



3200 W 300 N, West Point, UT 84015
801.776.0970

**WEST POINT CITY COUNCIL
MEETING NOTICE & AGENDA
September 7th, 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/89651111980> or
- Connect via Telephone: Dial 1(669) 900-6833 and enter Meeting ID: 896 5111 1980

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 – September 7th, 2021 City Council Meeting"
- Email Body: Must include First & Last Name and Address and a succinct statement of your comment.

ADMINISTRATIVE SESSION

6:30 PM – OPEN TO THE PUBLIC

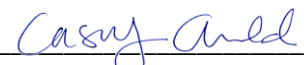
1. Discussion Regarding Cemetery Regulations – Ms. Casey Arnold and Mr. Paul Rochell [pg. 4](#)
2. Other Items

GENERAL SESSION

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. Youth Council Update
8. Consideration of Approval of Phase 3 of the Bluff View Subdivision – Mrs. Bryn MacDonald [pg. 37](#)
9. 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 [pg. 43](#)
 - a. Public Hearing
 - b. Action
10. Motion to Adjourn the General Session

POSTED THIS 3RD DAY OF SEPTEMBER, 2021


CASEY ARNOLD, CITY RECORDER

TENTATIVE UPCOMING ITEMS

Date: **09/21/2021**

Administrative Session – 6:00 pm

1. Quarterly Financial Report – Mr. Ryan Harvey
2. Discussion Regarding Phases 1a and 1b of the Bluff View Subdivision – Mrs. Bryn MacDonald
3. Discussion Regarding Wildfire Estates Subdivision Phase 4 – Mrs. Bryn MacDonald
4. Discussion Regarding Westlake Estates Subdivision Phase 2 – Mrs. Bryn MacDonald
5. Discussion Regarding the Sewer System Master Plan & Impact Fee Analysis

General Session – 7:00 pm

1. Consideration of Approval of Ordinance No. 09-21-2021A, Modifying Section 12.15 of the West Point City Code Regarding Cemetery Regulations – Ms. Casey Arnold/Mr. Paul Rochell
 - a. Public Hearing
 - b. Action

Date: **10/05/2021**

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update
2. Consideration of Final Plat Approval of Phases 1a and 1b of the Bluff View Subdivision – Mrs. Bryn MacDonald
3. Consideration of Final Plat Approval of Phase 4 of the Wildfire Estates Subdivision – Mrs. Bryn MacDonald
4. Consideration of Final Plat Approval of Phase 2 of the Westlake Estates Subdivision – Mrs. Bryn MacDonald

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

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

IMPORTANT DATES

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						

JULY

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FEBRUARY

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AUGUST

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MARCH

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SEPTEMBER

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APRIL

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OCTOBER

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NOVEMBER

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JUNE

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DECEMBER

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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

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

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

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 PM
26	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

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

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

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

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

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

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

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: Cemetery Ordinances
Author: Casey Arnold
Department: Executive
Date: September 7, 2021



Background

Over the past few years, there has been a notable increase in the amount of decorations and items being placed on burial spaces that are in violation of the current cemetery ordinances, or are of the type that are not currently addressed but perhaps should be. These decorations and items are interfering with landscape maintenance, intruding onto other plot spaces, and/or are quickly becoming unsightly and turning into trash. In order to best maintain a well-manicured, beautiful cemetery space, Staff felt that a review of the City's current cemetery ordinances was needed to determine what is already prohibited and what possible amendments could be made to have more clear, enforceable standards for what is appropriate for visitors to bring into the cemetery in remembrance of their loved ones. During that review and in analyzing several other surrounding cemeteries' regulations, Staff would like to propose amendments to other areas in the cemetery code as well.

Analysis

The current cemetery code is found in WPCC Section 12.15. Staff's proposed revisions to the code are related to the following areas:

Code Structure

The current code's subsections address items like the sale of burial rights, monument and marker restrictions, decoration of graves, interment/disinterment regulations, etc. Staff proposes that some of the subsections be combined, relocated, and/or re-titled in order to create a more organized layout where information can be easily found. These changes will be discussed with the Council. The following is a table of the current code sections and proposed new sections:

<u>Current</u>	<u>Proposed</u>
<u>12.15.010 Definitions.</u>	<u>12.15.010 Definitions</u>
<u>12.15.020 Cemetery name.</u>	<u>12.15.020 Cemetery Name</u>
<u>12.15.030 Repealed.</u>	<u>12.15.030 Cemetery Hours</u>
<u>12.15.040 Duties of city manager.</u>	<u>12.15.040 General Cemetery Etiquette</u>
<u>12.15.050 Interments.</u>	<u>12.15.050 Duties of City Manager</u>
<u>12.15.060 Disinterment.</u>	<u>12.15.060 Fees & Charges</u>
<u>12.15.070 Sale of burial rights.</u>	<u>12.15.070 Capital Improvement Fund</u>
<u>12.15.080 Repealed.</u>	<u>12.15.080 Regulations Governing</u>
<u>12.15.090 Capital improvement fund.</u>	<u>Access & Conduct</u>
<u>12.15.100 Monuments and markers.</u>	<u>12.15.090 Sale of Burial Rights</u>
<u>12.15.110 Decoration of graves.</u>	<u>12.15.100 Interments</u>

<u>12.15.120 Cemetery hours.</u>	<u>12.15.110 Disinterment</u>
<u>12.15.130 Traffic and safety regulations.</u>	<u>12.15.120 Monuments & Markers</u>
<u>12.15.140 Defacement or littering of cemetery.</u>	<u>12.15.130 Decoration and Maintenance of Graves</u>
<u>12.15.150 Animals in cemetery.</u>	
<u>12.15.160 Erecting of fences, or copings, or planting of trees, hedges, etc., prohibited.</u>	
<u>12.15.170 Fees and charges.</u>	

General Cemetery Etiquette

This is a completely new subsection Staff is proposing be added. In review of other cemeteries' codes, cemetery website homepages, handouts, etc., Staff found that several cemeteries have some sort of "cemetery etiquette" section or "code of conduct" for visitors. Staff felt that this type of information would be beneficial to have in West Point's code, for it clearly outlines our goal to operate and maintain a cemetery that is "beautiful, dignified, and an appropriate final resting place for loved ones." Some of the information is referred to in more detail in other subsections, such as littering, traffic, loud music, etc., but Staff feels that a code section that provides a general guideline for how we want our cemetery to be treated will only help us in meeting that goal.

Interment Requirements & Regulations

The current code requires that all caskets and urns to be interred are to be placed in a vault made of concrete, stone, or metal. Staff proposes that language be added to clarify that a metal vault must be made of 12-gauge metal or heavier. Staff also proposes adding language that infant caskets and urns may also be placed in vaults made of reinforced polyethylene material, which is considered to be just as strong and becoming more commonly used. Additionally, Staff proposes adding language that cremated remains that are placed in urns that are made of any of these materials and can be sealed not be required to be placed in a vault. The proposed revisions also clarify the size of each plot and the vault size restrictions for easier reference.

Decoration and Maintenance of Graves

While the current cemetery code does have general restrictions in regards to decorations types, height, placement, etc., Staff proposes adding additional language and restrictions, applicable at all times, to clearly state what is and what is not permitted, where items can and cannot be placed in relation to the headstone or marker, how long certain items can be at the site before they must be removed/discarded, and reiterate that cemetery officials can remove items that are in violation or interfere with landscape maintenance at their discretion and without notice. These restrictions will be gone over in detail with the Council, but include that shepherd's hooks must be placed within 2 inches of the mow strip and are limited to two per space, that in no case shall any decorations encroach on other plot space, balloons must be removed after 48 hours, any

food items (such as a birthday cake or bag of candy must be removed within 48 hours, and so on.

In addition to these specifications that would apply at all times, in researching other cemeteries' codes, Staff found that many refer to a designated "mowing season" and have additional restrictions on what types of decorations are allowed during that time. Staff proposes adding a "mowing season" to our code as well, defined as the months from April 1st to October 1st, and prohibit any solar lights, porcelain, or otherwise fragile decorations from being placed on any area of the burial space and stating that no decorations of any sort can be placed upon the mow strip during this time; other types of decorations can still be placed directly upon the headstone or monument, but may not protrude or otherwise interfere with landscape maintenance. The reiteration would again be added that cemetery officials can remove and possibly discard any of these items at any time and without notice, and are not liable for any damage or loss.

Recommendation

This item is for discussion only. A public hearing would need to be held on the proposed code amendments, after which the Council could consider approval of the proposed Ordinance No. 09-21-2021A, Amending Section 12.15 of the West Point City Code Regarding Cemetery Regulations.

Significant Impacts

Current cemetery regulations would be revised and have an affect on interments, decorations and maintenance of graves, and visitor behavior in the West Point Cemetery.

Attachments

Draft Ordinance No. 09-21-2021A

Proposed Amendments (redlined - new language in red, current but relocated or moved language in green)

Proposed Amendments (clean)

12.15.010	<u>Definitions</u>
12.15.020	<u>Cemetery Name</u>
12.15.030	<u>Cemetery Hours</u>
12.15.040	<u>General Cemetery Etiquette</u>
12.15.050	<u>Duties of City Manager</u>
12.15.060	<u>Fees & Charges</u>
12.15.070	<u>Capital Improvement Fund</u>
12.15.080	<u>Regulations Governing Access & Conduct</u>
12.15.090	<u>Sale of Burial Rights</u>
12.15.100	<u>Interments</u>
12.15.110	<u>Disinterment</u>
12.15.120	<u>Monuments & Markers</u>
12.15.130	<u>Decoration and Maintenance of Graves</u>

12.15.010 – Definitions

In this chapter, the following words or phrases shall have the following meanings unless the context otherwise clearly indicates:

“Block” shall mean a land area of one or more lots.

“Cemetery” shall mean any ~~cemetery~~ owned or maintained by the city for the purpose of receiving the remains of deceased humans for earth interments.

“Cemetery ~~office~~” shall mean the main office maintained at West Point City Municipal Center.

“Cemetery visitor(s)” shall mean any person visiting or entering the cemetery grounds.

“Certificate” referred to herein shall mean burial right certificate.

“Certificate holder” is intended to mean and shall be construed to mean owner or purchaser of burial rights and privileges, or the collateral right of use of any burial plot, evidenced by a burial right certificate or by proved and recognized descent or devise from the original owner.

“City” shall mean West Point City, Utah, whether or not so designated.

“Council” or “city council” shall mean the city council of West Point City, Utah.

“Human remains” shall be construed to mean any portion relating to that of a deceased human being.

“Lot” shall apply to numbered divisions as shown on the record plat which consists of two or more plots.

"Lot marker" refers to the cement blocks approximately eight inches by eight inches by eight inches used by the cemetery and located in each corner.

"Marker" means a headstone flush with the surface of the ground or four inches high made of granite, marble, or metal substances.

"Monument" shall include a tombstone or headstone of granite, marble, or metal substances which shall extend above the surface of the ground at least 12 inches in height or higher, but not exceeding three feet in height.

"Mowing Season" shall refer to the time period of April 1st to October 1st of each year wherein weekly and/or daily landscape maintenance is completed by the city.

"Perpetual care" shall refer to the maintenance care that the city agrees to give and shall consist of care of the cemetery generally, but shall not include repairing or replacing marker or monument structures of any nature, except when the need for repair or replacement is directly caused by the city.

"Person" shall mean an individual, group, partnership, firm, corporation or association.

"Plat" shall mean a land area designated by a letter in the alphabet (namely A, B, C, D and E) that is bordered by roadways and is one or more lots.

"Plot" shall apply to a space of sufficient size to accommodate one adult interment approximately 49.5 inches by 99 inches or one infant interment approximately 28 inches by 52 inches. Baby interment should be approximately 24 inches by 24 inches. Urns should be 12 inches by 12 inches. The maximum ~~amount~~number of urns per plot is two and one headstone per plot.

"Resident" shall be defined as follows:

- 1.- Any person who was domiciled within the corporate limits of West Point City, Utah, at the time of death, regardless of the actual place of death.
- 2.- Any person owning real property within the corporate limits of West Point City, Utah, at the time of death, regardless of the residence or domicile of such person.
- 3.- Any person who was a legal resident of West Point City, Utah, at the time of death, regardless of domicile.
- 4.- Any person who was formerly domiciled within the corporate limits of West Point City, Utah, immediately prior to moving from the city for the purpose of becoming domiciled in any facility for the purpose of receiving medical or residential care.

"Responsible party" shall refer to any person selected by the family of the deceased to act in its behalf and can include the heir apparent, religious leader, mortician, funeral director, or any other person the family selects in choosing graves, making available information on the deceased party, and taking full liability for the family obligations concerning the services performed on the cemetery's property.

Words. Single words shall include the plural, and masculine words shall include the feminine and neuter. [Ord. 02-17-2015A §-1; Ord. 08-06-2013B §-1 (Exh. A); Ord. 06-19-2012A §-1 (Exh. A); Ord. 10-19-2010 §-1; Ord. 05-05-2009. Code 2000 §-12-3-1].

12.15.020 – Cemetery~~-name-~~ Name

The burial ground of West Point City shall be known and designated by the name of West Point City Memorial Cemetery. [Ord. 08-06-2013B §_1 (Exh. A); Ord. 06-19-2012A §_1 (Exh. A); Ord. 05-05-2009. Code 2000 §_12-3-2].

12.15.030 -- Cemetery~~-sexton-~~ Hours

~~Repealed by Ord. 06-19-2012A. [Ord. 05-05-2009. Code 2000 § 12-3-3].~~

~~It shall be unlawful for any person to be in the cemetery other than during hours approved by the city without the permission of the city, and the presence of any unauthorized person during such other hours shall constitute trespassing. [Ord. 05-05-2009. Code 2000 § 12-3-12].~~

12.15.040 – General Cemetery Etiquette

All visitors shall follow all rules and regulations herein in and strive to assist in West Point City's goal of operating and maintaining a cemetery that is beautiful, dignified, and an appropriate final resting place for loved ones. Visitors are encouraged and expected to show proper respect for both the living and those interred by adhering to the following general guidelines:

- A. Do not touch any monuments or gravestones without permission and do not remove any decorations or objects placed thereupon.
- B. Children are encouraged to visit the cemetery, but parents are advised to keep them nearby and not to let them play on any of the monuments. Teaching children to have respect for any cemetery is encouraged. While it is an important open space, a cemetery is not a playground and should not be treated as such.
- C. If a funeral is occurring, consider visiting at another time. Never block or impede funeral processions.
- D. Always strive to be respectful by keeping voices low and avoiding bad language; people may be within earshot seeking solace. Do not talk on a cell phone, as voices tend to carry in open spaces.
- E. No loud music shall be played, including while driving or parking in the Cemetery.
- F. Do not leave trash or other such items behind. Litter shows disrespect to those who come to visit the cemetery as well as to the cemetery officials striving to maintain the cleanliness of the cemetery.
- G. Dogs and other pets are prohibited.
- H. Report incidents of vandalism or theft to the police or to the cemetery administrator.
- I. When visiting the cemetery by car, follow the roadways, watch out for pedestrians and people who may not be paying attention, drive slowly, and remain off the grass. If the lane is narrow and another car approaches, offer to move your car until they can get through.
- J. As a general rule, it is best not to approach strangers, as they may prefer to be left alone within the peace of their surroundings; of course, it is perfectly acceptable to offer help to anyone who is seemingly in need.

12.15.050 – Duties of City Manager:

- A.** ~~A.~~ It shall be the duty of the city manager, or his representative, (s) and designated cemetery official(s), to supervise, manage, operate, maintain and improve the cemetery in accordance with the provisions of the city ordinances and the rules and regulations adopted by the city council including but not limited to the following:
- B.** ~~B.~~ Keep a true and correct plat of the cemetery showing the location of all burial plots and such other information as the city council may prescribe and shall keep or have kept such other records regarding the cemetery as the city council shall direct.
- C.** ~~C.~~ Direct the layout and digging of all graves required for burial therein, to direct all removals, changes and other authorized operations.
- D.** ~~D.~~ Take charge of all funeral corteges while in the environs of said cemetery and regulate all traffic within the cemetery as deemed necessary.
- E.** ~~E.~~ Approve all claims chargeable against the cemetery and furnish such information regarding the cemetery as the city council may from time to time require.
- F.** ~~F.~~ Employ such help as shall be necessary to carry out the duties prescribed by the city ordinances and by the rules and regulations adopted by the city council.
- G.** ~~G.~~ Promulgate additional regulations concerning the care, use, maintenance and government of the cemetery not in conflict herewith, as shall, from time to time, prove necessary.
- H.** ~~H.~~ Any person or firm desiring to perform any work within the cemetery must first secure the approval and written permission of the city manager or representative. All settings of vases, markers and monuments, and all plantings of trees, shrubs and flowers, must be approved by the city before the work is commenced and all work shall be performed under direction of the city. [Ord. 02-17-2015A §-1; Ord. 08-06-2013B §-1 (Exh. A); Ord. 06-19-2012A §-1 (Exh. A); Ord. 05-05-2009. Code 2000 §-12-3-4].

12.15.060 – Fees & Charges

The city council shall establish fees and charges for the care, use, operation, and maintenance of the cemetery from time to time by resolution. [Ord. 05-05-2009. Code 2000 § 12-3-17].

12.15.070 – Capital Improvement Fund

There is hereby established a capital improvement fund for future expansion of new burial sites and portions thereof and construction of fixtures as deemed necessary in the cemetery. There shall be deposited in the fund the portion of the burial right fees as established from time to time by resolution of the city council. The sum total of these monies deposited and interest accrued thereon shall be used solely for the purposes of capital improvement or expansion of the cemetery. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-9].

12.15.080 – Regulations Governing Access & Conduct

It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place. The following regulations shall be enforced:

A. No loud, boisterous or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the cemetery, or which is marked by intensity or volume of sound, will be permitted within the environs of the cemetery.

B. No alcoholic beverages of any kind will be permitted within the environs of the cemetery.

C. Loitering on the cemetery grounds is not permitted.

~~Idling or loafing on the grounds or in any of the buildings will be permitted within the environs of the cemetery.~~

D. Peddling or soliciting the sale of any commodity within the cemetery will not be permitted.

E. Placing of signs or notices of advertisements of any kind within the cemetery will not be permitted.

F. Brandishing or discharging firearms within the cemetery except by any military escort accompanying a veteran's funeral or attending memorial services will not be permitted within the environs of the cemetery. [Ord. 02-17-2015A § 1; Ord. 08-19-2014B § 1; Ord. 05-05-2009. Code 2000 § 12-3-13].

G. Traffic regulations:

a. It shall be unlawful to drive or park any vehicle over or across any lawn area or lot within the confines of the cemetery.

b. Only vehicles and equipment that have been approved by the city manager, or his representative, may traverse any lawn area.

c. No motorcycles will be permitted within the environs of the cemetery, except those being involved with a funeral cortege.

H. Defacement or littering of cemetery:

a. It is unlawful for any person to injure, molest, deface, or otherwise damage or remove any headstone from its foundation, curbing, urn, monument, tree, shrub, flowers, funeral flowers, floral pieces, vases and containers, or any other property in the cemetery. This section shall not apply to the city manager or employees of his representatives who are performing their assigned work. This section shall not apply to any person who is removing flowers, vases or containers which such person has placed upon a cemetery burial plot(s) or lot.

b. It is unlawful for any person to throw or deposit in any part of the cemetery the carcass of any dead animals, meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance, or any object or substance that detracts from the beauty of said cemetery.

c. Any person(s) convicted of the above actions will be responsible for payment of the cost and expenses involved to restore the property to its original state. [Ord. 02-17-2015A § 1; Ord. 05-05-2009. Code 2000 § 12-3-14].

I. Animals in cemetery:

a. It shall be unlawful for any person to take any animal into the cemetery or permit any animal owned or in the custody of such person to enter the cemetery, except an animal kept in the confines of a vehicle will be allowed only if such animal is retained within the confines of said vehicle, while the vehicle remains in the cemetery. [Ord. 05-05-2009. Code 2000 § 12-3-15].

12.15.090 – Sale of Burial Rights

- A. The city is hereby authorized to sell the use of burial plot(s) in the cemetery for interment purposes only and to collect all sums arising from such sale. The city shall keep a complete record of all sales, which record shall describe the location of the burial plot(s) purchased and the price paid therefor. The purchaser shall receive a receipt describing each right of use so purchased, together with the amount paid and the balance, if any. The city shall retain a duplicate copy in the cemetery receipt book.
- B. The city council may establish by resolution the burial right fee for all cemetery lots or parts thereof and may include the perpetual care fee on said lots or parts thereof.
- C. It shall be unlawful for any person to bury the remains of a deceased person in the cemetery without first paying in advance, and before the opening of the plot to be occupied, the full cost for use of said plot.
- D. A burial right certificate shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for any cemetery services.
- E. Burial rights to any plot or lot may be transferred, conveyed, or assigned by the purchaser or certificate holder to any person. Burial rights to any plot or lot shall not be sold except to West Point City. The city hereby agrees to buy back the use of any plot or lot for the original price paid or 50 percent of the current value, whichever is greater. All transfers and conveyances must be notarized and documented with West Point City.
- F. Whenever plots or lots are transferred, or revert to the city, or become vested in the municipality for any reason, the original certificate shall be canceled, and the record shall be so changed before new certificates are issued. A transfer fee as set forth from time to time by resolution of the city council shall be paid to the city recorder for such transaction. The city shall be the sole judge of the size of the plot or the number of plots to be sold to any person or family.
- G. No work may be performed until all fees are paid. Plots may be purchased in advance, but residential status will be determined at the time of interment based on the residential status of the deceased at the time of death, and nonresident rates may apply. All other fees must be paid at the time of interment.
- H. In the event the city or any party desires to exchange one plot(s) inside the cemetery with another plot(s), they may do so by informing the city of their desire and paying for the certificate transfer fee.
- I. The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery or a section or sections, from time to time, including the right to modify or change the locations of or remove or re-grade roads, drives, walks, or any part thereof, is hereby reserved. The right to lay, maintain, operate, alter or change pipelines for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners or plots reclaimed for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-7].

12.15.100 – Interments:

- A. ~~A.~~ Nothing other than human remains shall be interred within the West Point City cemetery, and no cemetery shall be established without the express written permission of the city council.
- B. ~~B.~~ Before burying human remains in the cemetery, there shall be procured from the cemetery office an interment order for the deceased person in such plot, lot, block and plat as may be designated by the responsible party. This order must be executed 48 hours prior to the scheduled funeral service.
- C. ~~C.~~ Under no circumstances will the city assume responsibility for errors in opening graves when orders are given by telephone or for any mistake occurring from want of precise and proper instructions as to the particular plot, size of grave, and location where interment is desired.
- D. ~~D.~~ Funeral directors must schedule the use of the cemetery, have the interment order signed, and have fees paid in full before arrangements with the family are concluded.
- E. ~~E.~~ No person, except the certificate holder of a lot upon which interment is to be made, shall use a plot or lot in the cemetery, without first obtaining written permission from the certificate holder of said lot, or nearest relative of the certificate holder thereof, or legal heirs, which permission shall be filed with the cemetery office.
- F. ~~F.~~ No interment of two or more bodies shall be made in one grave except in the case of a parent and child ~~or buried in one casket~~, two infants buried in one casket, or an urn and casket as approved by the city manager or his designee.
- G. ~~G.~~ The human remains must be delivered to the cemetery at or before 3:00 p.m. for interment if the grave is to be filled in with earth the same day.
- H. ~~H.~~ There shall be no interments on Sundays or the legal holidays of New Year's Day, Memorial Day, Independence Day, Pioneer Day, Thanksgiving Day and Christmas Day.
- I. ~~I. It shall be unlawful for any~~ Burial spaces are placed in rows with the head of the grave at the west and the foot of the grave at the east. The grave marker is placed at the west end of the burial space.
- J. ~~All remains to be interred in the cemetery unless the placed within a full-size casket or urn shall be placed in a vault made of reinforced concrete, stone, or metal- (copper, steel, bronze, etc.) that is twelve (12) gauge or heavier. Infant caskets and urns may be also be placed in a vault made of reinforced polyethylene material. All vaults must be sealed.~~
 - a. ~~Cremated remains placed in urns made of concrete, stone, metal (copper, steel, bronze, etc.), or reinforced polyethylene material and able to be sealed are not required to be placed in a vault.~~
- K. ~~The dimensions of a full-size vault must not exceed 40 inches wide x 90 inches deep x 40 inches tall (40" x 90" x 40"), unless pre-authorization is received from the city manager or his designee.~~
- L. ~~Cremated remains that are placed in an urn are not required to be placed in a vault if the urn is constructed of concrete, stone, metal, reinforced polyethylene material, or substantially similar material that is pre-approved by the city manager or his designee. All urns must be sealed.~~
- M. ~~A portion of the cemetery is designated for the burial of infants and urns subject to the following regulations:~~
 - a. ~~All burials therein must meet the same requirements as outlined in regards to vault or urn material. All urns and vaults placed in this section must not exceed 48 inches wide x 48 inches deep x 25 inches tall (48" x 48" x 25"), unless pre-authorization is received from the city manager or his designee.~~
 - b. ~~All grave markers therein must not extend above the level of the ground.~~

~~N. J.~~ No grave will be opened in the cemetery until the interment fee, burial right fee and other applicable fees, as established from time to time by resolution of the city council, are paid in full. The interment fee is solely determined by the residential status of the deceased at the time of death and not by the person(s) who assumes responsibility for paying for interment. The city may make other arrangements as ~~deemed necessary~~ approved by the city manager.

~~O. K.~~ Once a casket containing the human remains is within the confines of the cemetery, no funeral director nor his embalmer, assistant, employee, agent, or any other person shall be permitted to open the casket or to touch the body without the written consent of the legal representative of the deceased or any order signed by a court of competent jurisdiction.

~~P. L.~~ West Point City employees designated by the city manager are the only persons who will be permitted to open graves with the following exceptions:

a. 1. When the cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the city.

b. 2. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the cemetery office his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by the coroner or his lawful agents. City employees will not be permitted to assist the coroner or his agents.

~~Q. M.~~ The city will not be liable for the identity of the person to be interred.

~~R. N.~~ The city council, with the advice of the city manager, may designate a portion of the cemetery for the burial of indigents. A burial of an indigent in the cemetery must be approved and administered by current policy as set forth by Davis County in conjunction with local morticians prior to interment.

~~S. O.~~ Certificate holders shall not allow interments in their plots or lots in return for remuneration of any kind.

~~T. P.~~ Persons responsible for the deceased will have full liability for the remains of the deceased when it enters the grounds of the cemetery and will have complete charge of those remains and will cause the deceased to be lowered into the grave site. After this has been accomplished, the city will take charge of the remains and will proceed thenceforth with the closing of the grave.

