionally managed. All plantings shall be maintained in a healthy and attractive manner by the homeowners' association. The City reserves the right to assess a fee to the homeowners' association or to individual homeowners if it fails to maintain all landscaping in a reasonable manner. The developer shall record CC&Rs that outline the maintenance responsibilities of the HOA. The City shall be made a party to that section of the CC&Rs and in that section the city shall be given the right to assess a fee to the HOA or the individual property owners in the subdivision if the HOA fails to maintain the landscaping. Maintenance shall include watering, weeding, and weed control, fertilizing, mulching, cleaning, pruning, pest control, mowing, trimming, and replacement of dead plantings.

L. Fire protection.

1. For all occupancies, the building shall be the type of construction allowed by the International Building Code that requires no greater fire flow than 2,000 gallons per minute, as specified in Appendix III-A of the International Fire Code.

2. For all occupancies, fire hydrants shall be provided by the developer in accordance with Appendix III-B of the International Fire Code. Fire hydrants shall be installed in accordance with the specifications and standard drawings. Such fire hydrants shall be of the type, size, and number and installed in such locations as determined by the fire department and the city engineer and in accordance with APWA development standards and West Point Public Works standards. Fire hydrants or blow-offs shall be provided at all dead-end lines as specified by the city engineer.

3. All fire protection pipelines must be controlled with an appropriately sized gate valve and detector-check valve with a three-fourths-inch water meter. The three-fourths-inch water meter shall be equal to those approved for use by the City. The installation of the gate

valve and the detector-check valve shall be constructed in accordance with the details in the standard drawings. The installation of detector-check valves with three-fourths-inch meters will be waived for schools and public buildings.

4. The fire protection pipelines shall be used only for the purpose of fighting fires or for testing the fire protection systems. No cutting, tapping or connections of any type shall be permitted on the fire protection pipelines without the prior written approval of the City Engineer.

M. Street signs. Street signs shall be furnished and installed by the City and charged to the subdivider.

N. Fencing.

1. Where located within the subdivision, a solid board, chain link or other non-climbable fence not less than six feet in height shall be installed on both sides of existing supply irrigation ditches or canals or bordering open reservoirs, railroad rights-of-way or nonaccess streets, and which are located within or adjacent to the subdivision, except where the planning commission determines that park areas including streams or bodies of water shall remain unfenced.

2. Agricultural Fencing. Unless otherwise waived by affected agricultural property owners, fencing abutting agricultural property shall be required of the developer. Fence specifications shall, at a minimum, include the following: size of post, two and three-eighths inches; spacing of post, eight feet (the agricultural property owner shall have the option of paying the additional cost to create spacing of the post at six feet); top rail and bottom rail shall be one and five-eighths inches, the bottom shall be either two-strand barbless wire or one-strand barbed wire. The fence shall be of 11-gauge fabric. If there was no existing fence, or the existing fence does not protect the chain-link fence, then the agricultural property owner, at this time, will be required to install and maintain an electrical fence parallel to the chain-link fence.

O. Street lights.

1. Dark Sky compliant street lights are required in all commercial and residential developments given final approval after February 1, 2005.

2. At a minimum, street lights are required on the sides of residential streets, at the back of cul-de-sacs, and at points of intersection with other roads. Additional lighting may be required if the distance between two lights is 660 feet or more. Design of the light shall be the LP-3 or the light that has been accepted by West Point City as the standard for residential streets.

3. Lighting for commercial zones shall follow all regulations set forth in the West Point Public Works Standards and shall be LP-1 or the light that has been accepted by West Point City as the additional standard. The spacing of the lights shall be prescribed in the West Point Public Works Standards

4. Lighting along arterial streets shall be of the LP-2 design or the light that has been accepted by West Point City as the standard light for arterial streets. These lights shall be located at each intersection and not spaced any further than 200 feet. Arterial streets would include 300 North from 1500 West to 4500 West, 1800 North, 2000 West, 3000 West, 4500 West, any future state-sponsored highways, any portions of 5000 West north of 1800 North, and as otherwise portrayed in the street light legend, which shall be kept on file by the city.

5. Lighting along collector streets shall be of the LP-2 design or the light that has been accepted by West Point City as the standard for collector streets. These lights shall be

located at each intersection and not spaced any further than 330 feet. Collector streets would include 700 South, 800 North, 1300 North, 5000 West, the portion of 300 North west of 5000 West, and as otherwise portrayed in the West Point Public Works Standards.

6. The type of lighting, design of the lighting pole, and method of installation shall be prescribed by the City, in compliance with the West Point City dark sky regulations.