~~U. Q.~~ The city has the perpetual right of ingress and egress over any part of the cemetery burial plat areas and shall use reasonable care in protecting all existing turf, markers, monuments, grave flowers, grave decorations, trees or existing shrubbery in order to cause the opening and closing of graves with the required vehicles, equipment, tools and personnel.

~~V. R.~~ Saturday services will be charged an additional fee as set forth by resolution of the city council in addition to the standard interment fee.

~~A. S. A portion of the cemetery is designated for the burial of infants and urns subject to the following regulations:~~

~~1. All burials therein must be in concrete vaults as required elsewhere in the cemetery.~~

~~2.~~

~~a. All grave markers therein must not extend above the level of the ground.~~

~~3. In the event of disinterment, the right to burial reverts to the city and the value will be applied to re-interment, if in the West Point City cemetery. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009, Code 2000 § 12-3-5].~~

12.15.060110 – Disinterment.

- ~~A.~~ ~~A.~~ No person shall disinter any human remains in the cemetery, except under the direction of the city manager. All disinterments shall comply with applicable state law.
- ~~B.~~ ~~B.~~ The order for disinterment shall include the name of the deceased, when and where born, when and where the place of death occurred, together with the name of parents and spouse, also the date of burial, as well as the name of the cemetery, with the initial letter of the plat, as well as the number of block, lot and burial plot number, and the place of destination if disinterred and transferred beyond the environs of the cemetery.
- ~~C.~~ ~~C.~~ If the disinterment is to be transported outside the environs of the cemetery, the cemetery office shall require a written order for disinterment together with a burial transit permit from the Davis County department of health to be executed by the certificate holder or his heirs authorizing such removal at least one week prior to the day of the disinterment.
- ~~D.~~ ~~D.~~ The city assumes no responsibility whatsoever for the condition of any casket or vault involved in any removal.
- ~~E.~~ ~~E.~~ It shall be unlawful for any person to remove the body of a person who has died of a contagious disease within two years from the date of burial unless the body has been buried in a hermetically sealed coffin, or vault, and is found to be so encased at the time of removal.
- ~~F.~~ ~~F.~~ Fees for disinterments will be charged according to the work involved, with a base fee established by the city council.
- ~~G.~~ ~~G.~~ The cemetery reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterments or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the cemetery office, or, in the sole discretion of the cemetery office, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the disinterment of the remains of any person in such property, the cemetery reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.
- ~~H.~~ ~~H.~~ In the event of disinterment, the right to burial of said plot(s) reverts to the city and the value at time of purchase will be applied to re-interment, if in the West Point City cemetery. [Ord. 02-17-2015A § 1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-6].

12.15.070 — Sale of burial rights.

- ~~A.~~ ~~A.~~ The city is hereby authorized to sell the use of burial plot(s) in the cemetery for interment purposes only and to collect all sums arising from such sale. The city shall keep a complete record of all sales, which record shall describe the location of the burial plot(s) purchased and the price paid therefor. The purchaser shall receive a receipt describing each right of use so purchased, together with the amount paid and the balance, if any. The city shall retain a duplicate copy in the cemetery receipt book.
- ~~A.~~ ~~B.~~ The city council may establish by resolution the burial right fee for all cemetery lots or parts thereof and may include the perpetual care fee on said lots or parts thereof.

- ~~A. C. It shall be unlawful for any person to bury the remains of a deceased person in the cemetery without first paying in advance, and before the opening of the plot to be occupied, the full cost for use of said plot.~~
- ~~A. D. A burial right certificate shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for any cemetery services.~~
- ~~A. E. Burial rights to any plot or lot may be transferred, conveyed, or assigned by the purchaser or certificate holder to any person. Burial rights to any plot or lot shall not be sold except to West Point City. The city hereby agrees to buy back the use of any plot or lot for the original price paid or 50 percent of the current value, whichever is greater. All transfers and conveyances must be notarized and documented with West Point City.~~
- ~~A. F. Whenever plots or lots are transferred, or revert to the city, or become vested in the municipality for any reason, the original certificate shall be canceled, and the record shall be so changed before new certificates are issued. A transfer fee as set forth from time to time by resolution of the city council shall be paid to the city recorder for such transaction. The city shall be the sole judge of the size of the plot or the number of plots to be sold to any person or family.~~
- ~~A. G. No work may be performed until all fees are paid. Plots may be purchased in advance, but residential status will be determined at the time of interment based on the residential status of the deceased at the time of death, and nonresident rates may apply. All other fees must be paid at the time of interment.~~
- ~~A. H. In the event the city or any party desires to exchange one plot(s) inside the cemetery with another plot(s), they may do so by informing the city of their desire and paying for the certificate transfer fee.~~
- ~~A. I. The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery or a section or sections, from time to time, including the right to modify or change the locations of or remove or re-grade roads, drives, walks, or any part thereof, is hereby reserved. The right to lay, maintain, operate, alter or change pipelines for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners or plots reclaimed for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-7].~~

12.15.080 – Perpetual care.

~~Repealed by Ord. 05-05-2009. [Code 2000 § 12-3-8].~~

12.15.090 – Capital improvement fund.

~~There is hereby established a capital improvement fund for future expansion of new burial sites and portions thereof and construction of fixtures as deemed necessary in the cemetery. There shall be deposited in the fund the portion of the burial right fees as established from time to time by resolution of the city council. The sum total of these monies deposited and interest accrued thereon shall be used solely for the purposes of capital improvement or expansion of the cemetery. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-9].~~

12.15.100-120 – Monuments and markers.& Markers

- A. ~~A.~~ The certificate holders for spaces or relatives of the deceased person(s) buried in the cemetery may not install or remove, or cause the installation or removal of, any type of permanent marker or monument on any grave space(s) without first obtaining the approval of the city.
- B. ~~B.~~ Permanent grave markers and monuments shall either be flush with the ground or no taller than 36 inches in height, except for the portion of the cemetery designated specifically for the burial of infants and urns. All grave markers located in the infant and urn section of the cemetery must be flush with the ground. Secondary markers must be flush with the ground.
- C. ~~C.~~ Permanent grave markers shall have and be set in a finished, grass-level cement base or apron (commonly known as a mow strip) extending outward from the outer perimeters of the stone or metal grave markers for at least six inches, (6") and be at least four inches (4") in depth., The purpose of the mow strip is so that the lawn may be cut conveniently without contact to the headstone or marker.
- D. ~~D.~~ The combined length (extending north/south) of the mow strip and grave marker shall not be longer than 46 inches (46") for a single headstone and 92 inches (92") for a double headstone. The combined length (extending west/east) of the mow strip and grave marker shall not be longer than 40 inches (40"). At the discretion of the city manager or his representatives, headstones deemed oversized shall be moved by a monument company at the expense of the monument owner.
- E. ~~E.~~ The inscription with the name(s) of the deceased on all grave markers in the cemetery shall be ~~so~~ inscribed on the stone or metal marker so that a person may be able to read the inscription from left-to-right when facing east. Exceptions may be pre-approved by the city manager or his designee.
- F. Permanent holes in the mow strips for placement of flower vases, shepherd hooks, and similar items are allowed on the north and/or west-south mow strips of the grave marker. The outer edge of the hole must be within four inches (4") of the grave marker. Holes shall be flush with the ground.
- G. ~~F.~~ The installation of all permanent grave markers or monuments will be under the supervision of the city. A notice to the cemetery office by the monument company or responsible party must be made at least 24 hours prior to the installation. ~~Flat headstones and monuments will be installed under the direction of the city.~~
- H. ~~G.~~ All permanent grave markers and monuments shall be set with the outside west edge of the burial space on the marker placement line as established by the city (including mow strip).
- I. ~~H.~~ Temporary Markers. One temporary grave marker shall be permitted per burial plot for a maximum of six months from date of interment, or as otherwise approved by the city manager. The temporary grave marker shall not exceed 18 inches in length (extending north/south) and 18 inches in height. Temporary grave markers must be attractive and made of durable material to withstand the elements.
- J. ~~I.~~ Failure to comply with the above regulations for grave markers and monuments will justify the city in refusing the placement of said markers or monuments. Any and all costs involved with altering said markers in order to comply with the above regulations will be borne by those having ordered said markers.
- K. ~~J.~~ Before any marker or monument may be placed on any plot(s), the full purchase price for use of said plot(s) must be paid in full whether or not the plot(s) are occupied with human remains. [Ord. 02-17-2015A § 1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 10-19-2010 § 2; Ord. 05-05-2009; Ord. 01-15-2008 § 1. Code 2000 § 12-3-10].

12.15.110-130 – Decoration and Maintenance of Graves.

A. Cemetery maintenance will be performed on an as-needed basis from April 1st to October 1st. Decorations are subject to the following restrictions at all times:

1. No person(s) shall erect a fence, coping, or corner post, or plant trees, flowers, shrubbery, hedges, or other boundary marker or obstruction upon any burial plot(s) or lot, nor grade the ground thereof. Any such obstructions in the cemetery shall be removed under the direction of the city manager. Nothing in this section shall prohibit the planting and maintaining of trees, shrubs, flowers, bushes, fences and other installations by the city manager in his official capacity. [Ord. 02-17-2015A § 1; Ord. 05-05-2009. Code 2000 § 12-3-16].
2. All decorations must be within at least two inches (2") of the mow strip of the primary grave marker, with the following exception:
 - a. Funeral flowers, floral pieces, or decorations may remain on the grave space for two (2) weeks following the interment. These be removed and discarded without notice when they become unsightly or that may after two weeks, whichever may occur first.
3. In no case may decorations encroach onto other positions or graves.
4. Perishable food items placed on a monument or marker shall be removed within 48 hours and may only be placed upon the monument or marker and shall not encroach onto other positions or graves.
5. Items from any food consumed in the cemetery (containers, utensils, leftovers, etc.) shall be removed immediately after consumption. Patrons should take care to honor the sanctity of the cemetery and assist in all efforts to maintain a clean and well-groomed sanctuary in respect of the loved ones interred.
6. No alcohol, cigarettes, drug paraphernalia, etc., shall be brought into the cemetery or placed upon any monument or marker.
7. Decorations may not exceed 48 inches in height, measured from the ground to the top of the decoration, except as provided in this section.
8. Helium-filled balloons may exceed this height but may be removed at any time by city officials after forty-eight (48) hours.
9. 4. A total of two shepherd's hooks may be placed on the north and/or south of the grave marker but must be within two inches (2") of the mow strip. Permanent holes for shepherd's hooks may also be drilled into the north and/or south mow strips within four inches (4") of the grave marker. Shepherd's hooks are not permitted on secondary markers. Shepherd's hooks, including decorations placed thereon, may not exceed forty-eight inches (48") in height.

B. Decorations are subject to the following restrictions during the mowing season (annually beginning April 1 and ending October 1):

1. Glass, porcelain or otherwise fragile decorations, such as solar lights, are not permitted to be placed upon any position or grave within the cemetery. If such items are placed, the city is not responsible for any damage caused and items may be removed and discarded at anytime without notice.

2. Decorations may be placed upon monuments or markers but may not protrude in such a manner as to interfere with the maintenance of landscaping.
 3. Any decorations placed upon the mow strip may be removed and discarded by city officials at any time and without notice if such decorations interfere with the maintenance by the cemetery crew will be discarded as necessary. of landscaping
 4. No decorations or items may be placed on any part of the grave other than the mow strip, monument, or marker, except as provided in subsection (D) of this section.
 5. Secondary, flat markers that are located on a position with a family marker may not have any decorations placed directly on them. Decorations should be placed upon the primary monument.
- C. A general complete cemetery cleaning and detailing will take place twice each year. This detailing will happen on the first Thursday in OctoberMay and the first Thursday in MayOctober (weather permitting). Before detailing dates, cemetery patrons should remove anyall decorations they do not want discarded. All grave decorations will be removed and possibly discarded by the cemetery crewofficials at that time. Items deemed of value will be stored for one month. at the discretion of cemetery officials.
- D. B. During the winter months, cemetery maintenance will be performed on an as-needed basis, weather permitting. All grave decorations deemed to be unsightly by the cemetery crewofficials will be discarded at thatany time. and without notice.
- E. C. Pinwheels, shepherd's hooks and grave decorations that are inserted into the ground shall not extend over or cover any ground that is outside of the area covered by the grave marker. Solar lights are permitted if they are mounted on the concrete mow strip or placed next to the mow strip or headstone, except as prohibited during the mowing season. Other decorations that utilize wires, pegs, glass or other containers that may pose safety hazards shall not be permitted in the cemetery. Arbors are not permitted, as well asnor shepherd's hooks over three feet high. These items or similar items will be removed and discarded by cemetery employees without giving notice.
- F. D. Funeral flowers and floral pieces or decorations will be removed and discarded without notice when they become unsightly or after two weeks, whichever may occur first.
- G. E. Artificial (dried, silk, or plastic) flowers or grave decorations and any fresh cut flowers are permitted in a sunken vase at any time but will be removed when they become unsightly or during the fall and spring cemetery maintenance. Flower pots, baskets, holders and grave decorations are permitted on the headstone, shepherd's hooks, or concrete border. No decorations are permitted on the grass except for funerals, Memorial Day, and the winter holiday season.
- H. F. All holiday decorations must be removed within two weeks following a holiday. If holiday decorations are not removed within two weeks they may be removed and discarded at the city's discretion.
- I. At the sole discretion of cemetery officials, all items that appear unsightly or cause interference with maintenance will be removed and discarded without notice.
- J. G. The cemetery accepts no responsibility or liability, nor will accept any claims against it, for loss or destruction of personal property left in the cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, explosions, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other

than as herein provided. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 01-15-2008 § 2. Code 2000 § 12-3-11].

12.15.120 — Cemetery hours.

~~It shall be unlawful for any person to be in the cemetery other than during hours approved by the city without the permission of the city, and the presence of any unauthorized person during such other hours shall constitute trespassing. [Ord.~~

~~05-05-2009. Code 2000 § 12-3-12].~~

12.15.130 — Traffic and safety regulations.

~~a. A. It shall be unlawful to drive or park any vehicle over or across any lawn area or lot within the confines of the cemetery.~~

~~a. B. Only vehicles and equipment that have been approved by the city manager, or his representative, may traverse any lawn area.~~

~~C. Because cemetery ground is devoted to interment and repose of the dead, strict observance of decorum due such a place shall be required of all persons.~~

~~a. D. No motorcycles will be permitted within the environs of the cemetery, except those being involved with a funeral cortege.~~

~~E. It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place.~~

~~A. 1. No loud, boisterous or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the cemetery, or which is marked by intensity or volume of sound, will be permitted within the environs of the cemetery.~~

~~2. No alcoholic beverages of any kind will be permitted within the environs of the cemetery.~~

~~A. 3. No idling or loafing on the grounds or in any of the buildings will be permitted within the environs of the cemetery.~~

~~4. The bringing of lunches or refreshments into the cemetery or consuming them on the grounds will not be permitted within the environs of the cemetery.~~

~~A. 5. Peddling or soliciting the sale of any commodity within the cemetery will not be permitted.~~

~~A. 6. Placing of signs or notices of advertisements of any kind within the cemetery will not be permitted.~~

~~A. 7. Brandishing or discharging firearms within the cemetery except by any military escort accompanying a veteran's funeral or attending memorial services will not be permitted within the environs of the cemetery. [Ord. 02-17-2015A § 1; Ord. 08-19-2014B § 1; Ord. 05-05-2009. Code 2000 § 12-3-13].~~

12.15.140 — Defacement or littering of cemetery.

~~A. It is unlawful for any person to injure, molest, deface, or otherwise damage or remove any headstone from its foundation, curbing, urn, monument, tree, shrub, flowers, funeral flowers, floral pieces, vases and containers, or any other property in the cemetery. This section shall not apply to the city manager or employees of his representatives who are performing their assigned work. This section shall not apply to any person who is removing flowers, vases or containers which such person has placed upon a cemetery burial plot(s) or lot.~~

~~B. It is unlawful for any person to throw or deposit in any part of the cemetery the carcass of any dead animals, meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance, or any object or substance that detracts from the beauty of said cemetery.~~

~~C. Any person(s) convicted of the above actions will be responsible for payment of the cost and expenses involved to restore the property to its original state. [Ord. 02-17-2015A § 1; Ord. 05-05-2009. Code 2000 § 12-3-14].~~

12.15.150 — Animals in cemetery.

~~It shall be unlawful for any person to take any animal into the cemetery or permit any animal owned or in the custody of such person to enter the cemetery, except an animal kept in the confines of a vehicle will be allowed only if such animal is retained within the confines of said vehicle, while the vehicle remains in the cemetery. [Ord. 05-05-2009. Code 2000 § 12-3-15].~~

12.15.160 — Erecting of fences, or copings, or planting of trees, hedges, etc., prohibited.

~~No person(s) shall erect a fence, coping, or corner post, or plant trees, flowers, shrubbery, hedges, or other boundary marker or obstruction upon any burial plot(s) or lot, nor grade the ground thereof. Any such obstructions in the cemetery shall be removed under the direction of the city manager. Nothing in this section shall prohibit the planting and maintaining of trees, shrubs, flowers, bushes, fences and other installations by the city manager in his official capacity. [Ord. 02-17-2015A § 1; Ord. 05-05-2009. Code 2000 § 12-3-16].~~

12.15.170 — Fees and charges.

~~The city council shall establish fees and charges for the care, use, operation, and maintenance of the cemetery from time to time by resolution. [Ord. 05-05-2009. Code 2000 § 12-3-17].~~

<u>12.15.010</u>	<u>Definitions</u>
<u>12.15.020</u>	<u>Cemetery Name</u>
<u>12.15.030</u>	<u>Cemetery Hours</u>
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<u>12.15.090</u>	<u>Sale of Burial Rights</u>
<u>12.15.100</u>	<u>Interments</u>
<u>12.15.110</u>	<u>Disinterment</u>
<u>12.15.120</u>	<u>Monuments & Markers</u>
<u>12.15.130</u>	<u>Decoration and Maintenance of Graves</u>

12.15.010 – Definitions

In this chapter, the following words or phrases shall have the following meanings unless the context otherwise clearly indicates:

“Block” shall mean a land area of one or more lots.

“Cemetery” shall mean any cemetery owned or maintained by the city for the purpose of receiving the remains of deceased humans for earth interments.

“Cemetery office” shall mean the main office maintained at West Point City Municipal Center.

“Cemetery visitor(s)” shall mean any person visiting or entering the cemetery grounds.

“Certificate” referred to herein shall mean burial right certificate.

“Certificate holder” is intended to mean and shall be construed to mean owner or purchaser of burial rights and privileges, or the collateral right of use of any burial plot, evidenced by a burial right certificate or by proved and recognized descent or devise from the original owner.

“City” shall mean West Point City, Utah, whether or not so designated.

“Council” or “city council” shall mean the city council of West Point City, Utah.

“Human remains” shall be construed to mean any portion relating to that of a deceased human being.

“Lot” shall apply to numbered divisions as shown on the record plat which consists of two or more plots.

“Lot marker” refers to the cement blocks approximately eight inches by eight inches by eight inches used by the cemetery and located in each corner.

“Marker” means a headstone flush with the surface of the ground or four inches high made of granite, marble, or metal substances.

“Monument” shall include a tombstone or headstone of granite, marble, or metal substances which shall extend above the surface of the ground at least 12 inches in height or higher, but not exceeding three feet in height.

“Mowing Season” shall refer to the time period of April 1st to October 1st of each year wherein weekly and/or daily landscape maintenance is completed by the city.

“Perpetual care” shall refer to the maintenance care that the city agrees to give and shall consist of care of the cemetery generally, but shall not include repairing or replacing marker or monument structures of any nature, except when the need for repair or replacement is directly caused by the city.

“Person” shall mean an individual, group, partnership, firm, corporation or association.

“Plat” shall mean a land area designated by a letter in the alphabet (namely A, B, C, D and E) that is bordered by roadways and is one or more lots.

“Plot” shall apply to a space of sufficient size to accommodate one adult interment approximately 49.5 inches by 99 inches or one infant interment approximately 28 inches by 52 inches. Baby interment should be approximately 24 inches by 24 inches. Urns should be 12 inches by 12 inches. The maximum number of urns per plot is two and one headstone per plot.

“Resident” shall be defined as follows:

1. Any person who was domiciled within the corporate limits of West Point City, Utah, at the time of death, regardless of the actual place of death.
2. Any person owning real property within the corporate limits of West Point City, Utah, at the time of death, regardless of the residence or domicile of such person.
3. Any person who was a legal resident of West Point City, Utah, at the time of death, regardless of domicile.
4. Any person who was formerly domiciled within the corporate limits of West Point City, Utah, immediately prior to moving from the city for the purpose of becoming domiciled in any facility for the purpose of receiving medical or residential care.

“Responsible party” shall refer to any person selected by the family of the deceased to act in its behalf and can include the heir apparent, religious leader, mortician, funeral director, or any other person the family selects in choosing graves, making available information on the deceased party, and taking full liability for the family obligations concerning the services performed on the cemetery’s property.

Words. Single words shall include the plural, and masculine words shall include the feminine and neuter. [Ord. 02-17-2015A § 1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 10-19-2010 § 1; Ord. 05-05-2009. Code 2000 § 12-3-1].

12.15.020 – Cemetery Name

The burial ground of West Point City shall be known and designated by the name of West Point City Memorial Cemetery. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-2].

12.15.030 – Cemetery Hours

It shall be unlawful for any person to be in the cemetery other than during hours approved by the city without the permission of the city, and the presence of any unauthorized person during such other hours shall constitute trespassing. [Ord. 05-05-2009. Code 2000 § 12-3-12].

12.15.040 – General Cemetery Etiquette

All visitors shall follow all rules and regulations herein in and strive to assist in West Point City's goal of operating and maintaining a cemetery that is beautiful, dignified, and an appropriate final resting place for loved ones. Visitors are encouraged and expected to show proper respect for both the living and those interred by adhering to the following general guidelines:

- A. Do not touch any monuments or gravestones without permission and do not remove any decorations or objects placed thereupon.
- B. Children are encouraged to visit the cemetery, but parents are advised to keep them nearby and not to let them play on any of the monuments. Teaching children to have respect for any cemetery is encouraged. While it is an important open space, a cemetery is not a playground and should not be treated as such.
- C. If a funeral is occurring, consider visiting at another time. Never block or impede funeral processions.
- D. Always strive to be respectful by keeping voices low and avoiding bad language; people may be within earshot seeking solace. Do not talk on a cell phone, as voices tend to carry in open spaces.
- E. No loud music shall be played, including while driving or parking in the Cemetery.
- F. Do not leave trash or other such items behind. Litter shows disrespect to those who come to visit the cemetery as well as to the cemetery officials striving to maintain the cleanliness of the cemetery.
- G. Dogs and other pets are prohibited.
- H. Report incidents of vandalism or theft to the police or to the cemetery administrator.
- I. When visiting the cemetery by car, follow the roadways, watch out for pedestrians and people who may not be paying attention, drive slowly, and remain off the grass. If the lane is narrow and another car approaches, offer to move your car until they can get through.
- J. As a general rule, it is best not to approach strangers, as they may prefer to be left alone within the peace of their surroundings; of course, it is perfectly acceptable to offer help to anyone who is seemingly in need.

12.15.050 – Duties of City Manager

- A. It shall be the duty of the city manager, or his representative(s) and designated cemetery official(s), to supervise, manage, operate, maintain and improve the cemetery in accordance with the provisions of the city ordinances and the rules and regulations adopted by the city council including but not limited to the following:
- B. Keep a true and correct plat of the cemetery showing the location of all burial plots and such other information as the city council may prescribe and shall keep or have kept such other records regarding the cemetery as the city council shall direct.
- C. Direct the layout and digging of all graves required for burial therein, to direct all removals, changes and other authorized operations.
- D. Take charge of all funeral corteges while in the environs of said cemetery and regulate all traffic within the cemetery as deemed necessary.
- E. Approve all claims chargeable against the cemetery and furnish such information regarding the cemetery as the city council may from time to time require.
- F. Employ such help as shall be necessary to carry out the duties prescribed by the city ordinances and by the rules and regulations adopted by the city council.
- G. Promulgate additional regulations concerning the care, use, maintenance and government of the cemetery not in conflict herewith, as shall, from time to time, prove necessary.
- H. Any person or firm desiring to perform any work within the cemetery must first secure the approval and written permission of the city manager or representative. All settings of vases, markers and monuments, and all plantings of trees, shrubs and flowers, must be approved by the city before the work is commenced and all work shall be performed under direction of the city. [Ord. 02-17-2015A § 1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-4].

12.15.060 – Fees & Charges

The city council shall establish fees and charges for the care, use, operation, and maintenance of the cemetery from time to time by resolution. [Ord. 05-05-2009. Code 2000 § 12-3-17].

12.15.070 – Capital Improvement Fund

There is hereby established a capital improvement fund for future expansion of new burial sites and portions thereof and construction of fixtures as deemed necessary in the cemetery. There shall be deposited in the fund the portion of the burial right fees as established from time to time by resolution of the city council. The sum total of these monies deposited and interest accrued thereon shall be used solely for the purposes of capital improvement or expansion of the cemetery. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-9].

12.15.080 – Regulations Governing Access & Conduct

It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place. The following regulations shall be enforced:

- A. No loud, boisterous or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the cemetery, or which is marked by intensity or volume of sound, will be permitted within the environs of the cemetery.
- B. No alcoholic beverages of any kind will be permitted within the environs of the cemetery.
- C. Loitering is not permitted within cemetery grounds.
- D. Peddling or soliciting the sale of any commodity within the cemetery will not be permitted.
- E. Placing of signs or notices of advertisements of any kind within the cemetery will not be permitted.
- F. Brandishing or discharging firearms within the cemetery except by any military escort accompanying a veteran's funeral or attending memorial services will not be permitted within the environs of the cemetery. [Ord. 02-17-2015A § 1; Ord. 08-19-2014B § 1; Ord. 05-05-2009. Code 2000 § 12-3-13].
- G. Traffic regulations:
 - a. It shall be unlawful to drive or park any vehicle over or across any lawn area or lot within the confines of the cemetery.
 - b. Only vehicles and equipment that have been approved by the city manager, or his representative, may traverse any lawn area.
 - c. No motorcycles will be permitted within the environs of the cemetery, except those being involved with a funeral cortege.
- H. Defacement or littering of cemetery:
 - a. It is unlawful for any person to injure, molest, deface, or otherwise damage or remove any headstone from its foundation, curbing, urn, monument, tree, shrub, flowers, funeral flowers, floral pieces, vases and containers, or any other property in the cemetery. This section shall not apply to the city manager or employees of his representatives who are performing their assigned work. This section shall not apply to any person who is removing flowers, vases or containers which such person has placed upon a cemetery burial plot(s) or lot.
 - b. It is unlawful for any person to throw or deposit in any part of the cemetery the carcass of any dead animals, meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance, or any object or substance that detracts from the beauty of said cemetery.
 - c. Any person(s) convicted of the above actions will be responsible for payment of the cost and expenses involved to restore the property to its original state. [Ord. 02-17-2015A § 1; Ord. 05-05-2009. Code 2000 § 12-3-14].
- I. Animals in cemetery:
 - a. It shall be unlawful for any person to take any animal into the cemetery or permit any animal owned or in the custody of such person to enter the cemetery, except an animal kept in the confines of a vehicle will be allowed only if such animal is retained within the confines of said vehicle, while the vehicle remains in the cemetery. [Ord. 05-05-2009. Code 2000 § 12-3-15].