7. Commercial lighting specifications as prescribed by the city may vary from required residential specifications. In all circumstances, the city lighting specifications shall be congruent with and similar to other lighting within West Point City of similar functionality.

8. Light installation shall meet local electric utility specifications and utilize a city-approved installer. The developer shall pay the costs of providing street lighting required in the subdivision.

P. Basements.

1. Basement Depths. A basement shall be defined as any portion of the building with a finish floor elevation below the surrounding site elevation. Allowable basement depths shall be according to the location of the building on the land drainage map as defined in Chapter 15.16 WPCC.

2. Commercial site plan or individual pad site plan shall show the elevation of the basement and clearly indicate the method of subsurface drainage. Drainage methods shall meet the requirements of the current commercial building code adopted by the city.

Q. Miscellaneous.

1. The developer shall pay the cost and installation of the electric system extensions and street lights to service the development.

2. The developer shall have his surveyor install permanent survey monuments as shown in the standard drawings.

3. Survey markers shall be placed by a licensed surveyor at all site corners and at site boundary locations to completely identify the site boundaries on the ground. Site corners shall be identified with permanent plugs in the sidewalk or back of the curb or with a metal pipe or rod driven into the ground if sidewalks or curbs are not next to the site boundary. All site corners and site boundaries must be marked prior to the issuance of building permits, after the completion of all subdivision improvements and during building construction and inspection. It shall be the responsibility of the site owner to ensure that all site corner and boundary markers are in place. The city is not responsible to replace survey stakes or markers.

4. All outdoor refuse collection areas shall be visually screened from neighboring properties and streets. No refuse collection area shall be permitted between a street and the front of a building.

R. Staking of lots. Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground. Rebars shall be placed at the rear corners of each lot, and the front corners shall be designated by permanent markers placed in the curb. Any person disturbing these markers shall replace them at their own expense.

S. Inspection of improvements. The City shall inspect or cause to be inspected all buildings, structures, streets, fire hydrants, water supply, and sewage disposal systems in the course of construction, installation or repair, etc. Excavations for fire hydrants, water and sewer mains and laterals shall not be covered or backfilled until such installation has been approved by the City. If

any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the City. The following inspections are required:

1. Sewer.
    a. Connection to the existing sewer mains prior to any backfill.
    b. All manholes. Air test must be completed.
    c. All laterals and glued connections.
    d. Main line televised and video turned in to the City.
2. Land Drains and Storm Sewers.
    a. Connections to existing land drains and/or storm drains.
    b. All manholes.
    c. All laterals and connections.
    d. Any cleanout box or catch basins.
    e. Detention ponds. Fenced, sprinkling system installed and area sodded.
3. Water.
    a. Main line joints and installation.
    b. Proper valves and hydrants.
    c. Pressure test main line.
    d. Disinfect and bacteriologic tests.
    e. Connection to existing water main.
    f. Service connections, including meter yokes, boxes and lids.
4. Secondary Water System.
    a. All main lines must be inspected and connections to mains and valves.
    b. Pressure tested prior to covering or backfill.
    c. Service connections, including company valves, boxes and lids, and airvacs.
5. Irrigation piping.
6. Curb and gutter.
7. Sidewalk.
8. Street signs.
9. Survey markers.
10. Seal coat.

T. Guarantee and acceptance of improvements. The subdivider shall warrant and guarantee that the public improvements provided for herein, and every part thereof, will remain in good condition for a period of one year from the date the city council has accepted the improvements and a final walk-through has been completed. The subdivider also agrees to make all repairs to and maintain the improvements and every part thereof in good working condition during the guarantee period without cost to the City (see section 17.130.100)

U. Enforcement and permits. The building official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration of any structure, or use of any land fully conforms to all provisions of this title. No West Point City officer shall issue any permit or license for the use of any building, structure or land when such land is a part of a subdivision as defined herein until such subdivision has been approved and recorded in the county recorder's office and all other provisions of law have been complied with. Any license or permit issued in conflict with this title shall be null and void.

V. Penalty. Any subdivider or other person who shall violate or fail to comply with any of the provisions of this title shall be guilty of a Class B misdemeanor and punished as provided by law upon conviction.

W. Validity. If any section, subsection, sentence, clause, or phrase of this title is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portion of this title.

17.130.110 Guarantee of improvements.

A. In lieu of the actual completion by the subdivider and acceptance by the City Council of the improvements required by this title, and before the final plat is recorded, the subdivider shall guarantee the installation and construction of the required improvements within two years from the date of recording the final plat and provide a warranty that the improvements shall be maintained in a state of good repair, free from defective material or workmanship, for a period of up to:
    1. One year after final acceptance of the improvement or warranty work; or
    2. Two years after final acceptance of the improvement or warranty work, if the municipality has substantial evidence of:
        a. Unstable soil conditions within the subdivision or development area; or
        b. Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.