12.15.090 – Sale of Burial Rights

- A. The city is hereby authorized to sell the use of burial plot(s) in the cemetery for interment purposes only and to collect all sums arising from such sale. The city shall keep a complete record of all sales, which record shall describe the location of the burial plot(s) purchased and the price paid therefor. The purchaser shall receive a receipt describing each right of use so purchased, together with the amount paid and the balance, if any. The city shall retain a duplicate copy in the cemetery receipt book.
- B. The city council may establish by resolution the burial right fee for all cemetery lots or parts thereof and may include the perpetual care fee on said lots or parts thereof.
- C. It shall be unlawful for any person to bury the remains of a deceased person in the cemetery without first paying in advance, and before the opening of the plot to be occupied, the full cost for use of said plot.
- D. A burial right certificate shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for any cemetery services.
- E. Burial rights to any plot or lot may be transferred, conveyed, or assigned by the purchaser or certificate holder to any person. Burial rights to any plot or lot shall not be sold except to West Point City. The city hereby agrees to buy back the use of any plot or lot for the original price paid or 50 percent of the current value, whichever is greater. All transfers and conveyances must be notarized and documented with West Point City.
- F. Whenever plots or lots are transferred, or revert to the city, or become vested in the municipality for any reason, the original certificate shall be canceled, and the record shall be so changed before new certificates are issued. A transfer fee as set forth from time to time by resolution of the city council shall be paid to the city recorder for such transaction. The city shall be the sole judge of the size of the plot or the number of plots to be sold to any person or family.
- G. No work may be performed until all fees are paid. Plots may be purchased in advance, but residential status will be determined at the time of interment based on the residential status of the deceased at the time of death, and nonresident rates may apply. All other fees must be paid at the time of interment.
- H. In the event the city or any party desires to exchange one plot(s) inside the cemetery with another plot(s), they may do so by informing the city of their desire and paying for the certificate transfer fee.
- I. The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery or a section or sections, from time to time, including the right to modify or change the locations of or remove or re-grade roads, drives, walks, or any part thereof, is hereby reserved. The right to lay, maintain, operate, alter or change pipelines for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners or plots reclaimed for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-7].

12.15.100 – Interments

- A. Nothing other than human remains shall be interred within the West Point City cemetery, and no cemetery shall be established without the express written permission of the city council.

- B. Before burying human remains in the cemetery, there shall be procured from the cemetery office an interment order for the deceased person in such plot, lot, block and plat as may be designated by the responsible party. This order must be executed 48 hours prior to the scheduled funeral service.
- C. Under no circumstances will the city assume responsibility for errors in opening graves when orders are given by telephone or for any mistake occurring from want of precise and proper instructions as to the particular plot, size of grave, and location where interment is desired.
- D. Funeral directors must schedule the use of the cemetery, have the interment order signed, and have fees paid in full before arrangements with the family are concluded.
- E. No person, except the certificate holder of a lot upon which interment is to be made, shall use a plot or lot in the cemetery, without first obtaining written permission from the certificate holder of said lot, or nearest relative of the certificate holder thereof, or legal heirs, which permission shall be filed with the cemetery office.
- F. No interment of two or more bodies shall be made in one grave except in the case of a parent and child buried in one casket, two infants buried in one casket, or an urn and casket as approved by the city manager or his designee.
- G. The human remains must be delivered to the cemetery at or before 3:00 p.m. for interment if the grave is to be filled in with earth the same day.
- H. There shall be no interments on Sundays or the legal holidays of New Year's Day, Memorial Day, Independence Day, Pioneer Day, Thanksgiving Day and Christmas Day.
- I. Burial spaces are placed in rows with the head of the grave at the west and the foot of the grave at the east. The grave marker is placed at the west end of the burial space.
- J. All remains placed within a full-size casket shall be placed in a vault made of concrete, stone, or metal (copper, steel, bronze, etc.) that is twelve (12) gauge or heavier. Infant caskets and urns may be also be placed in a vault made of reinforced polyethylene material. All vaults must be sealed.
 - a. Cremated remains placed in urns made of concrete, stone, metal (copper, steel, bronze, etc.), or reinforced polyethylene material and able to be sealed are not required to be placed in a vault.
- K. The dimensions of a full-size vault must not exceed 40 inches wide x 90 inches deep x 40 inches tall (40" x 90" x 40"), unless pre-authorization is received from the city manager or his designee.
- L. Cremated remains that are placed in an urn are not required to be placed in a vault if the urn is constructed of concrete, stone, metal, reinforced polyethylene material, or substantially similar material that is pre-approved by the city manager or his designee. All urns must be sealed.
- M. A portion of the cemetery is designated for the burial of infants and urns subject to the following regulations:
 - a. All burials therein must meet the same requirements as outlined in regards to vault or urn material. All urns and vaults placed in this section must not exceed 48 inches wide x 48 inches deep x 25 inches tall (48" x 48" x 25"), unless pre-authorization is received from the city manager or his designee.
 - b. All grave markers therein must not extend above the level of the ground.
- N. No grave will be opened in the cemetery until the interment fee, burial right fee and other applicable fees, as established from time to time by resolution of the city council, are paid in full. The interment fee is solely determined by the residential status of the deceased at the time of death and not by the person(s) who assumes responsibility for paying for interment. The city may make other arrangements as approved by the city manager.

- O. Once a casket containing the human remains is within the confines of the cemetery, no funeral director nor his embalmer, assistant, employee, agent, or any other person shall be permitted to open the casket or to touch the body without the written consent of the legal representative of the deceased or any order signed by a court of competent jurisdiction.
- P. West Point City employees designated by the city manager are the only persons who will be permitted to open graves with the following exceptions:
 - a. When the cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the city.
 - b. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the cemetery office his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by the coroner or his lawful agents. City employees will not be permitted to assist the coroner or his agents.
- Q. The city will not be liable for the identity of the person to be interred.
- R. The city council, with the advice of the city manager, may designate a portion of the cemetery for the burial of indigents. A burial of an indigent in the cemetery must be approved and administered by current policy as set forth by Davis County in conjunction with local morticians prior to interment.
- S. Certificate holders shall not allow interments in their plots or lots in return for remuneration of any kind.
- T. Persons responsible for the deceased will have full liability for the remains of the deceased when it enters the grounds of the cemetery and will have complete charge of those remains and will cause the deceased to be lowered into the grave site. After this has been accomplished, the city will take charge of the remains and will proceed thenceforth with the closing of the grave.
- U. The city has the perpetual right of ingress and egress over any part of the cemetery burial plat areas and shall use reasonable care in protecting all existing turf, markers, monuments, grave flowers, grave decorations, trees or existing shrubbery in order to cause the opening and closing of graves with the required vehicles, equipment, tools and personnel.
- V. Saturday services will be charged an additional fee as set forth by resolution of the city council in addition to the standard interment fee.

12.15.110 – Disinterment

- A. No person shall disinter any human remains in the cemetery, except under the direction of the city manager. All disinterments shall comply with applicable state law.
- B. The order for disinterment shall include the name of the deceased, when and where born, when and where the place of death occurred, together with the name of parents and spouse, also the date of burial, as well as the name of the cemetery, with the initial letter of the plat, as well as the number of block, lot and burial plot number, and the place of destination if disinterred and transferred beyond the environs of the cemetery.
- C. If the disinterment is to be transported outside the environs of the cemetery, the cemetery office shall require a written order for disinterment together with a burial transit permit from the Davis County department of health to be executed by the certificate holder or his heirs authorizing such removal at least one week prior to the day of the disinterment.
- D. The city assumes no responsibility whatsoever for the condition of any casket or vault involved in any removal.

- E. It shall be unlawful for any person to remove the body of a person who has died of a contagious disease within two years from the date of burial unless the body has been buried in a hermetically sealed coffin, or vault, and is found to be so encased at the time of removal.
- F. Fees for disinterments will be charged according to the work involved, with a base fee established by the city council.
- G. The cemetery reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterments or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the cemetery office, or, in the sole discretion of the cemetery office, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the disinterment of the remains of any person in such property, the cemetery reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.
- H. In the event of disinterment, the right to burial of said plot(s) reverts to the city and the value at time of purchase will be applied to re-interment, if in the West Point City cemetery. [Ord. 02-17-2015A § 1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-6].

12.15.120 – Monuments & Markers

- A. The certificate holders for spaces or relatives of the deceased person(s) buried in the cemetery may not install or remove, or cause the installation or removal of, any type of permanent marker or monument on any grave space(s) without first obtaining the approval of the city.
- B. Permanent grave markers and monuments shall either be flush with the ground or no taller than 36 inches in height, except for the portion of the cemetery designated specifically for the burial of infants and urns. All grave markers located in the infant and urn section of the cemetery must be flush with the ground. Secondary markers must be flush with the ground.
- C. Permanent grave markers shall have and be set in a finished, grass-level cement base or apron (commonly known as a mow strip) extending outward from the outer perimeters of the stone or metal grave markers for at least six inches (6") and be at least four inches (4") in depth., The purpose of the mow strip is so that the lawn may be cut conveniently without contact to the headstone or marker.
- D. The combined length (extending north/south) of the mow strip and grave marker shall not be longer than 46 inches (46") for a single headstone and 92 inches (92") for a double headstone. The combined length (extending west/east) of the mow strip and grave marker shall not be longer than 40 inches (40"). At the discretion of the city manager or his representatives, headstones deemed oversized shall be moved by a monument company at the expense of the monument owner.
- E. The inscription with the name(s) of the deceased on all grave markers in the cemetery shall be inscribed so that a person may be able to read the inscription from left-to-right when facing east. Exceptions may be pre-approved by the city manager or his designee.
- F. Permanent holes in the mow strips for placement of flower vases, shepherd hooks, and similar items are allowed on the north and/or south mow strips of the grave marker. The outer edge of the hole must be within four inches (4") of the grave marker. Holes shall be flush with the ground.

- G. The installation of all permanent grave markers or monuments will be under the supervision of the city. A notice to the cemetery office by the monument company or responsible party must be made at least 24 hours prior to the installation.
- H. All permanent grave markers and monuments shall be set with the outside west edge of the burial space on the marker placement line as established by the city (including mow strip).
- I. Temporary Markers. One temporary grave marker shall be permitted per burial plot for a maximum of six months from date of interment, or as otherwise approved by the city manager. The temporary grave marker shall not exceed 18 inches in length (extending north/south) and 18 inches in height. Temporary grave markers must be attractive and made of durable material to withstand the elements.
- J. Failure to comply with the above regulations for grave markers and monuments will justify the city in refusing the placement of said markers or monuments. Any and all costs involved with altering said markers in order to comply with the above regulations will be borne by those having ordered said markers.
- K. Before any marker or monument may be placed on any plot(s), the full purchase price for use of said plot(s) must be paid in full whether or not the plot(s) are occupied with human remains. [Ord. 02-17-2015A § 1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 10-19-2010 § 2; Ord. 05-05-2009; Ord. 01-15-2008 § 1. Code 2000 § 12-3-10].

12.15.130 – Decoration and Maintenance of Graves

- A. Decorations are subject to the following restrictions at all times:
 - 1. No person(s) shall erect a fence, coping, or corner post, or plant trees, flowers, shrubbery, hedges, or other boundary marker or obstruction upon any burial plot(s) or lot, nor grade the ground thereof. Any such obstructions in the cemetery shall be removed under the direction of the city manager. Nothing in this section shall prohibit the planting and maintaining of trees, shrubs, flowers, bushes, fences and other installations by the city manager in his official capacity. [Ord. 02-17-2015A § 1; Ord. 05-05-2009. Code 2000 § 12-3-16].
 - 2. All decorations must be within at least two inches (2") of the mow strip of the primary grave marker, with the following exception:
 - a. Funeral flowers, floral pieces, or decorations may remain on the grave space for two (2) weeks following the interment. These be removed and discarded without notice when they become unsightly or after two weeks, whichever may occur first.
 - 3. In no case may decorations encroach onto other positions or graves.
 - 4. Perishable food items placed on a monument or marker shall be removed within 48 hours and may only be placed upon the monument or marker and shall not encroach onto other positions or graves.
 - 5. Items from any food consumed in the cemetery (containers, utensils, leftovers, etc.) shall be removed immediately after consumption. Patrons should take care to honor the sanctity of the cemetery and assist in all efforts to maintain a clean and well-groomed sanctuary in respect of the loved ones interred.
 - 6. No alcohol, cigarettes, drug paraphernalia, etc., shall be brought into the cemetery or placed upon any monument or marker.

7. Decorations may not exceed 48 inches in height, measured from the ground to the top of the decoration, except as provided in this section.
 8. Helium-filled balloons may exceed this height but may be removed at any time by city officials after forty-eight (48) hours.
 9. 4. A total of two shepherd's hooks may be placed on the north and/or south of the grave marker but must be within two inches (2") of the mow strip. Permanent holes for shepherd's hooks may also be drilled into the north and/or south mow strips within four inches (4") of the grave marker. Shepherd's hooks are not permitted on secondary markers. Shepherd's hooks, including decorations placed thereon, may not exceed forty-eight inches (48") in height.
- B. Decorations are subject to the following restrictions during the mowing season (annually beginning April 1 and ending October 1):
 1. Glass, porcelain or otherwise fragile decorations, such as solar lights, are not permitted to be placed upon any position or grave within the cemetery. If such items are placed, the city is not responsible for any damage caused and items may be removed and discarded at anytime without notice.
 2. Decorations may be placed upon monuments or markers but may not protrude in such a manner as to interfere with the maintenance of landscaping.
 3. Any decorations placed upon the mow strip may be removed and discarded by city officials at any time and without notice if such decorations interfere with the maintenance of landscaping.
 4. No decorations or items may be placed on any part of the grave other than the mow strip, monument, or marker, except as provided in subsection (D) of this section.
 5. Secondary, flat markers that are located on a position with a family marker may not have any decorations placed directly on them. Decorations should be placed upon the primary monument.
 - C. A complete cemetery cleaning and detailing will take place twice each year on the first Thursday in May and the first Thursday in October (weather permitting). Before detailing dates, cemetery patrons should remove all decorations they do not want discarded. All grave decorations will be removed and possibly discarded by cemetery officials at that time. Items deemed of value will be stored for one month at the discretion of cemetery officials.
 - D. During the winter months, cemetery maintenance will be performed on an as-needed basis, weather permitting. All grave decorations deemed to be unsightly by cemetery officials will be discarded at any time and without notice.
 - E. Pinwheels, shepherd's hooks and grave decorations that are inserted into the ground shall not extend over or cover any ground that is outside of the area covered by the grave marker. Solar lights are permitted if they are mounted on the concrete mow strip or placed next to the mow strip or headstone, except as prohibited during the mowing season. Other decorations that utilize wires, pegs, glass or other containers that may pose safety hazards shall not be permitted in the cemetery. Arbors are not permitted, nor shepherd's hooks over three feet high. These items or similar items will be removed and discarded by cemetery employees without giving notice.
 - F. Funeral flowers and floral pieces or decorations will be removed and discarded without notice when they become unsightly or after two weeks, whichever may occur first.
 - G. Artificial (dried, silk, or plastic) flowers or grave decorations and any fresh cut flowers are permitted in a sunken vase at any time but will be removed when they become unsightly or during the fall and

spring cemetery maintenance. Flower pots, baskets, holders and grave decorations are permitted on the headstone, shepherd's hooks, or concrete border. No decorations are permitted on the grass except for funerals, Memorial Day, and the winter holiday season.

- H. All holiday decorations must be removed within two weeks following a holiday. If holiday decorations are not removed within two weeks they may be removed and discarded at the city's discretion.
- I. At the sole discretion of cemetery officials, all items that appear unsightly or cause interference with maintenance will be removed and discarded without notice.
- J. G. The cemetery accepts no responsibility or liability, nor will accept any claims against it, for loss or destruction of personal property left in the cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, explosions, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 01-15-2008 § 2. Code 2000 § 12-3-11].

ORDINANCE NO. 09-21-2021A

**AN ORDINANCE AMENDING
SECTION 12.15 OF THE WEST POINT CITY CODE
REGARDING CEMETERY REGULATIONS**

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 amend Section 10.05 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: Adoption of New Provisions & Restructure of Existing Chapters

Title 12, Chapter 15 - *Cemetery* of the West Point City Code is adopted to read as contained in Exhibit A, attached hereto and incorporated by this reference.

Section Two: Severability

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

Section Three: Effective Date

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

DATED this 21st day of September, 2021.

WEST POINT CITY, a Municipal Corporation

By: _____
Erik Craythorne
Mayor

ATTEST:

Casey Arnold
City Recorder

DRAFT

EXHIBIT A

Chapter 12.15 - Cemetery

DRAFT

City Council Staff Report

Subject: Final Plat – Bluff View Subdivision Phases 3
Author: Bryn MacDonald
Department: Community Development
Date: September 7, 2021

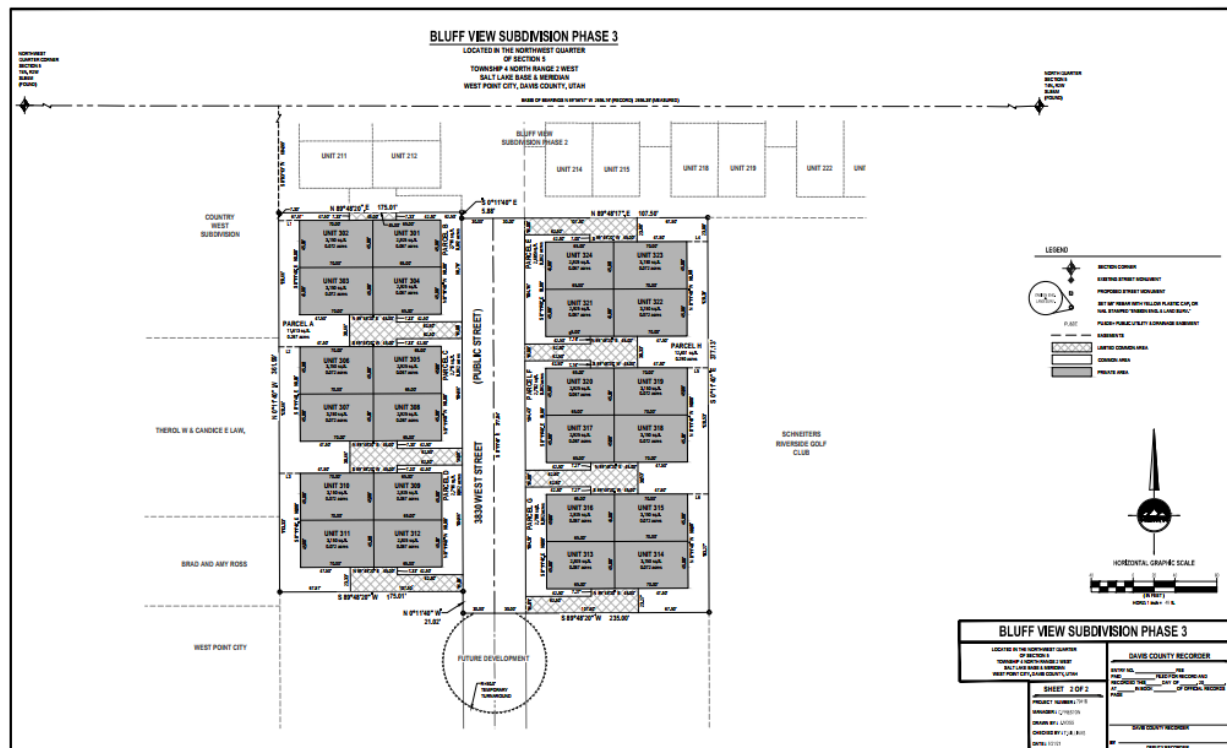


Background

The applicant, NHM8, LLC, is seeking final plat approval for Bluff View Subdivision phase 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.

Attachments

- A. Plans



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'

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.

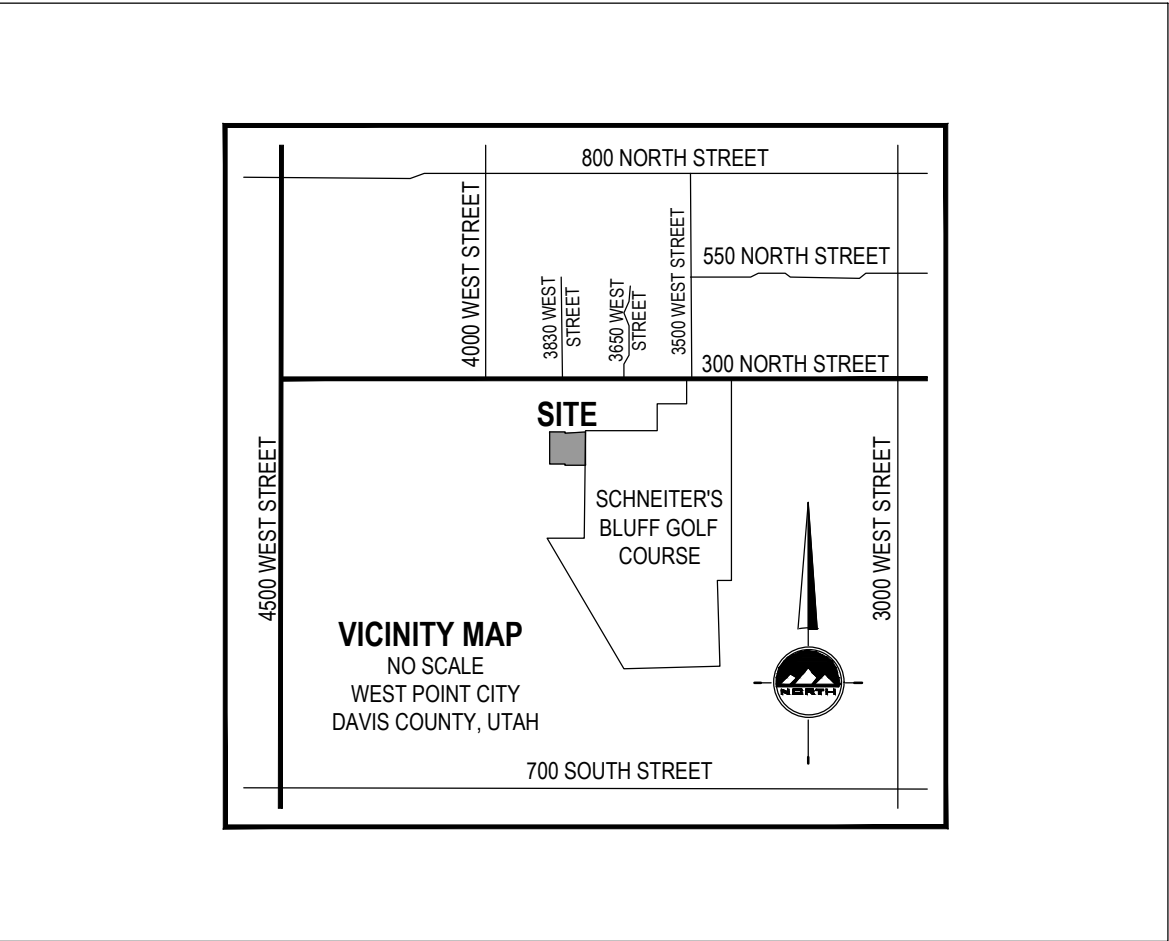
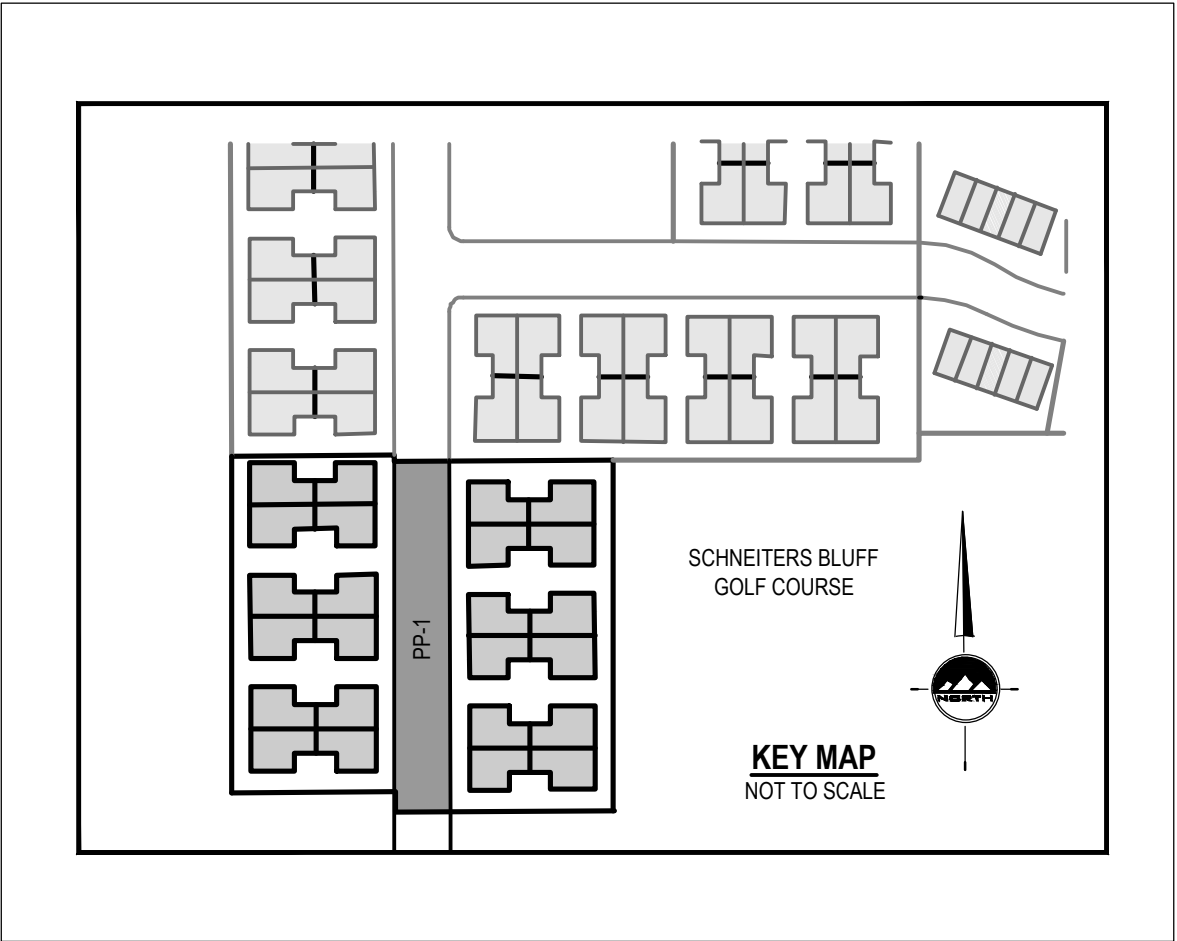
CONTRACTOR FURTHER AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR 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.