The City Engineer shall allow a partial release of the improvement assurance.

B. Methods of guarantee. The subdivider shall guarantee the improvements by the following method at the direction of the City:
    1. Escrow. The subdivider shall deposit with any insurance company, bank, the City, or savings and loan institution in an escrow account an amount of money equal to at least 110% of the estimated costs of the improvements not constructed or installed by the developer plus 10 percent of the cost of all the required improvements of the subdivision as a guarantee amount, as determined by the City engineer. The escrow agreement shall be subject to approval by the city attorney and shall be signed by the subdivider, the City, and the escrow holder, and shall be committed to on a form available on-line or at the City offices that has been approved by the City Attorney

    2. Release of funds. As the required improvements are satisfactorily installed and have been inspected by the City, funds which have been dedicated to guarantee installation of those improvements will be authorized to be released for payment of those improvements. The City shall notify the escrow agent or letter of credit bank in writing as to the installation of the improvement(s) and the amount to be released. The escrow agent or letter of credit bank is authorized to release funds only after receiving the written notification above. The City is not responsible to determine the party to be paid.

        After all required improvements have been installed, the developer shall notify the City and request that the subdivision be placed into the warranty period. The subdivision will then be inspected by the City Engineer, and if all improvements have been completed in accordance with city ordinances and specifications, the City Engineer will recommend to the city council that the subdivision be placed in warranty. If the City Council approves, the subdivision will then begin the warranty period. Ten percent of the total cost of all the required improvements, as specified above, shall be retained by the City during this warranty period.

        Partial releases of guarantee funds may be processed by the City Engineer once improvements have been installed within each phase of the subdivision.

        If any improvements have not been installed correctly or fail to function properly, and the developer fails to correct the deficiencies within 30 days of notification thereof, then, upon written notice by the City, escrow shall pay over to the City the amount necessary to complete, repair, or replace said improvements.

        In the event the costs of completing, repairing, or replacing the unsatisfactory improvements exceed the amount remaining in the escrow account or letter of credit, the developer shall, within 10 days of notice thereof, pay the excess amount to the City and

shall also cause to restore the escrow account or irrevocable letter of credit to the prescribed 10 percent warranty amount. The City shall not issue any building permits for the subdivision until the above-referenced excess costs have been paid to the city and warranty amount (10 percent of the total cost of improvements) has been restored.

17.130.120 Flag lots.

A. The subdividing of a single lot to form one additional lot in a flag or L-shaped configuration shall be allowed as a single lot subdivision in any residential zone or as part of a new subdivision where parcel configuration is oddly shaped so that subdivision design would be poorly configured or create excessively large lots or access is awkward/difficult in the design. The goal is to accommodate the development of property that otherwise could not reasonably be developed under existing City subdivision or development ordinances. Flag lots shall be processed as single lot developments or as part of a standard subdivision process.

B. Development standards for flag lots.

All potential flag or L-shaped lots shall meet all the following criteria:

1. Each lot shall have its own stem, which contains a driveway providing access to a public street. The stem is not separable from the buildable portion of the lot and shall be at least 20 feet wide. The stem may be as long as necessary; however, a turnaround reviewed and approved by the appropriate fire suppression agency shall be provided. No structures shall be allowed within the stem area and all landscaping shall be maintained so as to provide unobstructed access for emergency service vehicles.
2. The driveway shall be at least 22' feet wide of which 20' shall be completely surfaced in asphalt or concrete to the same specifications as a typical city residential street. If asphalt is used, a minimum eight-inch-wide concrete or masonry border shall be provided on both sides of the driveway to prevent deterioration. The surface of the driveway shall be designed to drain water to adjacent on-site landscaping and shall be located above grade.
3. The total area of the lot, excluding the stem section, shall be at least one and one-half times the minimum lot size for the zone in which it is located, and the lot shall meet all minimum width and depth requirements as if it was located on a public street.
4. Each lot shall have its own water, sewer, power and other utility connections.
5. Each lot shall have its own mailbox located along the public street frontage afforded by the stem section of the lot. The mailbox may not obstruct any vehicle or pedestrian access to the lot. The street address of the residence shall be clearly illustrated on the mailbox, with characters at least six inches in height and of proportionate width.
6. Each lot shall be graded consistent with City approved storm water practices. A grading plan shall be reviewed and approved by the City Engineer, with the intent to retain water on-site as much as possible, before lot approval.
7. A fire hydrant must be located within 250 feet of any dwelling structure on the lot.
8. The lot in its entirety shall be held in fee simple ownership.
9. The original lot from which the flag or L-shaped lot was subdivided must meet the minimum standards for the zone in which it is located, both before and after the creation of the flag or L-shaped lot, however the minimum rear yard standard shall be increased by 10 feet.
10. Snow removal shall be provided by the property owner and shall not obstruct traffic on the public street or driveway.