GENERAL NOTES

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

APPROVED FOR CONSTRUCTION

BY: _____ DATE: _____
CITY ENGINEER



EN SIGN
THE STANDARD IN ENGINEERING

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

SALT LAKE CITY
Phone: 801.255.0529

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
NWM8, 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



NO.	DATE	REVISION	BY
1		FOR REVIEW	
2			
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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

BASIS OF BEARINGS N 89°56'47" W 2656.16' (RECORD) 2656.35' (MEASURED)

NORTHWEST
QUARTER CORNER
SECTION 5
T4N, R2W
SLB&M
(FOUND)

NORTH QUARTER
SECTION 5
T4N, R2W
SLB&M
(FOUND)

BLUFF VIEW
SUBDIVISION PHASE 2

COUNTRY
WEST
SUBDIVISION

THEROL W & CANDICE E LAW,

BRAD AND AMY ROSS

WEST POINT CITY

(PUBLIC STREET)

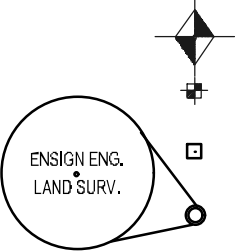
3830 WEST STREET

SCHNEITERS
RIVERSIDE GOLF
CLUB

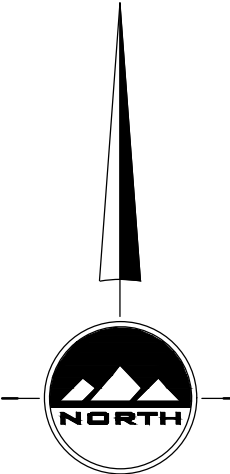
FUTURE DEVELOPMENT

R=50.0'
TEMPORARY
TURNAROUND

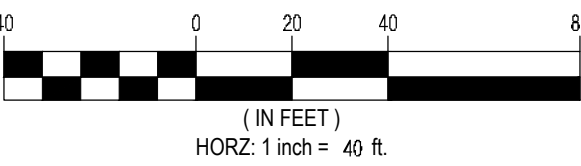
LEGEND



SECTION CORNER
EXISTING STREET MONUMENT
PROPOSED STREET MONUMENT
SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR
NAIL STAMPED "ENSIGN ENG. & LAND SURV."
PLUDE
EASEMENTS
LIMITED COMMON AREA
COMMON AREA
PRIVATE AREA



HORIZONTAL GRAPHIC SCALE



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

DAVIS COUNTY RECORDER

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

SHEET 2 OF 2

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

DAVIS COUNTY RECORDER
BY _____
DEPUTY RECORDER

811

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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

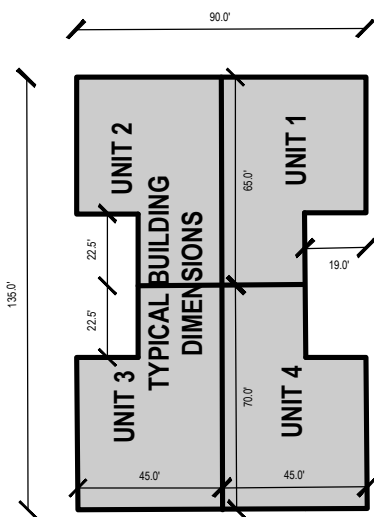
INSTALL 2.5' TYPE "A" CURB & GUTTER PER APWA PLAN # 205 (TYP)
- 3

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



LAYTON

919 North 400 West
Layton, UT 84041
Phone: 801.547.1100

SALT LAKE CITY

Phone: 801.255.0529

TOOELE

Phone: 435.843.3590

CEDAR CITY

Phone: 435.865.1453

RICHFIELD

Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
NWM, LLC
P.O. BOX 2020
LAYTON, UTAH 84041
CONTACT:
BRYAN BAYLES
PHONE: 801-634-2129

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



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

811

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BENCHMARK

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- GENERAL NOTES**
- ALL WORK TO COMPLY WITH WEST POINT CITY STANDARDS AND SPECIFICATIONS.
 - ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
 - ALL WORK SHALL COMPLY WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER POSSIBLY INCLUDING, BUT NOT LIMITED TO, REMOVAL OF UNCONSOLIDATED FILL, ORGANICS, AND DEBRIS, PLACEMENT OF SUBSURFACE DRAIN LINES AND GEOTEXTILE, AND OVEREXCAVATION OF UNSUITABLE BEARING MATERIALS AND PLACEMENT OF ACCEPTABLE FILL MATERIAL.
 - THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE EXISTING SOIL CONDITIONS.
 - SLOPE ALL LANDSCAPED AREAS AWAY FROM BUILDING FOUNDATIONS TOWARD CURB AND GUTTER OR STORM DRAIN INLETS.
 - 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.
 - ALL STORM DRAIN INFRASTRUCTURE TO BE INSTALLED PER WEST POINT CITY OR APWA STANDARD PLANS AND SPECIFICATIONS.
 - ENSURE MINIMUM COVER OVER ALL STORM DRAIN PIPES PER MANUFACTURER'S RECOMMENDATIONS. NOTIFY ENGINEER IF MINIMUM COVER CANNOT BE ATTAINED.
 - THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
 - NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE, ASPHALT, OR STORM DRAIN STRUCTURES OR PIPES.
 - THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
 - ALL LOTS WILL BE GRADED TO DRAIN FRONT YARDS TO THE PUBLIC STREET AND SIDE/REAR YARDS TO THE YARD BOX AT THE BACK OF THE LOT.
 - ALL OPEN IRRIGATION DITCHES ON THE SITE ARE TO BE REMOVED OR ABANDONED.

EN SIGN

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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FOR:
NWM8, 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

CHADRON HESS PRESTON

NO.	DATE	REVISION	BY
1		FOR REVIEW	
2			
3			
4			
5			
6			
7			
8			

PROJECT NUMBER

7941B

PRINT DATE

6/21/21

DRAWN BY

J.MOSS

CHECKED BY

C. PRESTON

PROJECT MANAGER

C. PRESTON

C-200

West Point City Council

42

September 7, 2021

City Council Staff Report

Subject: Impact Fee – Storm Drain
Author: Boyd Davis
Department: Engineering
Date: September 7, 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.

Recommendation

Staff recommends approval of ordinance 09-07-2021A which will adopt the impact fee analysis and set the fee at \$3674/acre

Significant Impacts

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

Attachments

Draft Impact Fee Analysis
Draft Capital Facilities Plan
Ordinance 09-07-2021A



WEST POINT CITY, UTAH

STORM WATER IMPACT FEE ANALYSIS (IFA)

NOTICE
DRAFT

3200 WEST 300 NORTH
WEST POINT, UT 84015

PREPARED BY
LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



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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.

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.

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%

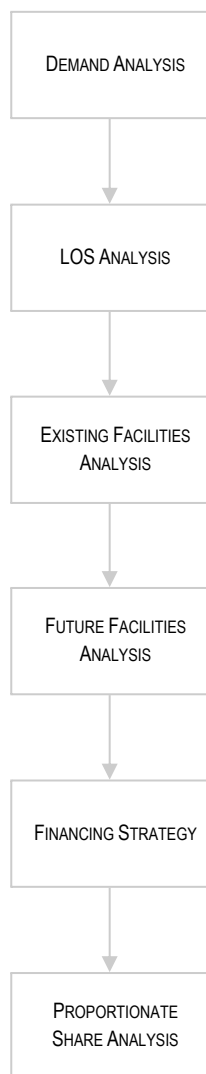
NON-STANDARD STORM DRAIN IMPACT FEES

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

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFA². 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.

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).

²UC 11-36a-301,302,303,304

³ UC 11-36a-302(2)

⁴ UC 11-36a-302(3)

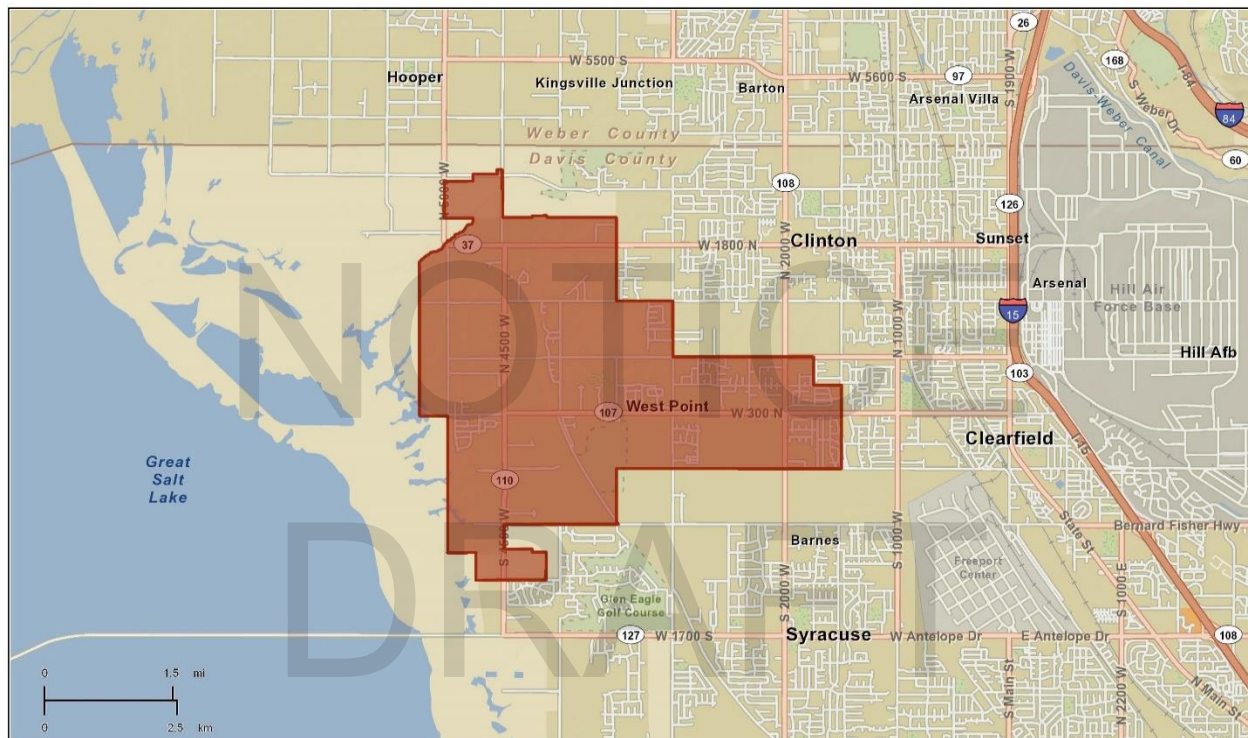
SECTION 3: OVERVIEW OF SERVICE AREA AND DEMAND ANALYSIS

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

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

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

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 11-36a-102(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.

NOTICE
DRAFT

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

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 Act¹¹ 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).

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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APPENDICES

- A. PROJECTS**
- B. STORM DRAIN AND LAND DRAIN MAPPING SYSTEM**
- C. AUTODESK STORM AND SANITARY SOFTWARE**

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 buildout¹. 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 buildout¹ 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 from 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 \$4,280,160¹. 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 table¹:

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

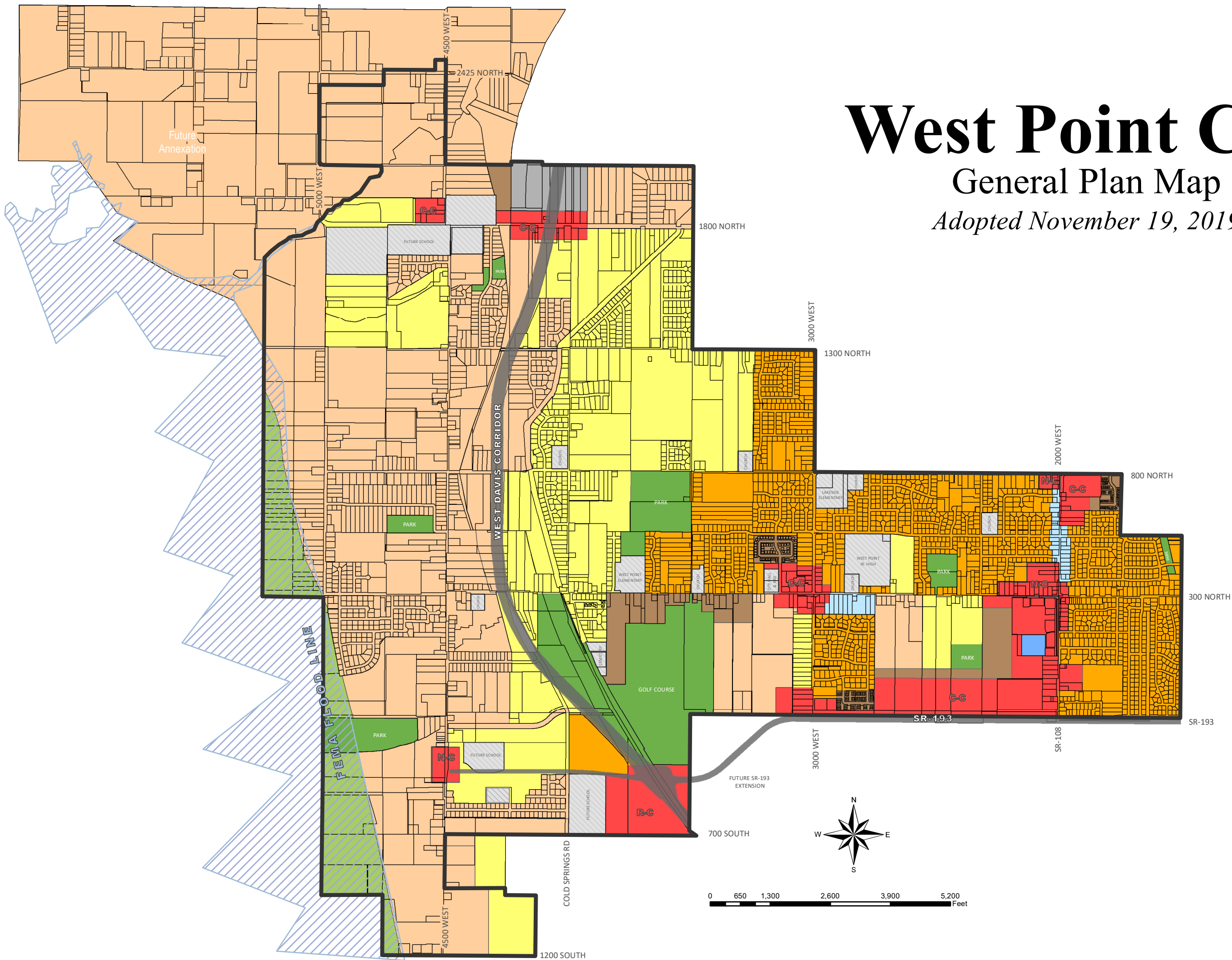
¹ Units-per acre density multipliers were provided by the City.

*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 UNIT 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**



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 2019-2083¹

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.

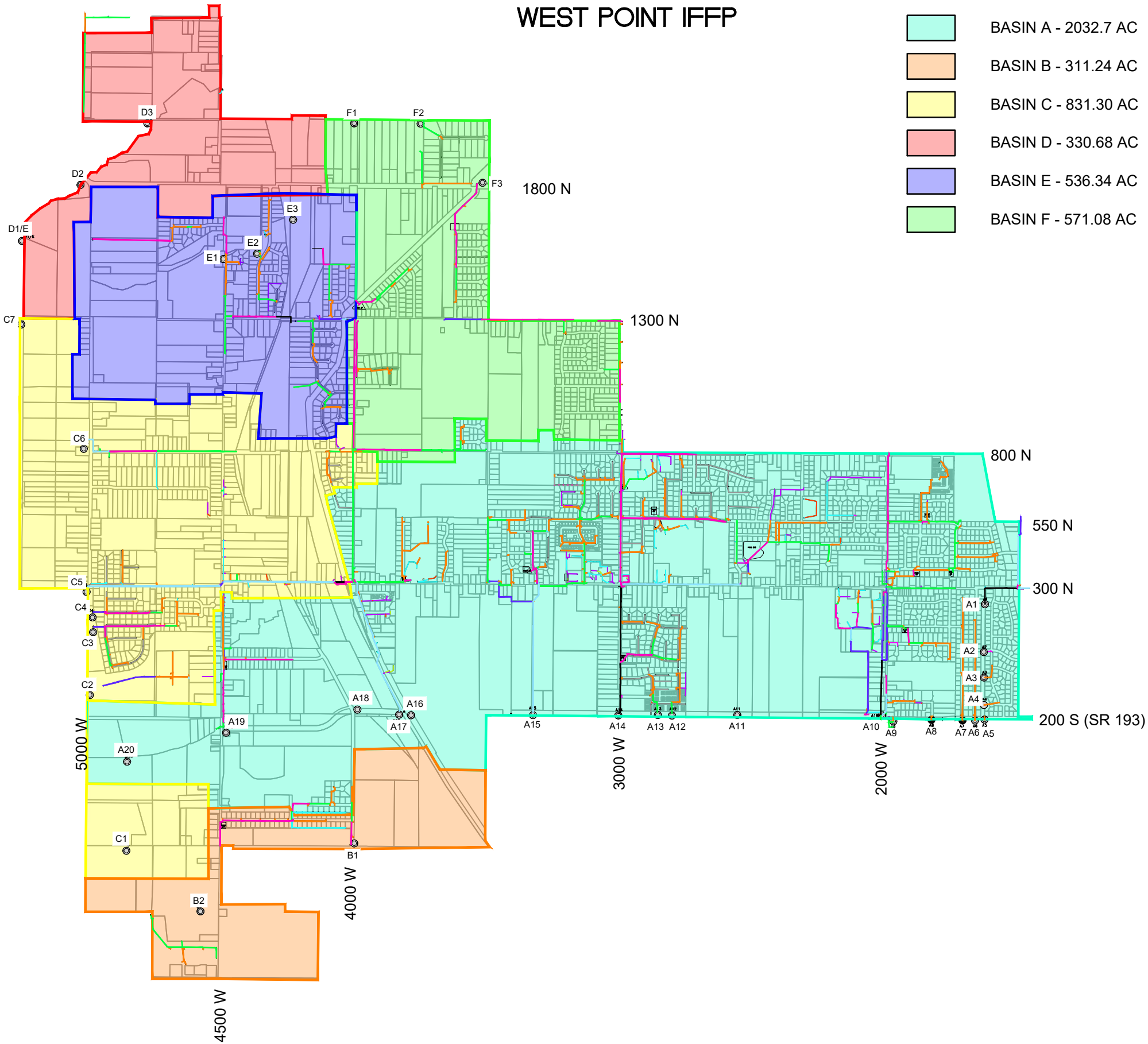
B. Storm Drainage Computer Model

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 identifying 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

OVERALL BASIN MAP
WEST POINT IFFP
PROJECT ADDRESS
CITY, COUNTY, UTAH



**GARDNER
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MUNICIPAL • LAND SURVEYING
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Revisions		Date	3-22-21
Date	Description	Scale	Custom
		Designed	KAN
		Drafted	KAN
		Checked	RC

FIGURE 2

BS1

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 of 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						\$5,178,479
System						\$1,583,599
Improvements						\$272,187
Buy-In Valuation						

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:

➤ **Basin A – Drains to 200 South County Drain**

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.

WEST POINT IFFP

Legend:

- Light Green: Agricultural Land
- Light Pink: Residential/Developed Areas
- Red Hatched: Specific Zones
- Red Line: Roads/Pipelines
- Blue Dashed Line: Project Boundary
- Symbol: A5

Map Labels:

Northings: 1800 N, 1300 N, 800 N, 550 N, 300 N, 200 S (SR 193)

Westings: 5000 W, 4500 W, 4000 W, 3000 W, 2000 W

Parcel Labels: A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, B1, B2, C1, C2, C3, C4, C5, C6, C7, D1/E, D2, D3, E1, E2, E3, F1, F2, F3

DEVELOPED AND UNDEVELOPED
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**

FIGURE 3

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 identify 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

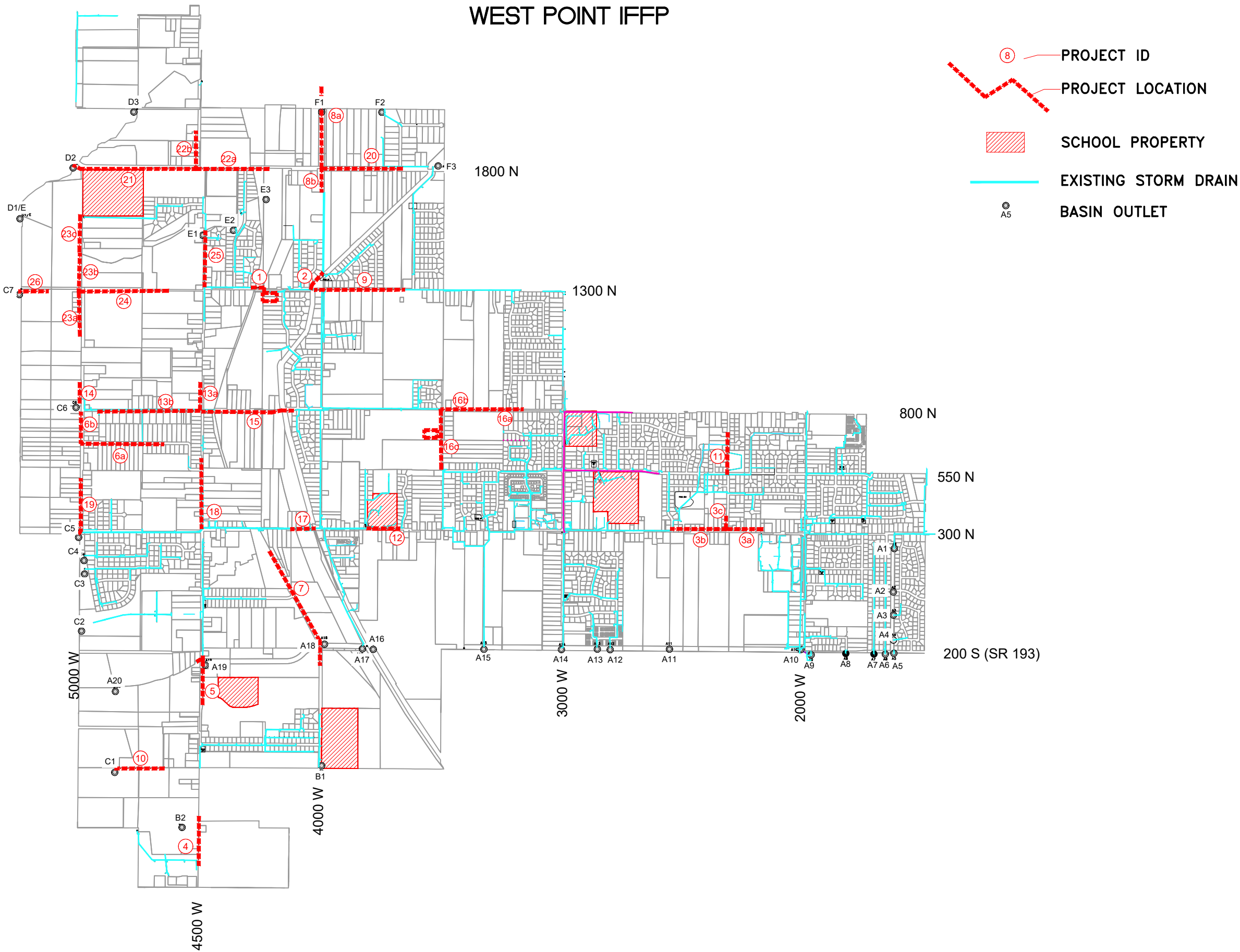
AC:	Acre(s)
CFP:	Capital Facilities Plan
EA:	Each
ft:	Feet
LF:	Linear Feet
SD:	Storm Drain
SS:	Sanitary Sewer
WPC:	West Point City
yrs.:	Years

CAPITAL FACILITIES PLAN PROJECTS 2021

Priority Number	Location	Project Description	% Impact Fee Eligible	TOTAL ESTIMATED PROJECT COST							Page 1	
				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 eliminate retention pond include siphon and piping	50%	\$44,551.81							\$22,275.90	
2	1300 N (west of canal to Existing 48" pipe)	Connect to existing 36" SD 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 determined 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 determined 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 existing 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				

R:\WEST POINT\STORM DRAIN IFFP\2019 DESIGN DWG WESTPOINTSTORMDRAIN2021_KAN.DWG

PROJECT OVERVIEW
WEST POINT IFFP



PROJECT OVERVIEW	Revisions		Date: 3-22-21
	Date	Description	Scale: Custom
			Designed: KAN
WEST POINT IFFP			Drafted: KAN
			Checked: RC
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

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				
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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				
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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				
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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				
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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				
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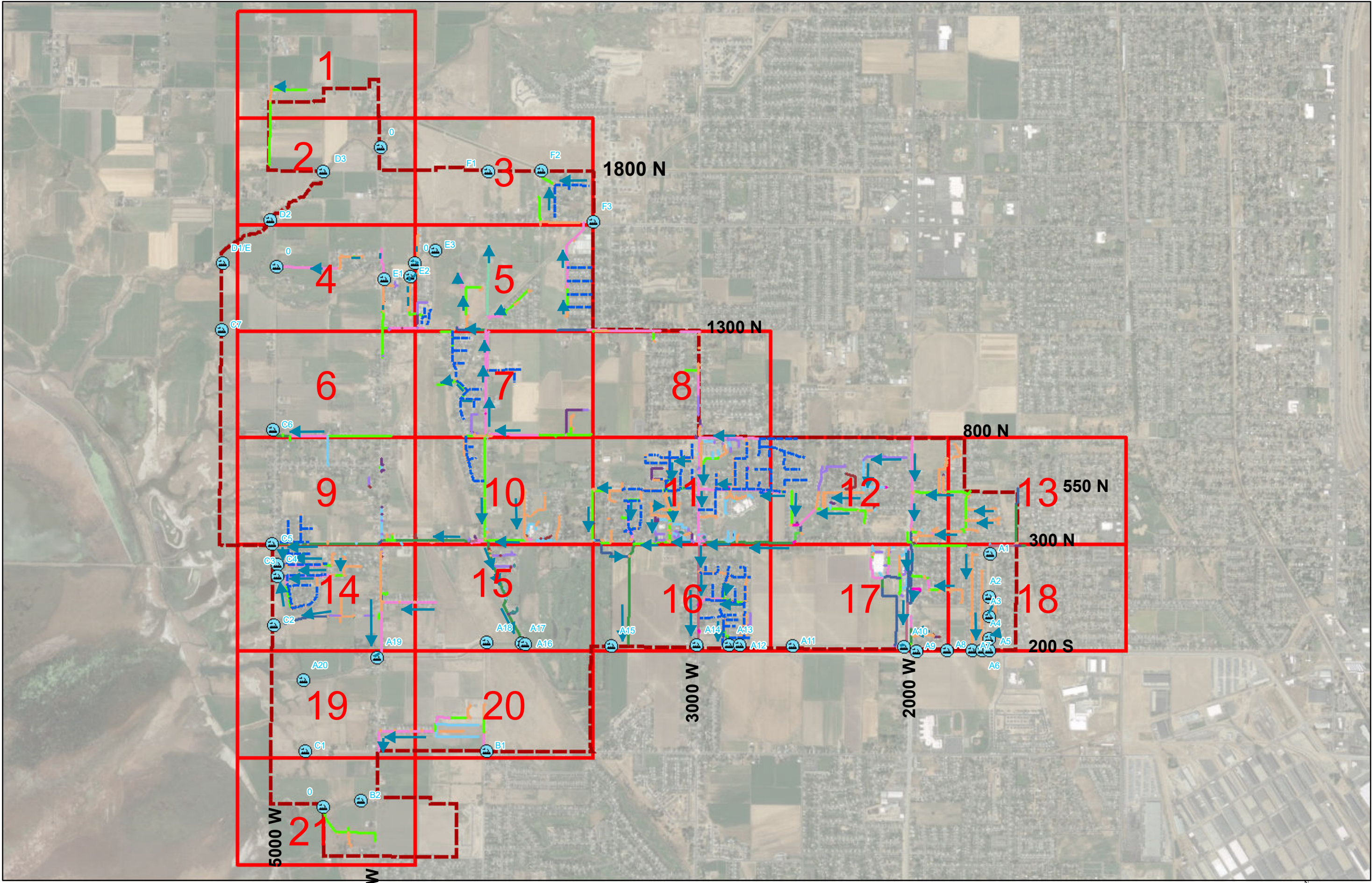
48" RCP					
Description	Quantity	Quantity Per Foot of Pipe	Unit Price	Unit	Total Cost Per Foot of Pipe
48" RCP		1	\$ 200.00	LF	\$ 200.00
Catch Basins w/ Laterals	2 per 500 ft	0.004	\$ 2,500.00	EA	\$ 10.00
SD Manhole	1 per 500 ft	0.002	\$ 3,000.00	EA	\$ 6.00
Pipe Bedding Sand	Full Length - 6"D x 3'W	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

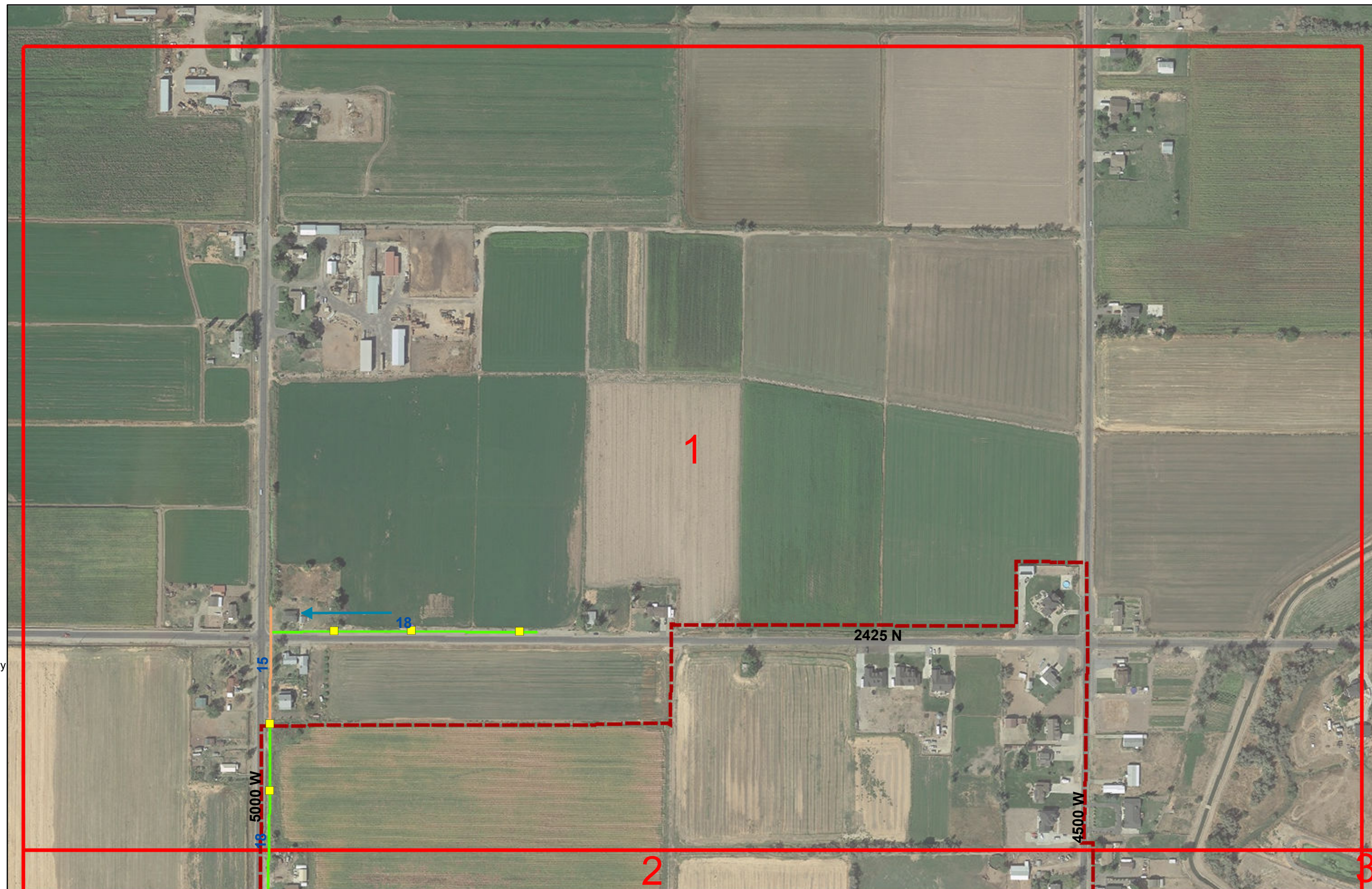
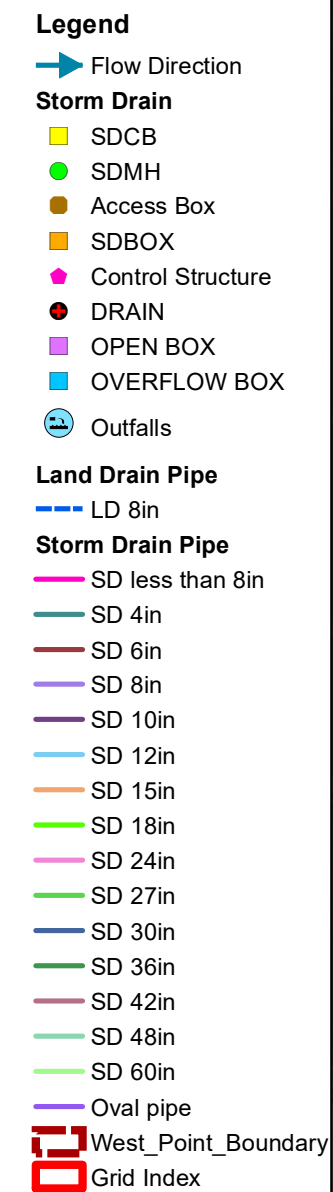
Total	\$ 297.58				
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APPENDIX B

Storm Drain System

West Point Storm Drain Overview





1 inch = 300 feet

A horizontal number line representing distance in feet. The line starts at 0 and ends at 1,200. Major tick marks are labeled at 0, 150, 300, 600, 900, and 1,200. The segments between the tick marks are shaded as follows: the segment from 0 to 150 is black; the segment from 150 to 300 is white; the segment from 300 to 600 is black; and the segment from 600 to 900 is white. The segment from 900 to 1,200 is black. The word "Feet" is written at the right end of the line.



Legend

➔ Flow Direction

Storm Drain

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

Land Drain Pipe

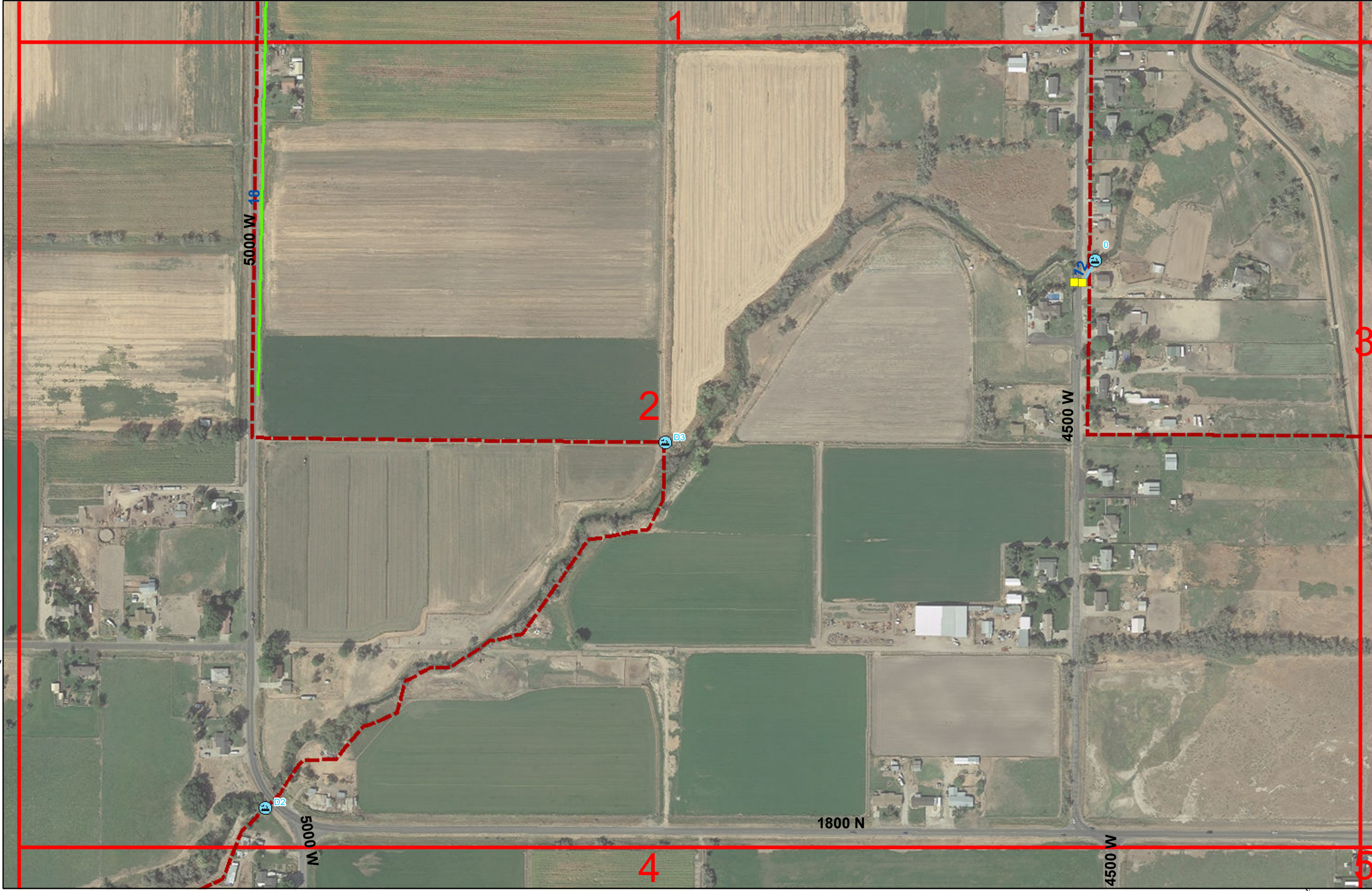
LD 8in

Storm Drain Pipe

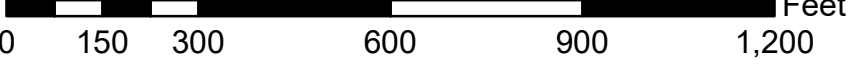
- SD less than 8in
- SD 4in
- SD 6in
- SD 8in
- SD 10in
- SD 12in
- SD 15in
- SD 18in
- SD 24in
- SD 27in
- SD 30in
- SD 36in
- SD 42in
- SD 48in
- SD 60in
- Oval pipe

West Point Boundary

Grid Index



1 inch = 300 feet



2

Legend

➔ Flow Direction

Storm Drain

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

Land Drain Pipe

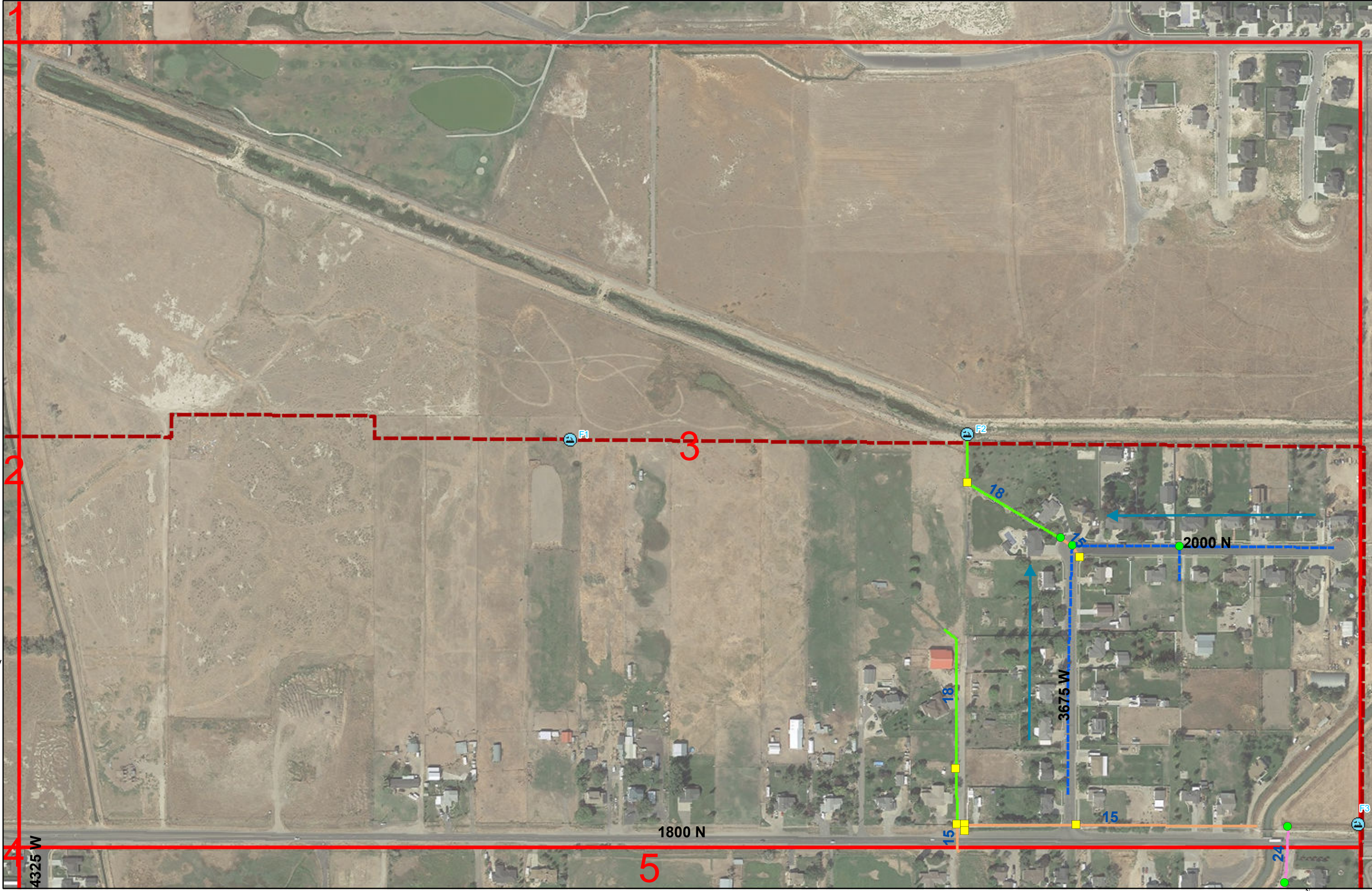
LD 8in

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



3



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

Legend

➔ Flow Direction

Storm Drain

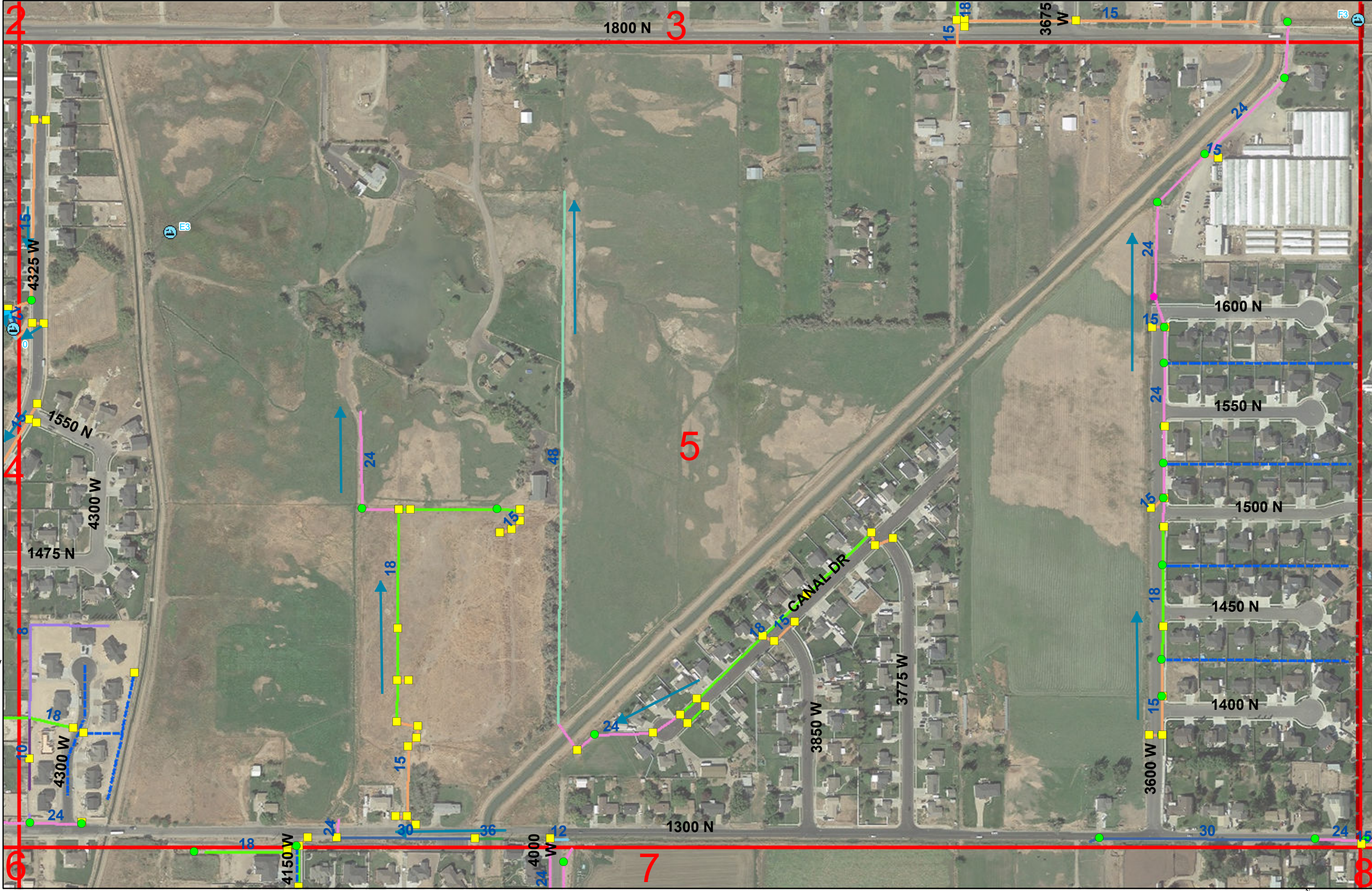
- SDCB
- SDMH
- Access Box
- SDBOX
- Control Structure
- DRAIN
- OPEN BOX
- OVERFLOW BOX
- Outfalls