Chapter 17.140
DRINKING WATER SOURCE PROTECTION

1. Establishment of drinking water source protection zones.
There are hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area, or alternatively the management area. These zones shall have the approval of the State of Utah, Division of Drinking Water, as described in R309-600, Source Protection: Drinking Water Source Protection for Ground Water Sources, and are identified and described as follows:

A. Zone one is the area within a 100-foot radius from a wellhead or margin of the collection area.

B. Zone two is the area within a 250-day ground water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer, as specified on the "Drinking Water Source Protection Zone Map" on file with the City.

C. Zone three (waiver criteria zone) is the area within a three-year ground water time of travel to a wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer, as specified on the "Drinking Water Source Protection Zone Map" on file with the City.

D. Zone four is the area within a 15-year ground water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer, as specified on the "Drinking Water Source Protection Zone Map" on file with the City. In some cases, such as bedrock areas, zones two, three, and four are overlapping, due to the inability to determine time of travel. These are sensitive areas. In these cases, the zone should be protected as for zone two.

E. "Management area" means the area outside of zone one and within a two-mile radius where the optional two-mile radius delineation procedure has been used to identify a protection area, as described in the Utah Division of Drinking Water R309-600, Source Protection: Drinking Water Source Protection for Ground Water Sources. This area shall be treated as for zone two.

2. Allowed uses.
The following uses shall be permitted within drinking water source protection zones:

A. Any use permitted within existing agricultural, single-family residential, multifamily residential, and commercial zones so long as uses conform to the rules and regulations of the regulatory agencies.

B. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

3. Prohibited uses.
The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such uses or conditions may otherwise be ordinarily included as a part of a use permitted under Section 2 of this Chapter.

A. Zone One. The location of a potential contamination source as defined herein.

B. Zone Two and Management Area. The location of pollution sources as defined herein, unless their contaminated discharges are controlled with design standards.

C. Zones Three and Four. The location of potential contamination sources unless they are controlled through land management strategies.

To further clarify uses and prohibitive uses in protective zones, refer to Table 1, Use Matrix for Potential Contamination Sources see Section (6) of this Chapter. For a generic list of regulated substances, see Section (6) of this Chapter This list and table are for clarification and planning purposes. They are not all-inclusive. Substances that are not in this table and list may need further clarification.

4. Overly protective protection zones.
If management areas were delineated using the optional two-mile radius delineation procedure, or if protection zones appear to be excessively conservative (too large), they may be disputed according to the following procedure:

A. Submit written comments to the land use authority stating the reasons that the delineated management area or protective zones should be reconsidered.

B. If the land use authority concurs, it may authorize a new hydrogeologic investigation at the expense of the entity requesting changes to the delineated management area or protective zones.

C. The new hydrogeologic investigation must then be submitted to the Utah Division of Drinking Water for their review.

D. If the Division of Drinking Water finds that the new hydrogeologic investigation is protective and meets the requirements of a delineation report according to the Utah Drinking Water Source Protection for Ground Water Sources Rule (R309-600), the land use authority may enforce this chapter according to the new protection zones.

5. Administration.

A. The policies and procedures for administration of any source protection zone established under this chapter, including without limitation those applicable to existing nonconforming uses, exception, enforcement and penalties, shall be the same as provided in the existing land use ordinance for West Point City, as presently enacted, except that the land use authority cannot grant a variance until the request is reviewed and recommendation is provided by the Davis County health department. If it is necessary to have additional expertise evaluate the variance, it shall be at the expense of the entity requesting the variance. The recommendation relative to the requested variance shall be documented and returned to both the requester and the West Point City land use authority.

B. If there are noncompliant potential contamination sources found in the source protection zones that cannot be resolved by the water system, this shall be brought before the West Point City land use authority, Davis County health department, and/or the applicable regulatory agency for enforcement action.

C. It shall be the water system's responsibility to maintain and supply maps of their source protection zones to West Point City or the data may be obtained by the City, through the State Division of Drinking Water.