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



Legend

➔ Flow Direction

Storm Drain

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

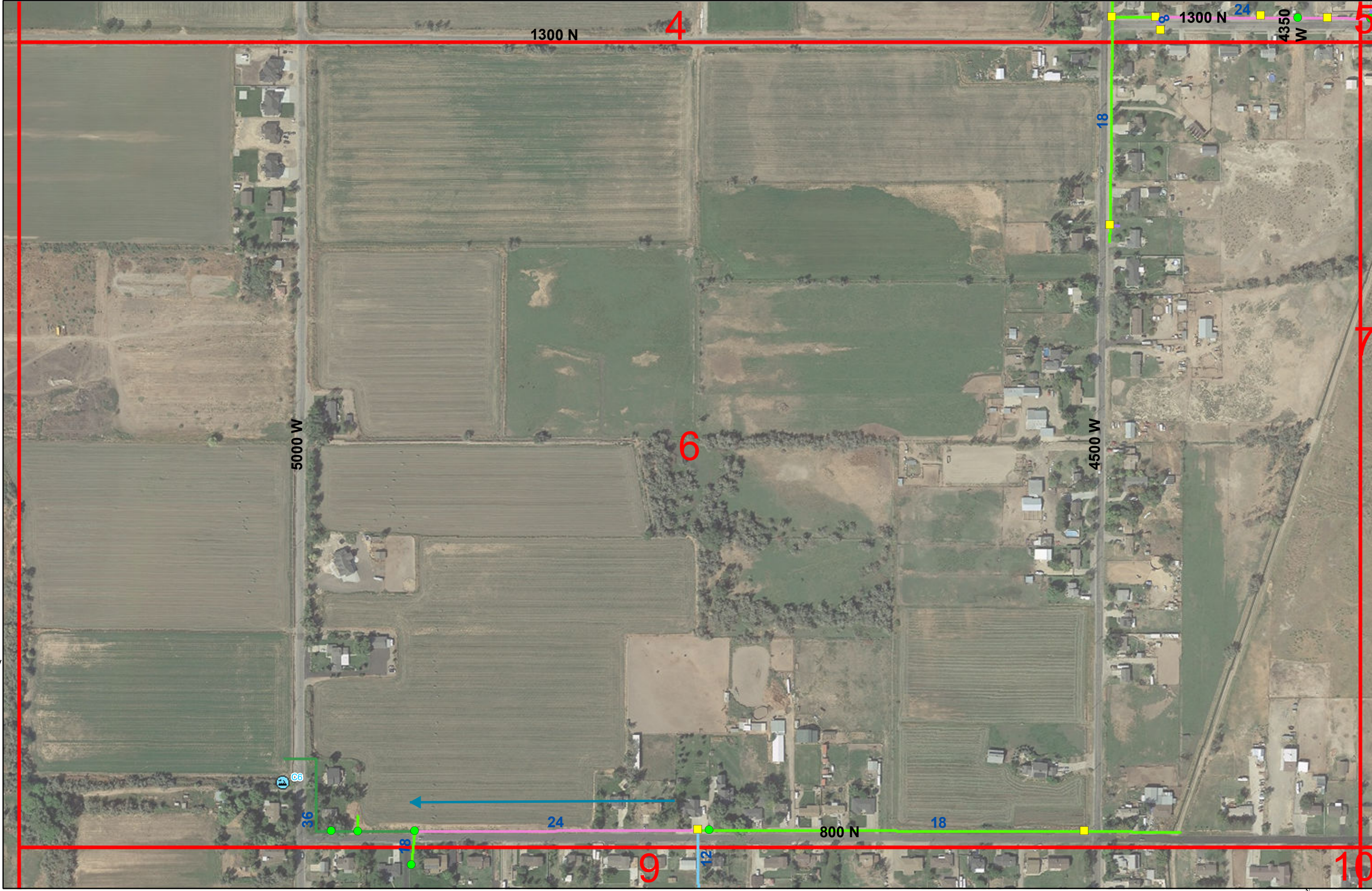
Land Drain Pipe

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



Legend

➔ Flow Direction

Storm Drain

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

Land Drain Pipe

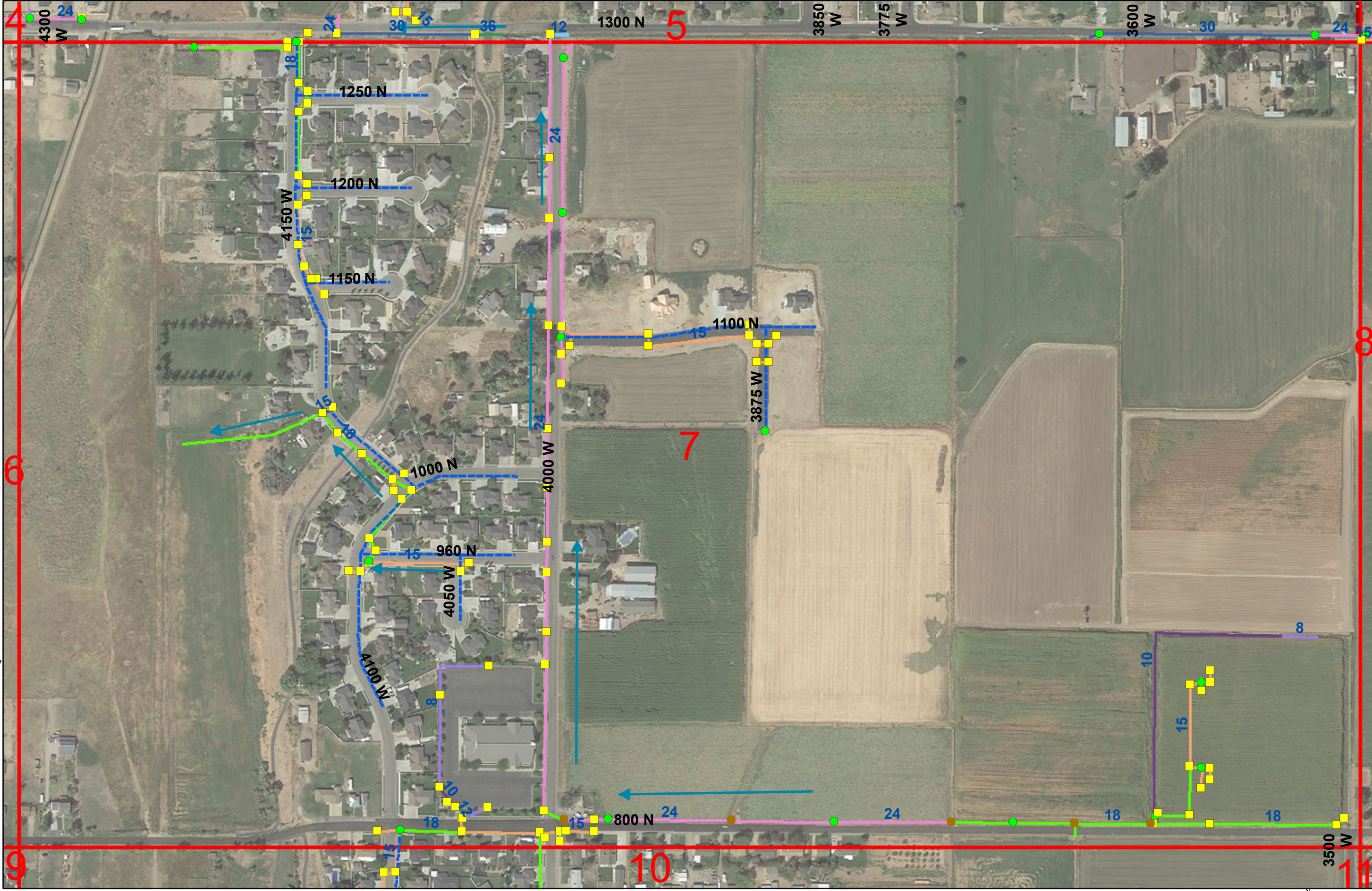
LD 8in

Storm Drain Pipe

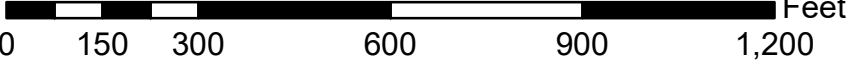
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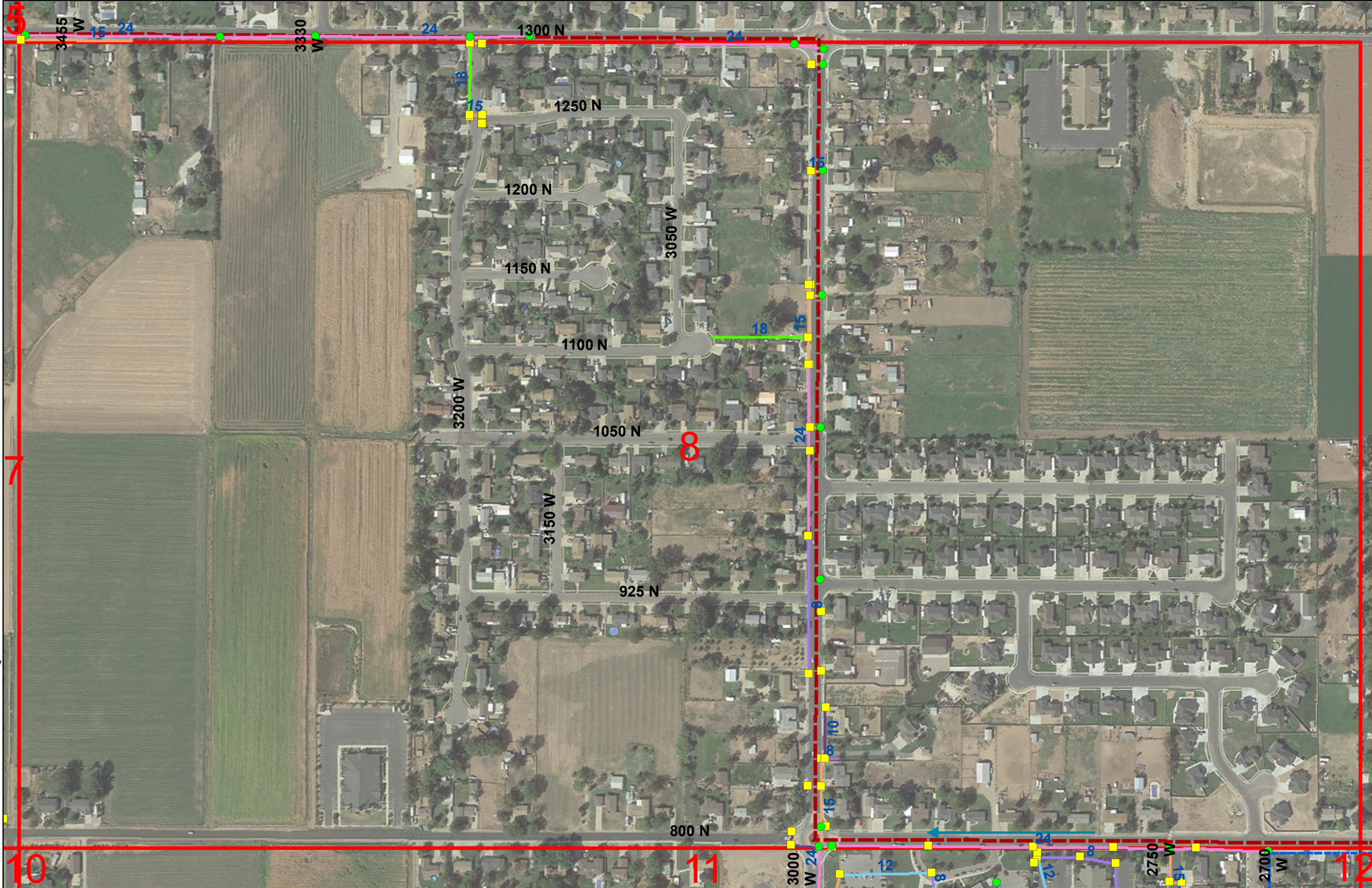
West Point Boundary

Grid Index



1 inch = 300 feet





- Legend**
- Flow Direction
 - Storm Drain**
 - SDCB
 - SDMH
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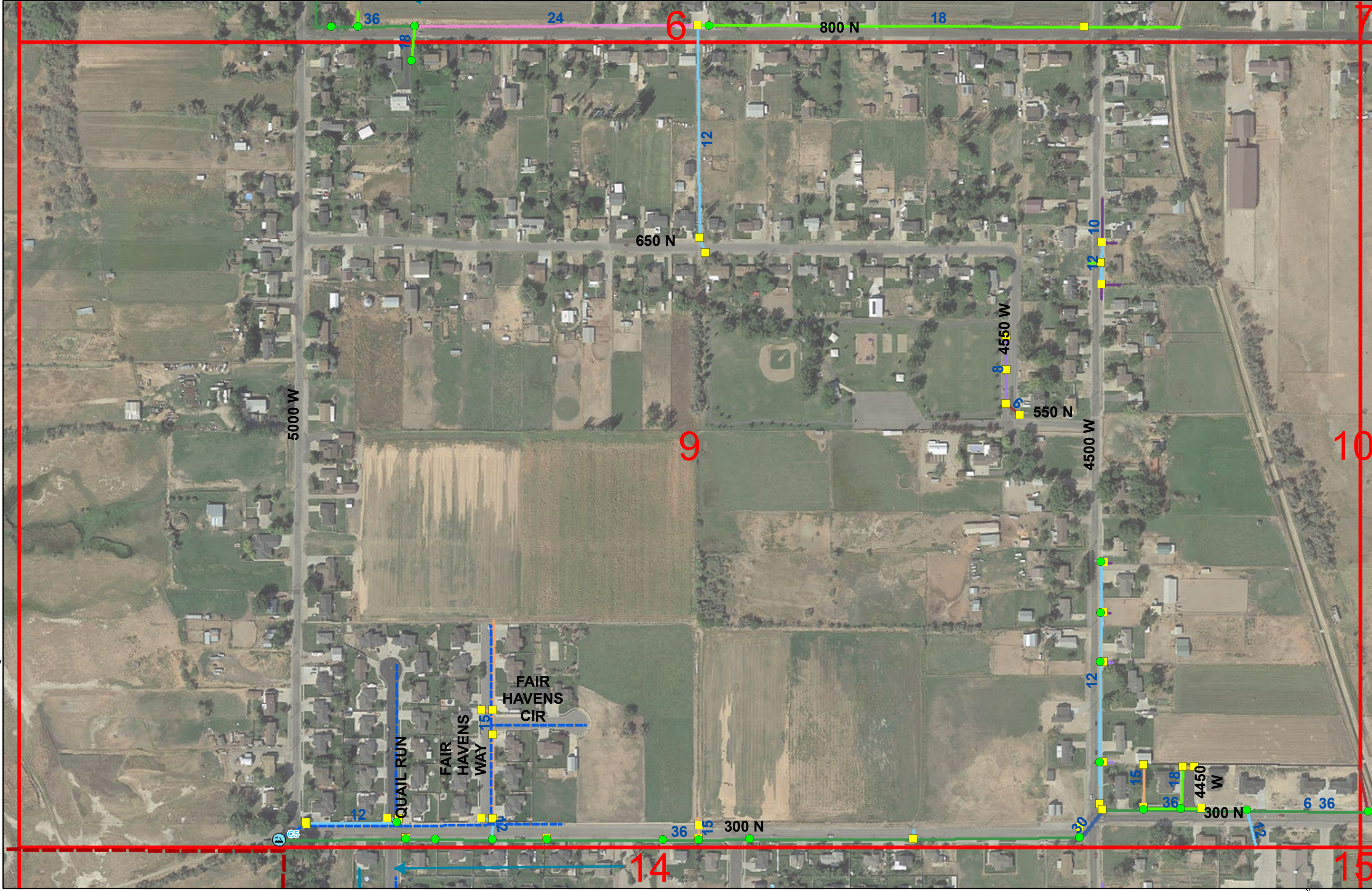
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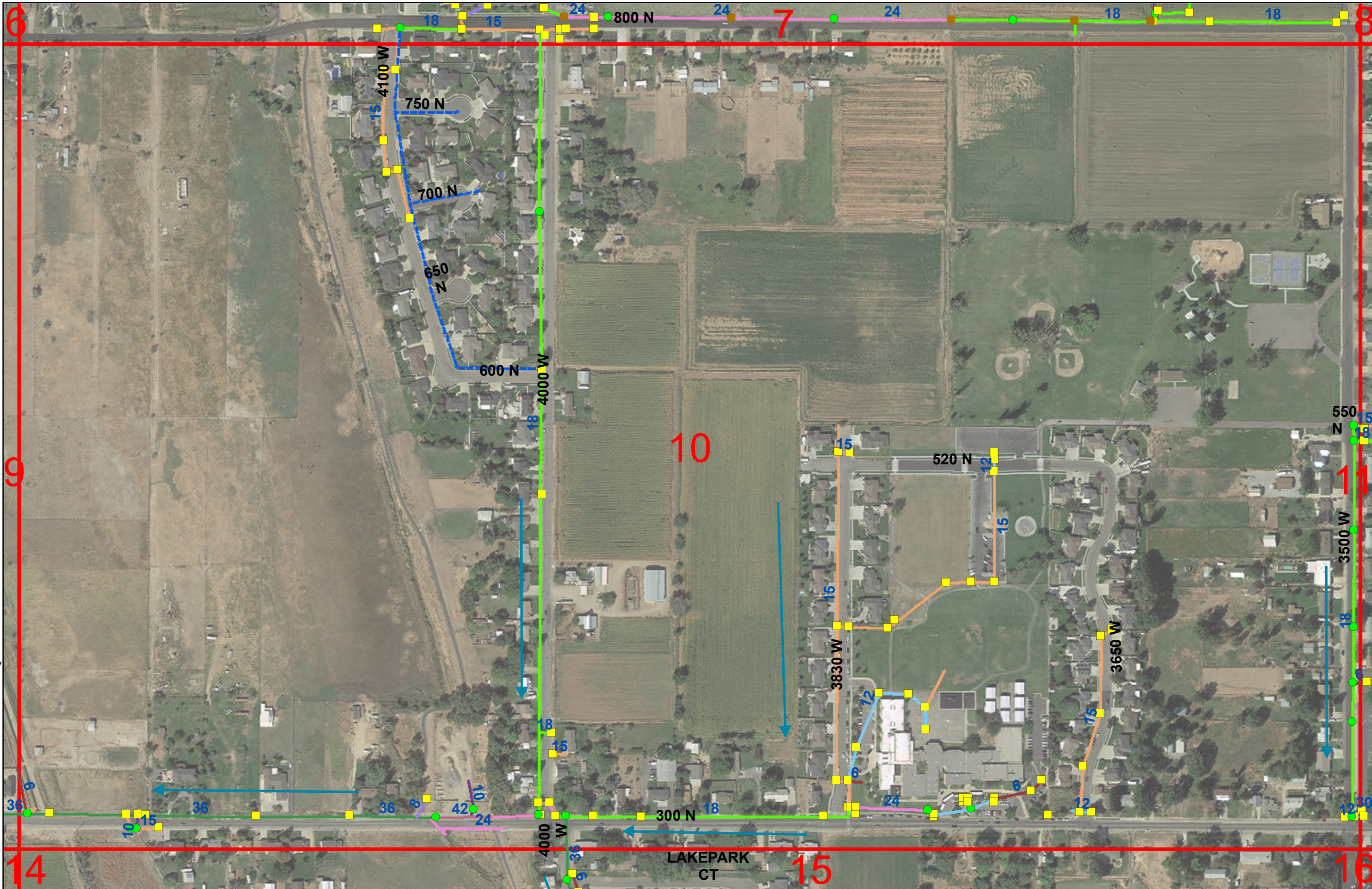
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A horizontal number line representing distance in feet. The line starts at 0 and ends at 1,200. Major tick marks are labeled at 0, 150, 300, 600, 900, and 1,200. The segments between the tick marks are shaded as follows: the segment from 0 to 150 is black; the segment from 150 to 300 is white; the segment from 300 to 600 is black; and the segment from 600 to 900 is white. The segment from 900 to 1,200 is black. The word "Feet" is written at the right end of the line.



Legend

➔ Flow Direction

Storm Drain

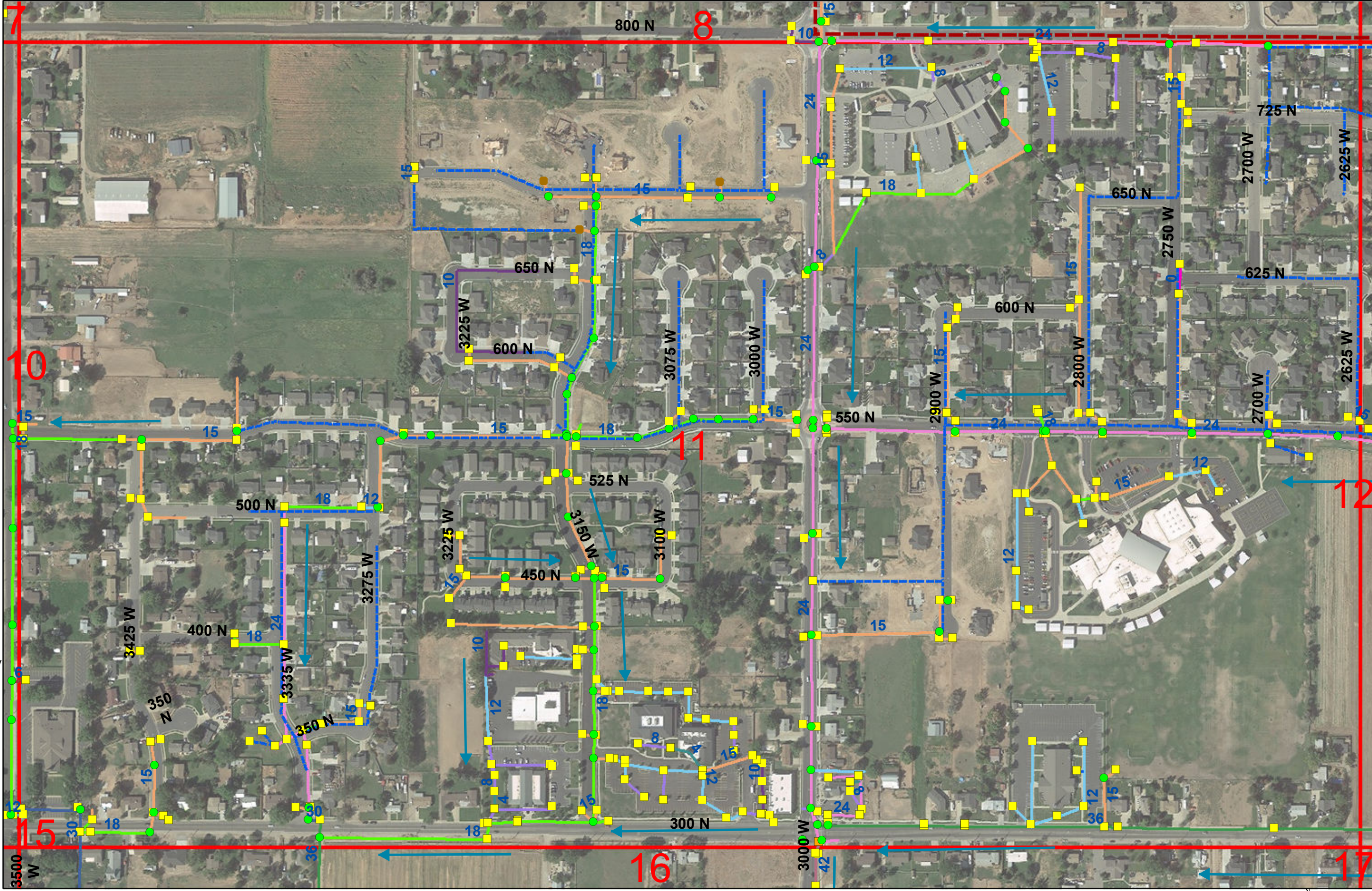
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1 inch = 300 feet 0 150 300 600 900 1,200 Feet



Legend

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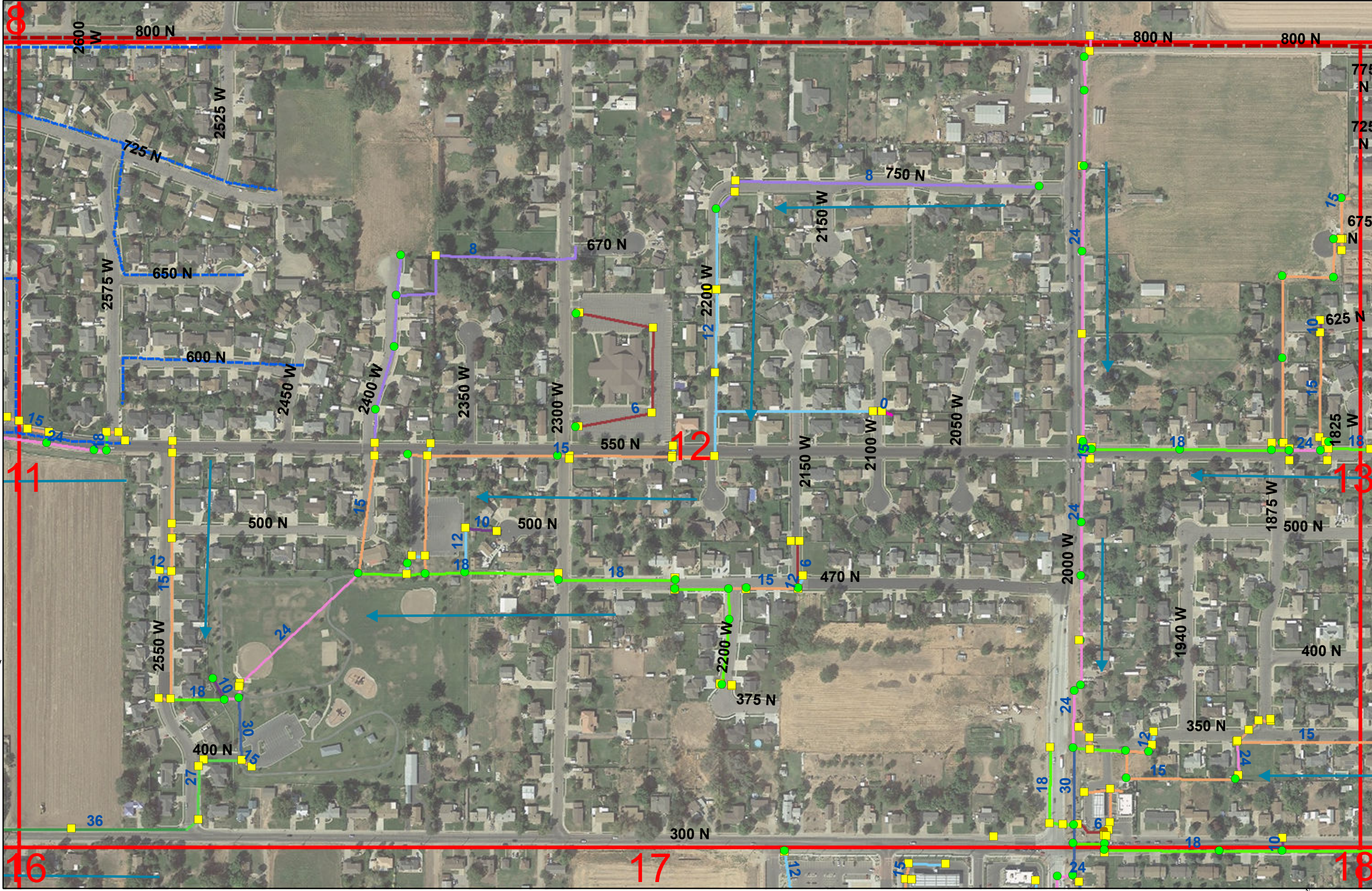
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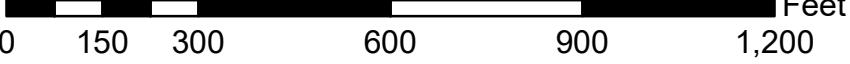
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1 inch = 300 feet



12

Legend

➔ Flow Direction

Storm Drain

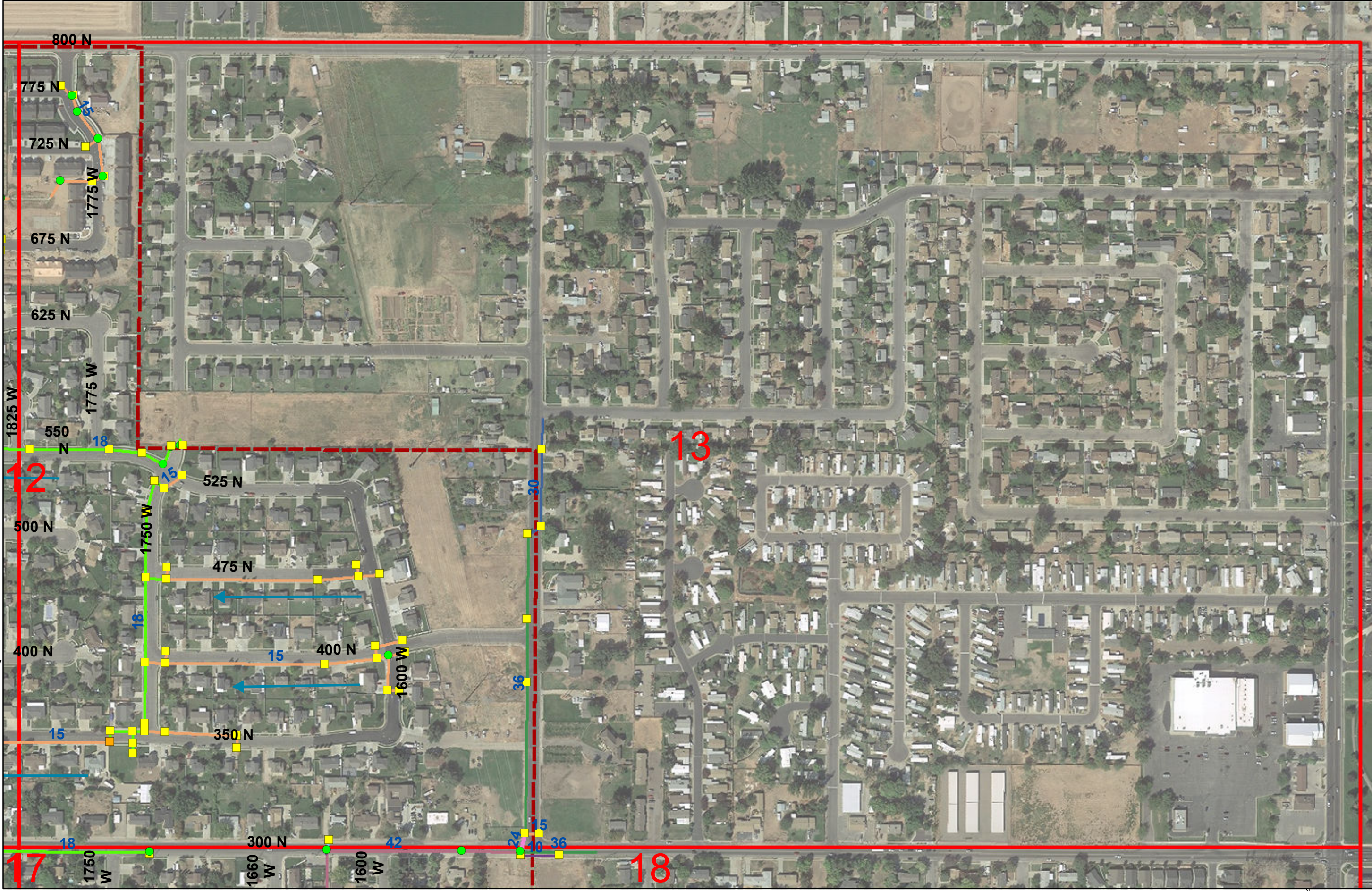
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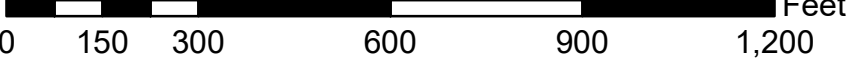
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1 inch = 300 feet



13

Legend

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 SDBOX

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 OVERFLOW BOX

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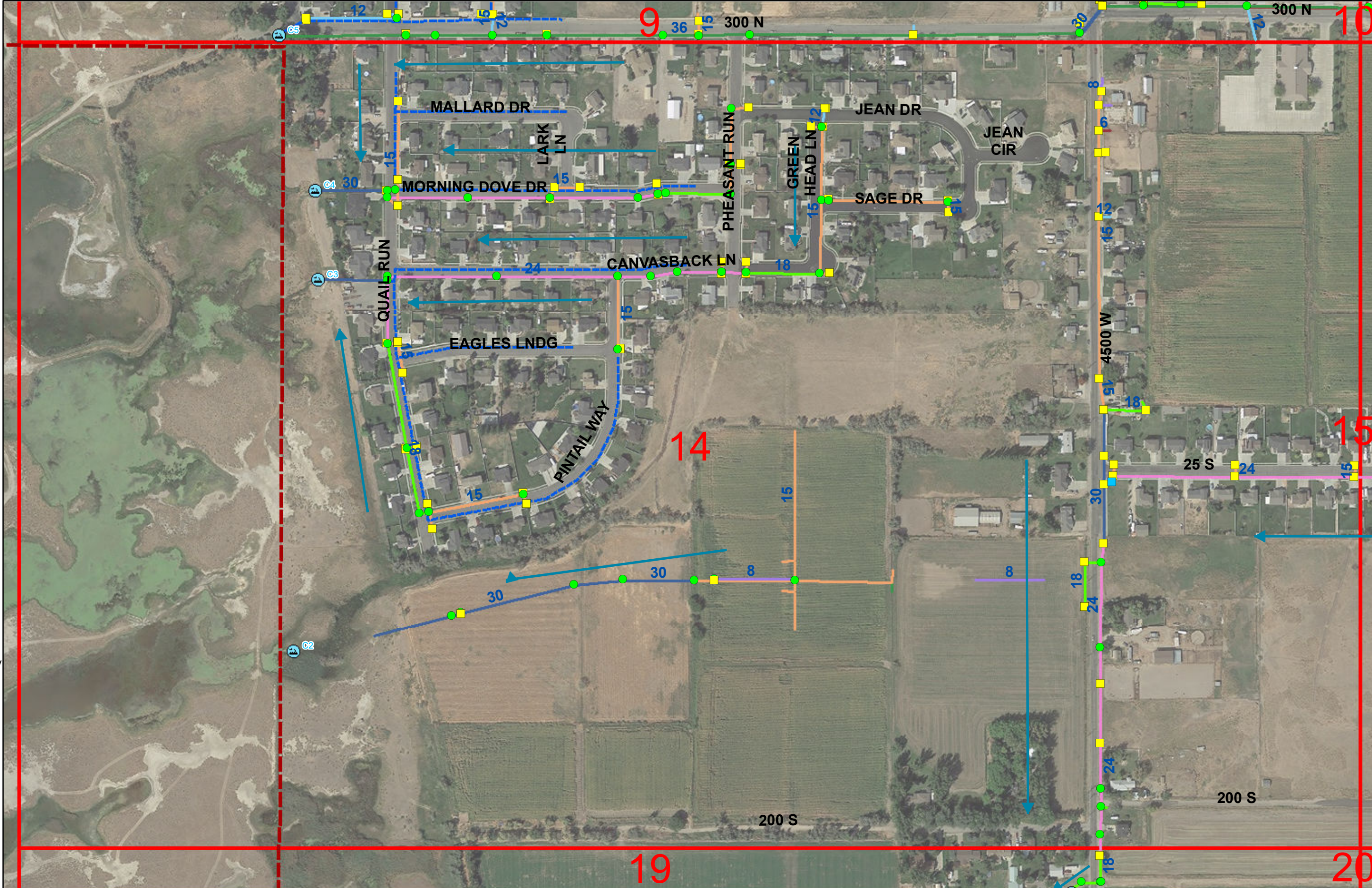
 SD 48in

 SD 60in

 Oval pipe

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1 inch = 300 feet 0 150 300 600 900 1,200 Feet



Legend

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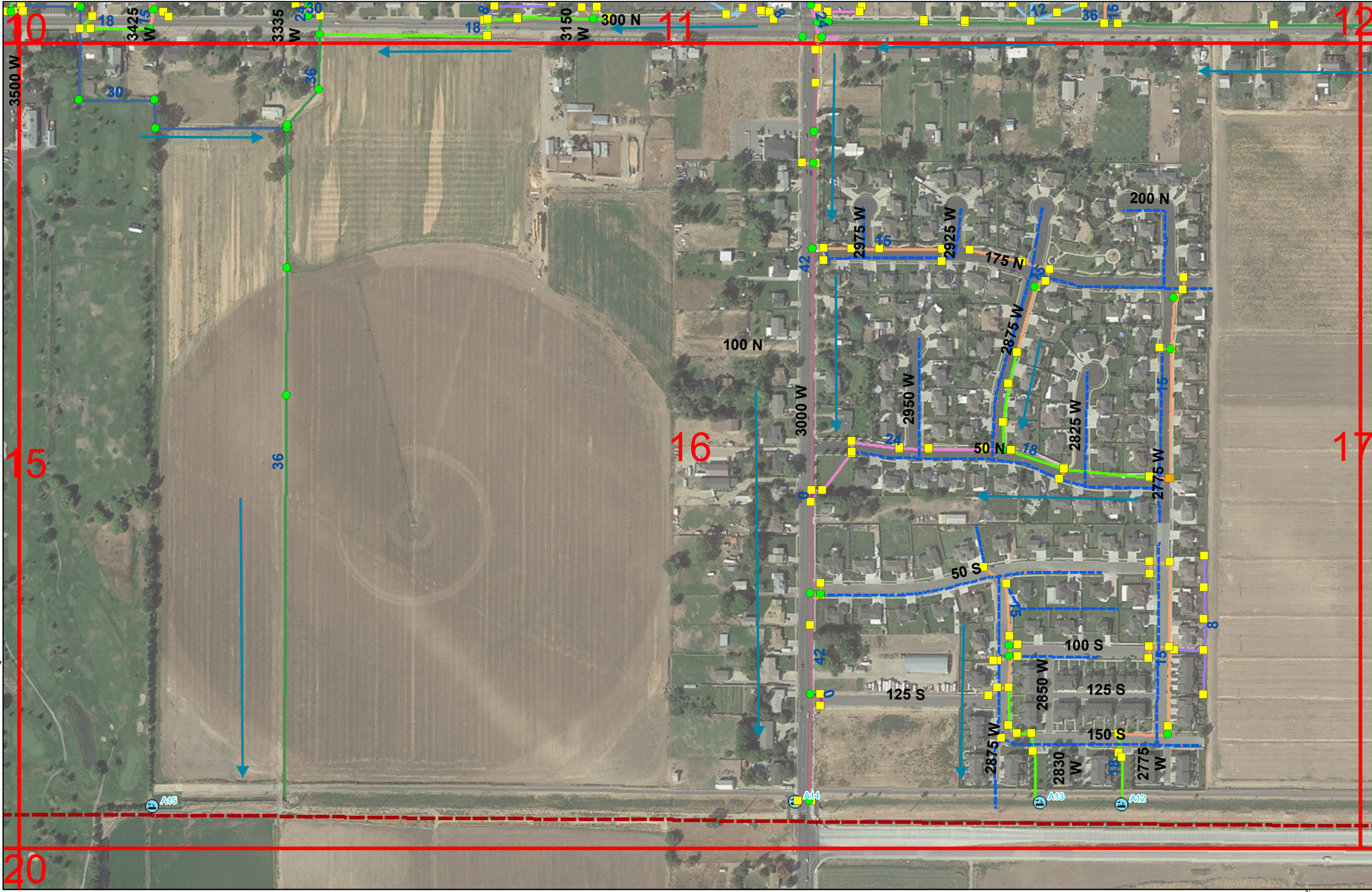
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16

Legend

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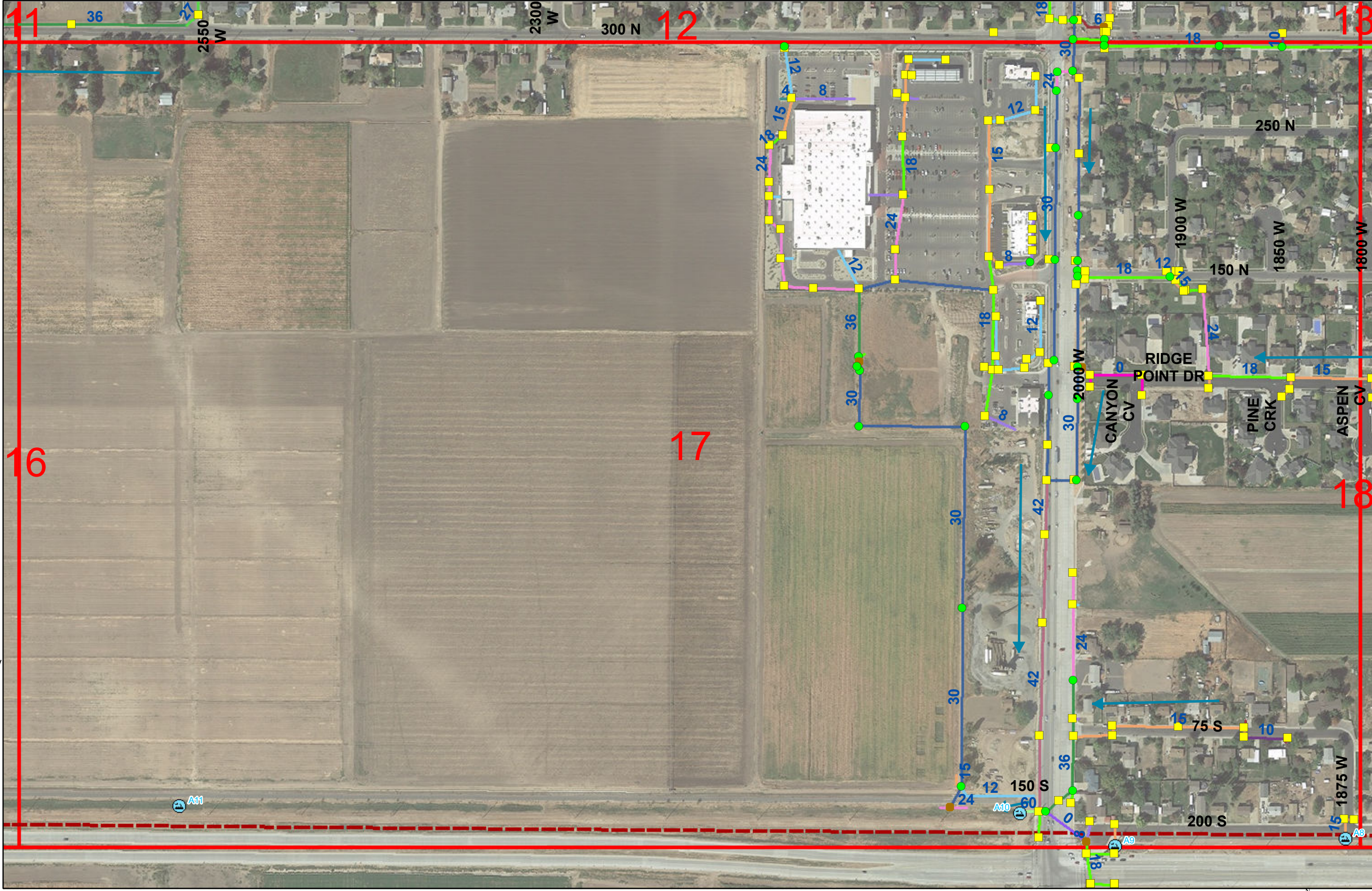
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Storm Drain Pipe

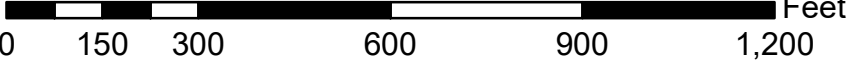
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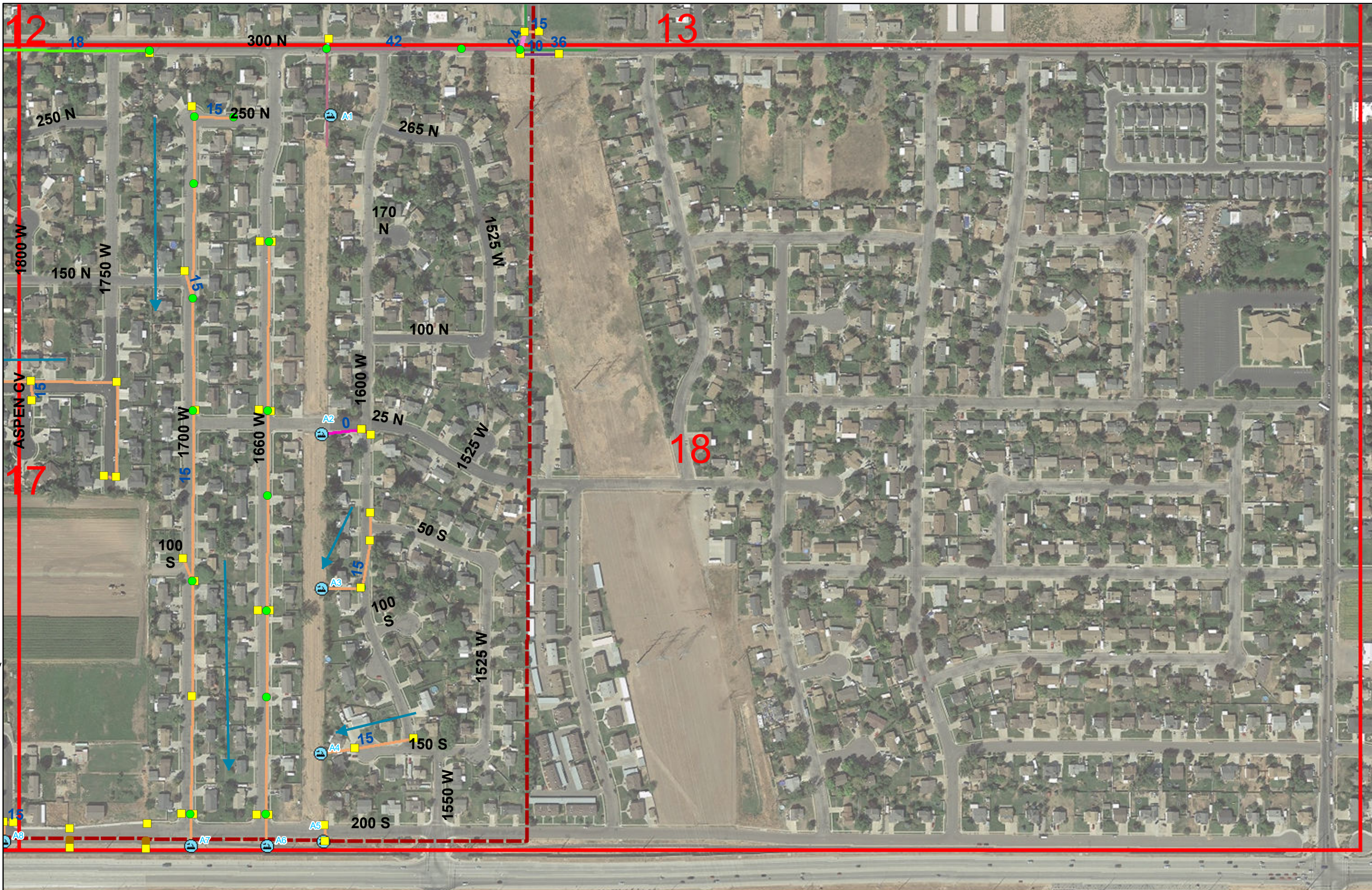
West_Point_Boundary

Grid Index



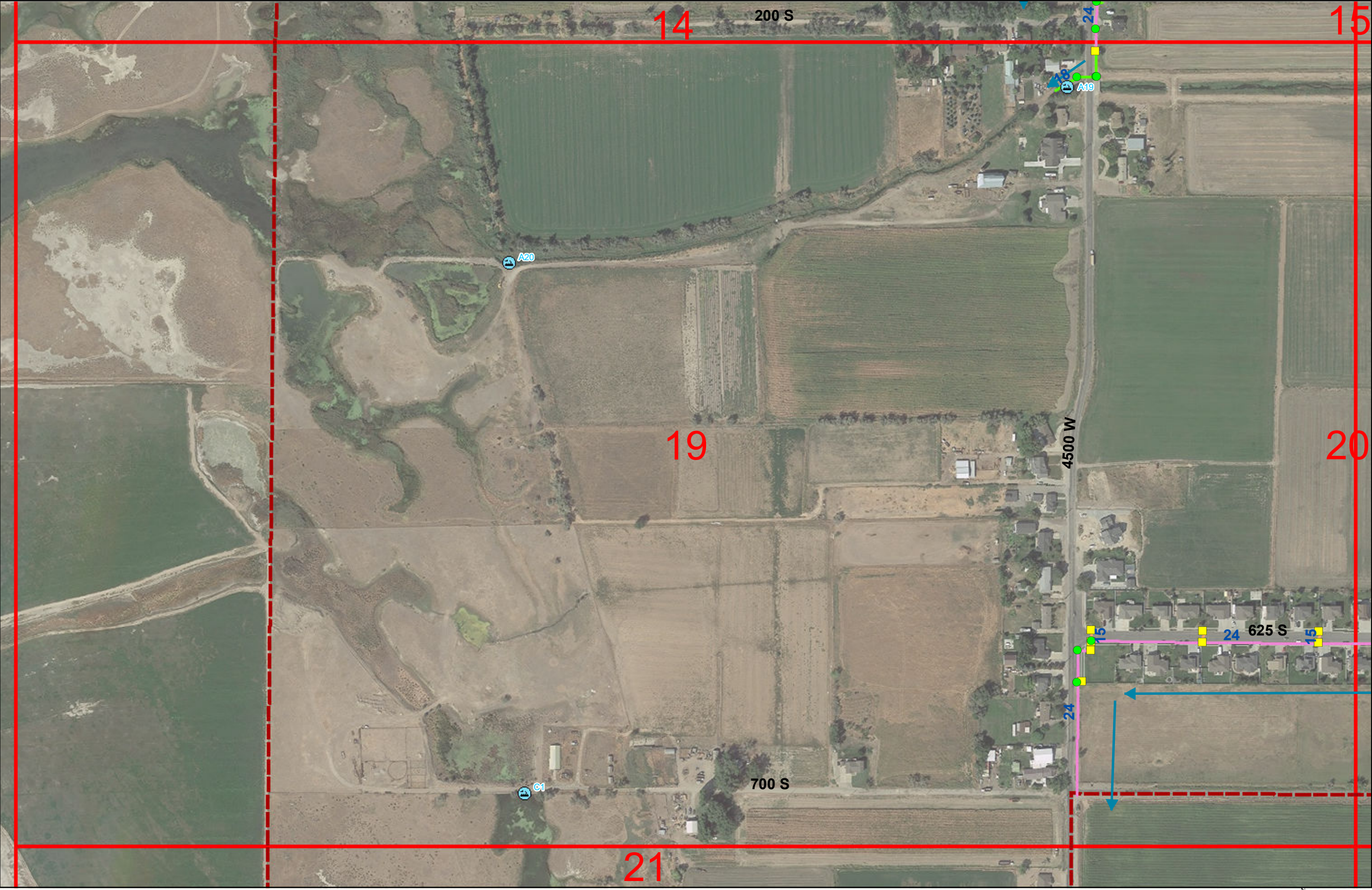
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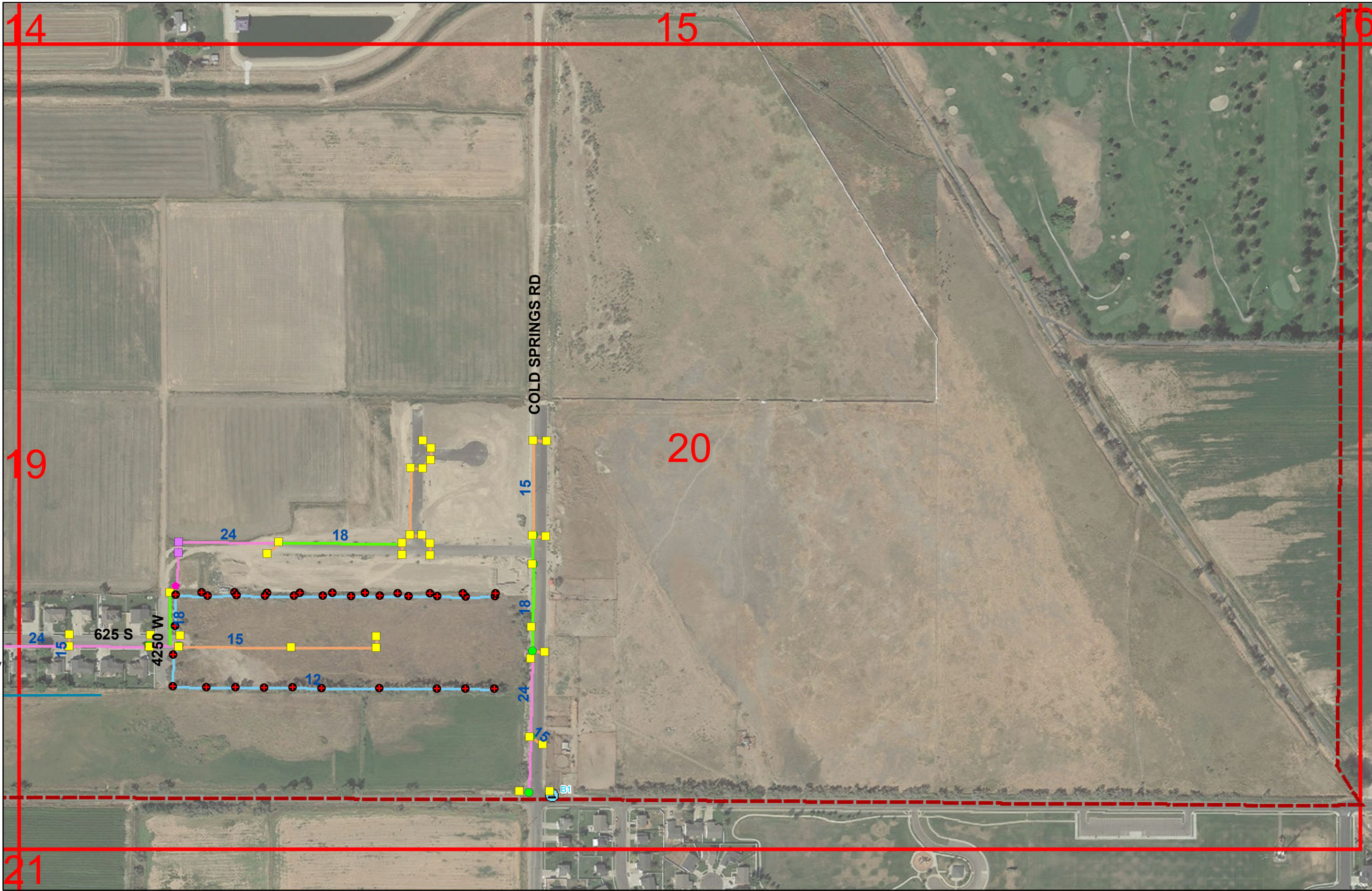




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1 inch = 300 feet 0 150 300 600 900 1,200 Feet





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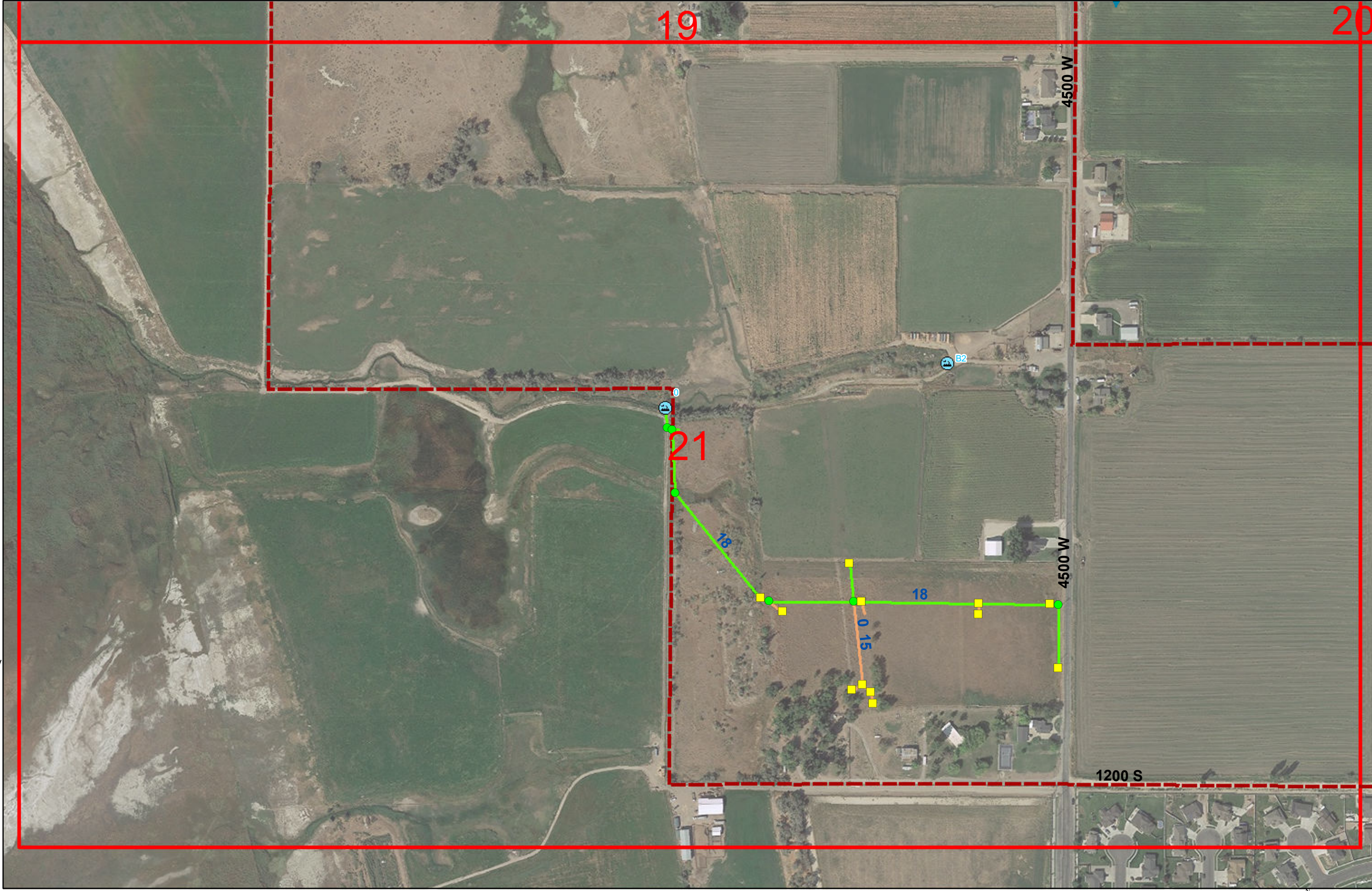
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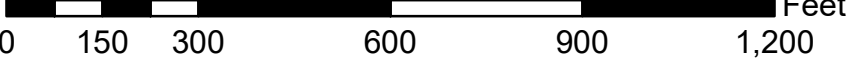
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APPENDIX C

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).