6. Appendices.

A. The following table identifies uses, which have varying potentials to contaminate groundwater sources. These uses have been classified according to the risk of contamination in each protection zone as follows (see definitions for risk classifications):

Allowed Uses (A)

Restricted (R)

Prohibited Uses (X)

Use Matrix for Potential Contamination Sources

Potential Contaminated Sources	**Protection Zone**		
	Zone 1	**Zone 2**	**Zones 3 and 4**
Abandoned wells	X	X	X
Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas pursuant to federal regulations	X	R	A
Airport maintenance and fueling sites	X	R	R
Appliance repair	X	R	R
Auto operations and fleet vehicle maintenance facilities (commercial):			
Dealership maintenance departments	X	R	R
Tire	X	R	R
Auto body	X	R	R
Engine repair	X	R	R

Rust proofing	X	R	R
Oil and lube shops	X	R	R
Vehicle rental with maintenance	X	R	R
Beauty salons	X	R	A
Boat building and refinishing	X	R	R
Car washes	X	A	A
Cemeteries, golf courses, parks, and plant nurseries	X	R	R
Chemical reclamation facilities	X	R	R
Chemigation wells	X	X	R
Concrete, asphalt, and tar companies	X	R	R
Dairy farms and animal feedlots (more than 1,000 animal units)	X	X	A
Dry cleaners (with on-site chemicals)	X	X	R
Dry cleaners (without on-site chemicals)	X	A	A
Embalming services	X	R	R
Farm operations:			
Dump sites	X	R	R
Maintenance garages	X	R	R
Manure piles (per 1,000 animal units)	X	X	A
Food processing, meat packing, and slaughterhouses	X	X	A
Fuel, oil, and heating oil distribution and storage facilities	X	R	R
Furniture stripping, painting, and finishing businesses	X	R	R
Gasoline service stations (including underground storage tanks)	X	R	R
Hospitals and medical, dental, and veterinary offices	X	R	R
Industrial manufacturers of chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone glass, pharmaceuticals, and electrical equipment, etc.	X	R	R
Industrial waste disposal/impoundment areas	X	X	R
Junk and salvage yards	X	R	R
Landfills and transfer stations	X	R	A
Laundromats	X	A	A

Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities	X	R	R
Mining operations:			
Radiological	X	R	R
Sand and gravel excavation and processing	X	R	R
Municipal wastewater treatment plants	X	X	A
Photo processing and print shops	X	R	R
Railroad loading or unloading areas	X	R	R
Railroad yards	X	R	R
Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas pursuant to federal regulations	X	A	A
Residential underground storage tanks	X	R	A
RV waste disposal stations	X	X	A
Salt and salt-sand piles	X	R	R
Septic tank drain field systems	X	X	R
Oil pipelines	X	R	R
Toxic chemical storage	X	X	X
Wood preservative treatment facilities	X	R	R

B. Generic Regulated Substance List.

1. Acid and basic cleaning solutions;
2. Antifreeze and coolants;
3. Animal dips;
4. Arsenic and arsenic compounds;
5. Battery acids;
6. Bleaches and peroxide;
7. Brake and transmission fluid;
8. Brine solution;
9. Casting and foundry chemicals;
10. Caulking agents and sealants;
11. Cleaning solvents;
12. Corrosion and rust preventatives;
13. Cutting fluids;
14. Degreasing solvents;
15. Disinfectants;
16. Dyes;
17. Electroplating solutions;
18. Engraving and etching solutions;
19. Explosives;
20. Fertilizers;
21. Fire extinguishing chemicals;
22. Food processing wastes;
23. Formaldehyde;

24. Fuels and additives;
25. Glues, adhesives, and resins;
26. Greases;
27. Hydraulic fluid;
28. Indicators;
29. Industrial and commercial janitorial supplies;
30. Industrial sludges and stillbottoms;
31. Inks, printing, and photocopying chemicals;
32. Laboratory chemicals;
33. Liquid storage batteries;
34. Medical, pharmaceutical, dental, veterinary and hospital solutions;
35. Mercury and mercury compounds;
36. Metal finishing solutions;
37. Oils;
38. Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds;
39. Painting solvents;
40. Pesticides and herbicides;
41. Photo development chemicals;
42. Plastic resins, plasticizers and catalysts;
43. Poisons;
44. Polishes;
45. Polychlorinated biphenyls (PCBs);
46. Pool chemicals;
47. Processed dust and particulates;
48. Radioactive sources;
49. Reagents and standards;
50. Refrigerants;
51. Roofing chemicals and sealers;
52. Sanitizers, disinfectants, bactericides, and algaecides;
53. Soaps, detergents and surfactants;
54. Solders and fluxes;
55. Stripping compounds;
56. Tanning industry chemicals;
57. Transformer and capacitor oils and fluids;
58. Wastewater;
59. Water and wastewater treatment chemicals.