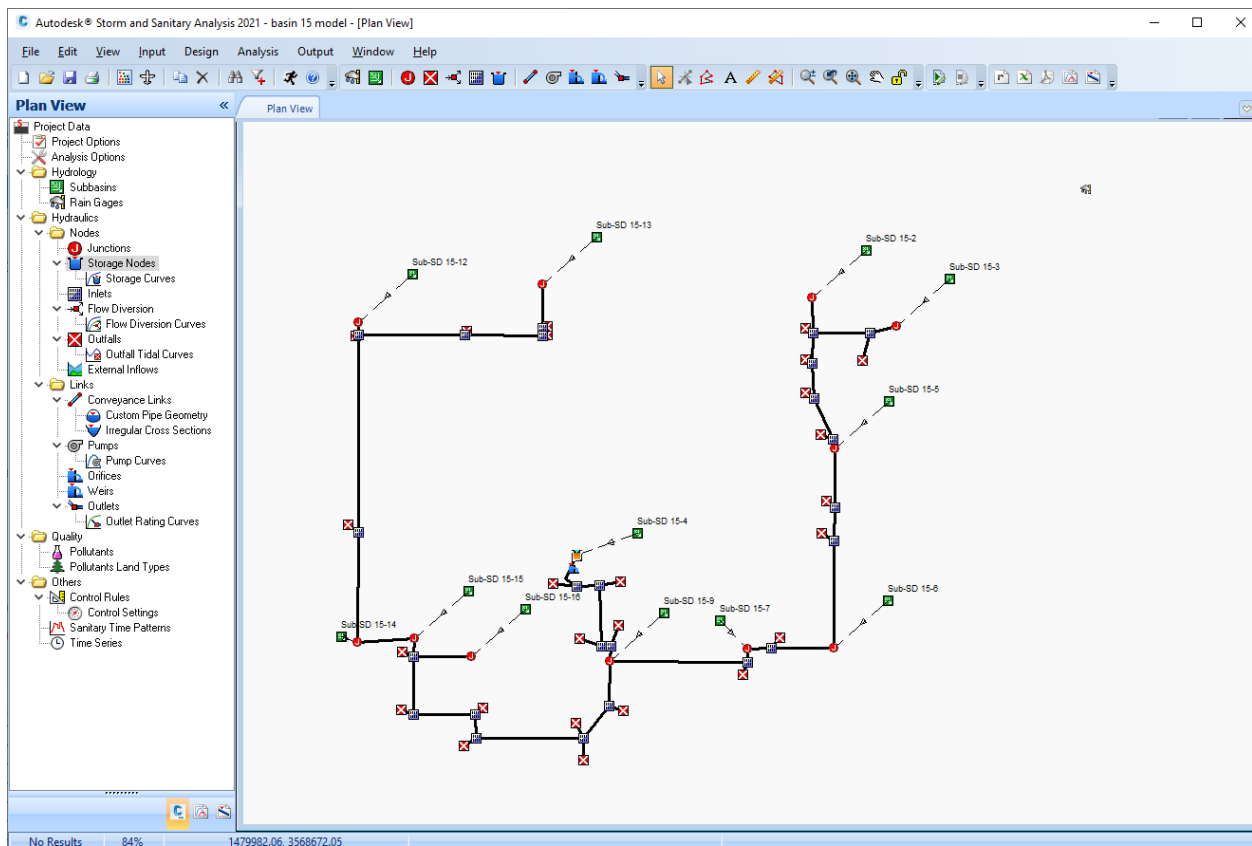


Figure 1

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.

Subbasins

General
Subbasin ID: Sub-SD 15-13

Connectivity
Rain gage: wpstorm
Outlet node: SD 15-13
Peak rate factor: 484

Description:

Physical Properties SCS TR-55 TOC Curve Number

Physical properties
Area: 23.4359 ac
Equivalent width: 500 ft
Average slope: 0.5 %

Impervious area
Area: 25 %
No depression: 25 %

Pervious area
Curve number: 0.20

Manning's roughness: 0.015
Curve number: 0.08

Analysis summary
Peak runoff: 0.930 cfs
Total runoff: 0.165 in

Time of concentration: 41.89 min
Weighted curve number: 61.00

Total precipitation: 2.390 in
Total infiltration: 2.225 in

	Subbasin ID /	Area	Peak Rate Factor	Wt. CN	TOC	Rain Gage ID
2	Sub-SD 15-13	23.4359	484	61.00	41.89	wpstorm
3	Sub-SD 15-14	34.6858	484	69.00	61.45	wpstorm
4	Sub-SD 15-15	3.2440	484	69.00	17.89	wpstorm
5	Sub-SD 15-16	21.8296	484	69.00	24.83	wpstorm
6	Sub-SD 15-2	23.6485	484	69.00	41.99	wpstorm
7	Sub-SD 15-3	8.8675	484	69.00	37.02	wpstorm

Close Help

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 (T_c) 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.

ID /	Invert Elev.	Max. Elev.	WSEL Initial	Ponded Area	Storage Type	Exfiltration
1 Pond#6	4293.38	4302.88	0	0	Storage Curve	No exfiltration

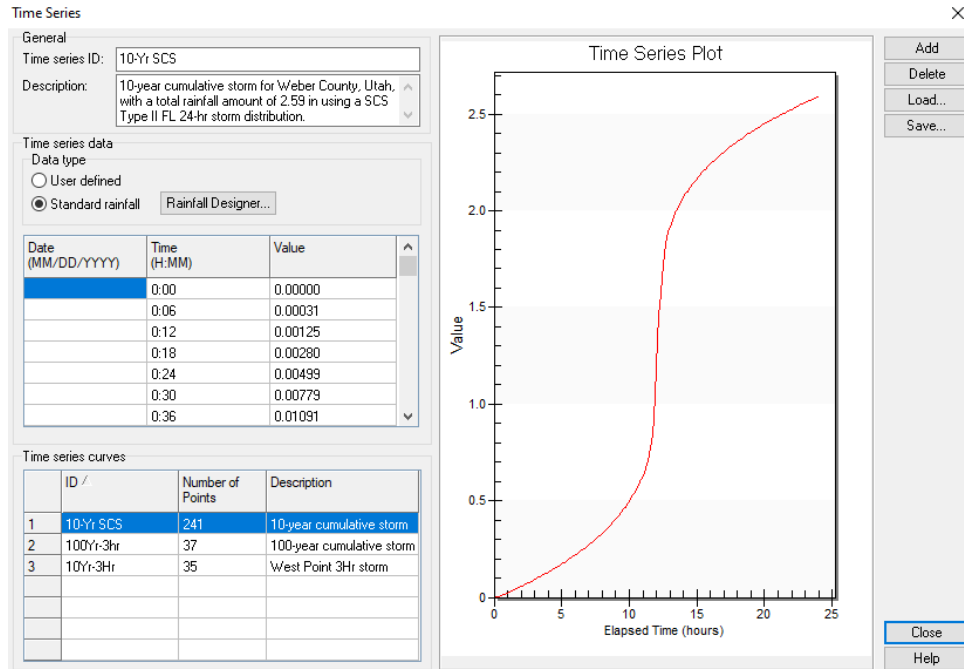
A stage storage curve was determined for each of the ponds and data was inputted along with invert and max water depth.

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 it 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 pipe 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.

ORDINANCE NO. 09-07-2021A

**AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN AND AN
IMPACT FEE ENACTMENT FOR THE STORM DRAIN SYSTEM
AND NOTICE OF PUBLIC HEARING**

WHEREAS, West Point City (the "City") is a political subdivision of the State of Utah, authorized and organized under applicable provisions of Utah law; and

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a of the Utah Code Annotated, as amended ("Impact Fees Act" or "Act"), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new development activity; and

WHEREAS, the City has previously enacted and imposed impact fees for facilities plans, known and referred to as the "Storm Drain Impact Fee", as more particularly set forth in the West Point City Fee Schedule; and

WHEREAS, the City desires to update and amend such fees to be referred to hereafter as "Storm Drain Impact Fee" in accordance with applicable provisions of the Impact Fees Act in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner as more particularly provided herein; and

WHEREAS, the City properly noticed its intent to prepare the Storm Drain Impact Fee Facilities Plan and the Impact Fee Analysis as required by law and the City has through its consultants, completed the Storm Drain Impact Fee Facilities Plan and Impact Fee Analysis in accordance with applicable provisions of the Impact Fees Act, which Storm Drain Impact Fee Facilities Plan and Impact Fee Analysis are more particularly described and adopted herein; and

WHEREAS, the City has provided the required notice and held a public hearing before the City Council regarding the proposed Storm Drain Impact Fees, Storm Drain Impact Fee Facilities Plan and Storm Drain Impact Fee Analysis in accordance with applicable provisions of the Impact Fees Act; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST
POINT CITY, STATE OF UTAH, AS FOLLOWS:**

**SECTION I
ORDINANCE REPEALED**

The provisions of Ordinance 03-19-2013A specifically adopting and amending the Storm Drain Impact Fees are hereby repealed and superseded by the provisions of this Ordinance to the extent they relate to Storm Drain Impact Fees. To the extent any provisions of Section 17.00.160 of the West Point City Code, conflict with the provisions of this Ordinance regarding Storm Drain Impact Fees, the provisions of this Ordinance shall govern. This Ordinance may be referred to and cited as the "Storm Drain Impact Fees Ordinance."

SECTION II PURPOSE

This Storm Drain Impact Fees Ordinance establishes the City's Storm Drain Impact Fees policies and procedures and is promulgated pursuant to Title 11, Chapter 36a, Part 4, Enactment of Impact Fees, and other requirements of the Impact Fees Act. This Ordinance amends and adopts Storm Drain Impact Fees for Storm Drain facilities within the City Service Area as defined herein, provides a schedule of Storm Drain Impact Fees for development activity, and sets forth direction for challenging, modifying and appealing Storm Drain Impact Fees. This Ordinance does not replace, supersede, or modify any ordinance regarding impact fees unrelated to Storm Drain facilities and improvements.

SECTION III DEFINITIONS

Words and phrases that are defined in the Impact Fees Act shall have the same definition in this Storm Drain Impact Fees Ordinance. The following words and phrases are defined as follows:

1. "City" means a political subdivision of the State of Utah and is referred to herein as the City of West Point, Utah.
2. "Development Activity" means, except as otherwise provided in the Impact Fees Act, any construction or expansion of a building, structure or use, any change in use of a building or structure, or any changes in the use of land within the Service Area that creates additional demand and need for public facilities related to Storm Drain.
3. "Development Approval" means any written authorization from the City that authorizes the commencement of development activity.
4. "Impact Fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. "Impact fee" does not include a tax, special assessment, building permit fee, hookup fee, fee for project improvements, or other reasonable permit or application fee.
5. "Impact Fee Analysis" means the written analysis of each impact fee required by Section 11-36a-303 of the Impact Fees Act.
6. "Impact Fee Facilities Plan" means the plan required by Section 11-36a-301 of the Impact Fees Act.
7. "Project Improvements" means site improvements and facilities that are: planned and designed to provide service for development resulting from a Development Activity; necessary for the use and convenience of the occupants or users of development resulting from a Development Activity; and not identified or reimbursed as a system improvement. "Project Improvements" does not mean system improvements as more particularly defined herein.

8. “*Proportionate Share*” means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any Development Activity.

9. “*Public Facilities*” means impact fee facilities as defined in the Impact Fees Act that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity. For purposes of this Ordinance, and as defined in the Impact Fees Act, impact fee facilities include “Storm Drain facilities” of the City for the Service Area.

10. “*Service Area*” means a geographic area designated by the City on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area. The Service Area for purposes of this Ordinance is more particularly described in Section V.

11. “*System Improvements*” means existing public facilities that are: identified in the impact fee analysis under Section 11-36a-304 of the Impact Fees Act; and designed to provide services to service areas within the community at large and future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide service to service areas within the community at large. “System Improvements” do not include project improvements as defined herein.

SECTION IV STATUTORY AUTHORITY AND RESTRICTIONS

1. *Impact Fees Act Authority.* The City is authorized to impose impact fees subject to and in accordance with applicable provisions of the Impact Fees Act. An impact fee is defined as a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fees may only be established for public facilities as defined in Section 11-36a-102 that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision. Public facilities for which impact fees may be imposed include public facilities for Storm Drain facilities.

2. *Impact Fees Act Restrictions.* Pursuant to Section 11-36a-202 of the Impact Fees Act, the City may not impose an impact fee to: (1) cure deficiencies in public facilities serving existing development; (2) raise the established level of service of a public facility serving existing development; (3) recoup more than the local political subdivision's costs actually incurred for excess capacity in an existing system improvement; or (4) include 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.

SECTION V SERVICE AREA

The Impact Fees Act requires the City to establish one or more service areas within which the City will calculate and impose a particular impact fee. The service area within which the proposed Storm Drain Impact Fees will be imposed includes all of the area within the West Point City Corporate Boundaries.

SECTION VI IMPACT FEE FACILITIES PLAN

1. *Impact Fee Facilities Plan Required.* Pursuant to Section 11-36a-301 of the Impact Fees Act, before imposing or amending an impact fee, the City is required to prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity. The impact fee facilities plan shall identify the demands placed upon existing public facilities by new development activity and the proposed means by which the City will meet those demands.

2. *Storm Drain Impact Fee Facilities Plan.* The City has, through its consultants, researched and analyzed the factors set forth in Section 11-36a-302 of the Impact Fees Act and has caused to be prepared a Storm Drain Impact Fee Facilities Plan ("IFFP"), as more particularly set forth in Exhibit A, attached hereto and incorporated herein by this reference. The Storm Drain IFFP has been prepared based on reasonable growth assumptions for the City and general demand characteristics of current and future users of Storm Drain facilities. The Storm Drain IFFP 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. As shown in the Storm Drain IFFP, the City has considered all revenue sources to finance the impacts on system improvements, including grants, bonds, interfund loans, impact fees, and anticipated or accepted dedications of system improvements. The Storm Drain IFFP establishes that impact fees are necessary to maintain proposed level of service that complies with applicable provisions of Section 11-36a 302 of the Impact Fees Act.

3. *Plan Certification.* The Storm Drain IFFP includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the plan certifying that the Storm Drain IFFP complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Storm Drain IFFP and Storm Drain IFA, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Storm Drain IFFP and Storm Drain IFA, together with the summary, and this Ordinance, in the City Recorder's Office at West Point City Hall at least ten (10) days before the public hearing.

5. *Adoption of Storm Drain Impact Fee Facilities Plan.* The Storm Drain IFFP as set forth in Exhibit A is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VII IMPACT FEE ANALYSIS

1. *Impact Fee Analysis Required.* Pursuant to Section 11-36a-303 of the Impact Fees Act, each local political subdivision intending to impose an impact fee shall prepare a written analysis of each impact fee to be imposed and a summary of the impact fee analysis designed to be understood by a lay person. The impact fee analysis shall identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity; identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility; demonstrate how the anticipated impacts are reasonably related to the anticipated development activity; estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity and identify how the impact fee is calculated.

2. *Storm Drain Impact Fee Analysis.* The City has, through its consultants, researched and analyzed the factors set forth in Section 11-36a-304 of the Impact Fees Act, including the proportionate share analysis required therein, and has caused to be prepared a Storm Drain Impact Fee Analysis ("IFA"), as more particularly set forth in Exhibit B, attached hereto and incorporated herein by this reference. The Storm Drain IFA identifies 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 Storm Drain Impact Fees are calculated.

3. *Analysis Certification.* The Storm Drain IFA includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the analysis certifying that the Storm Drain IFA complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Storm Drain IFFP and Storm Drain IFA, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Storm Drain IFFP and Storm Drain IFA, together with the summary, and this Ordinance, in City Recorder's Office at West Point City Hall at least ten (10) days before the public hearing.

5. *Adoption of Storm Drain Impact Fee Analysis.* The Storm Drain IFA as set forth in Exhibit B is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VIII CALCULATION OF IMPACT FEE

1. *Impact Fee Calculations.* Pursuant to Section 11-36a-305, in calculating an impact fee, the City may include: the construction contract price; the cost of acquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and debt service charges if the City might use impact fees as a revenue stream to pay principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements. In calculating the proposed Storm Drain Impact Fees, the City has based such amounts calculated on realistic estimates and the assumptions underlying such estimates are more particular disclosed in the Storm Drain IFA set forth in Exhibit B.

2. *Previously Incurred Costs.* To the extent that new growth and development will be served by previously constructed improvements, the City's Storm Drain Impact Fees may include public facility costs and outstanding bond costs related to the Storm Drain improvements previously incurred by the City. However, as provided in the Storm Drain IFA, a buy-in component is not contemplated in the analysis and therefore the interest costs associated with any outstanding storm drain bond obligations have not been included in the calculation of the Storm Drain Impact Fee.

SECTION IX IMPACT FEE SCHEDULE AND FORMULA

1. *Impact Fee Schedule or Formula Required.* Pursuant to Section 11-36a-402 of the Impact Fees Act, the City is required to provide a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the City will use to calculate each impact fee.

2. *Maximum Storm Drain Impact Fee Schedule.* Based on the Storm Drain IFA, the maximum Storm Drain Impact Fees which the City may impose on development activity within the defined Service Area for Storm Drain facilities is set forth in the following schedule:

Maximum Storm Drain Impact Fee Schedule

Storm Drain Impact Fee.....\$3,674 per acre

3. *Rates Established by Resolution.* The City Council, by this Ordinance, approves the maximum Storm Drain Impact Fees in accordance with the Storm Drain IFA set forth in Exhibit B. The City reserves the right to establish the Storm Drain Impact Fees as established in this Ordinance by Rate Resolution or Resolution amending the Consolidated Fee Schedule. In no

event will the Storm Drain Impact Fees established by Resolution exceed the maximum supportable Storm Drain Impact Fee Schedule as set forth herein.

SECTION X ADJUSMENTS AND CREDITS

1. *Adjustments.* In accordance with Section 11-36a-402 of the Impact Fees Act, the City may adjust the Storm Drain Impact Fees at the time the fee is charged to respond to unusual circumstances in specific cases, to address development activity by the State or school district, or to ensure that impact fees are imposed fairly. The Storm Drain Impact Fees 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 Storm Drain Impact Fees assessed to a particular development may also be adjusted should the developer supply sufficient written information, studies and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

2. *Developer Credits.* In accordance with Section 11-36a-402 of the Impact Fees Act, a developer may be allowed a credit against Storm Drain Impact Fees or proportionate reimbursement of Storm Drain Impact Fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement; or dedicates a public facility that the City and the developer agree will reduce the need for a system improvement; provided that the system improvement is: (i) identified in the City's Storm Drain IFFP; and (ii) is required by the City as a condition of approving the development activity. To the extent required in Section 11-36a-402, the City shall provide a credit against Storm Drain Impact Fees for any dedication of land for, improvement to, or new construction of any system improvements provided by the developer if the facilities are system improvements, as defined herein and included in the Storm Drain IFFP; or are dedicated to the public and offset the need for an identified system improvement.

3. *Waiver for "Public Purpose".* The City Council may, on a project by project basis, authorize exceptions or adjustments to the Storm Drain Impact Fees for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include affordable housing and other development activities with broad public purposes. The City Council may elect to waive or adjust Storm Drain Impact Fees for such projects. Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

SECTION XI NOTICE AND HEARING

1. *Notice.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Storm Drain IFFP and Storm Drain IFA, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made

available to the public by placing a copy of the Storm Drain IFFP and Storm Drain IFA, together with the summary, and this Ordinance, in the Recorder's Office at West Point City Hall at least ten (10) days before the public hearing. Notice has also been provided in accordance with applicable provisions of Utah Code Ann. § 10-9a-205.

2. *Hearing.* The City Council held a public hearing regarding the Storm Drain IFFP, the Storm Drain IFA, and this Storm Drain Impact Fee Ordinance, on September 7, 2021, and a copy of the Ordinance was available in its substantially final form at the City Recorder's Office in the West Point City Hall at least ten (10) days before the date of the hearing, all in conformity with the *requirements* of Utah Code Ann. § 70-9a-205 and applicable noticing provisions of the Impact Fees Act.

SECTION XII

IMPACT FEE ACCOUNT AND EXPENDITURES

1. *Impact Fees Accounting.* Pursuant to Section 11-36a-601 of the Impact Fees Act, the City will establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected, deposit a receipt for an impact fee in the appropriate ledger account established herein, and retain the interest earned on each fund or ledger account in the fund or ledger account.

2. *Reporting.* At the end of each fiscal year, the City shall prepare a report on each fund or ledger account showing the source and expenditures as required by law. Annually, the City shall produce and transmit to the State Auditor a certified report in accordance with Section 11-36a-601 in a format developed by the State Auditor.

3. *Impact Fee Expenditures.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may expend Storm Drain Impact Fees only for a system improvement: (i) identified in the Storm Drain IFFP; and (ii) for the specific public facility type for which the fee was collected. Impact fees will be expended on a First-In First-Out basis.

4. *Time of Expenditure.* Except as otherwise provided by law, the City shall expend or encumber Storm Drain Impact Fees for a permissible use within six (6) years of their receipt. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

5. *Extension of Time.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may hold the impact fees for longer than six (6) years if it identifies in writing: (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

6. *Refunds.* Pursuant to Section 11-36a-603 of the Impact Fees Act, the City shall refund any Storm Drain Impact Fees paid by a developer, plus interest earned, when: (i) the developer does not proceed with the development activity and has a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) 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 capacity may, at some future time, be utilized by another development.

7. *Other Impact Fees.* To the extent allowed by law, the City Council may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

8. *Additional Fees and Costs.* The Storm Drain Impact Fees authorized herein 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 Storm Drain 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.

9. *Fees Effective at Time of Payment.* Unless otherwise provided in the City's Consolidated Fee Schedule, the City will collect the Storm Drain Impact Fees prior to final plat recording or prior to building permit issuance, as applicable. The fees will be calculated by the City. Unless the City is otherwise bound by a contractual requirement, the Storm Drain Impact Fees shall be determined from the fee schedule in effect at the time of payment.

10. *Imposition of Additional Fee or Refund after Development.* Should any developer undertake development activities such that the ultimate acreage 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 Storm Drain Impact Fee is not initially charged against all acreage within the development, the City shall be entitled to charge an additional Storm Drain Impact Fee to the developer or other appropriate person covering the acreage for which an impact fee was not previously paid.

SECTION XIII CHALLENGES TO IMPACT FEES

1. *Request for Information.* Pursuant to Section 11-36a-701, a person or entity required to pay a Storm Drain Impact Fee who believes the impact fee does not meet the requirements of law may file a written request for information with the City Manager. As required by law, the City Manager shall, within two (2) weeks after the receipt of the request for information provide the person or entity with the Storm Drain IFFP, the Storm Drain IFA, and any other relevant information relating to the Storm Drain Impact Fee.

2. *Advisory Opinion.* A potentially aggrieved person may request an advisory opinion from a neutral third party regarding compliance of the Storm Drain Impact Fees with the Impact Fees Act by filing such request with the Office of the Property Rights Ombudsman in accordance with the procedures and provisions of Title 13, Chapter 43, known as the Property Rights Ombudsman Act. The aggrieved party requesting an advisory opinion is not required to exhaust

the administrative appeals procedures set forth in Subsection 4 before requesting an advisory opinion.

3. *Appeal.* A person or entity that has paid Storm Drain Impact Fees under the provisions of this Ordinance may challenge such impact fees pursuant to the provisions set forth in Title 11, Chapter 36a, and Part 7 of the Impact Fees Act regarding Challenges.

- a. *Grounds for Challenge.* Pursuant to Section 11-36a-701, a person or entity that has paid Storm Drain Impact Fees under the provisions of this Ordinance may challenge: (1) the impact fees; (2) whether the City complied with the notice requirements of the Impact Fees Act with respect to the imposition of the impact fees; and/or (3) whether the City complied with other procedural requirements of the Impact Fees Act for imposing the impact fee.
- b. *Sole Remedy.* The sole remedy for challenging the notice requirements is the equitable remedy of requiring the City to correct the defective notice and repeat the process. The sole remedy for challenging the impact fee is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated. Reasonable attorney's fees may be awarded to the substantially prevailing party to the extent provided in the Impact Fees Act.
- c. *Initiation.* A challenge to an impact fee is initiated by filing:
 - i. An appeal to the City Council pursuant to the administrative appeal procedures set forth herein;
 - ii. A request for arbitration as provided in Section 11-36a-705 of the Impact Fees Act; or
 - iii. An action in district court.
- d. *Time Restrictions.* The time for filing a challenge to the impact fees shall be filed in accordance with the time limitations set forth in Section 11-36a-702, depending upon the type of challenge. The deadline to file an action in district court is tolled from the date that a challenge is filed using the administrative procedures set forth in Subsection 4 until thirty (30) days on which a final decision is rendered in the administrative appeals procedure.

4. *Administrative Appeal Procedure.* The City hereby adopts an administrative appeal procedure to consider and decide challenges to the Storm Drain Impact Fees. Any person or entity that has paid a Storm Drain Impact Fee pursuant to this Ordinance may challenge or appeal the impact fee by filing written notice of administrative appeal with the City Manager within thirty (30) days after the day on which the person or entity paid the impact fee. The notice of appeal shall set forth the grounds for the appeal and shall include any applicable filing fees as set forth in the City's Consolidated Fee Schedule. Upon receiving the written notice of appeal, the City Council shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City

may also appear and present evidence to support the imposition of the fee. The City Council shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

5. *Mediation.* In addition to the methods of challenging an impact fee as provided herein, a specified public agency may require the City to participate in mediation of any applicable impact fee in accordance with the provisions of Section 17-36a-704 of the Impact Fees Act. A written request for mediation must be filed in accordance with Section 11-36a-704 no later than thirty (30) days after the day on which the impact fee is paid.

6. *Declaratory Judgment Action.* Pursuant to Section 11-36a-701, a person or entity residing in or owning property within the Service Area, or an organization, association, or a corporation representing the interests of persons or entities owning property within the Service Area are deemed to have standing to file a declaratory judgment action challenging the validity of an impact fee.

SECTION XIV MISCELLANEOUS

1. *Severability.* If any section, subsection, paragraph, clause or phrase of this Storm Drain Impact Fee Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Storm Drain Impact Fee Ordinance are declared to be severable.

2. *Interpretation.* This Storm Drain Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Ordinance shall not be affected by such division or by any heading contained herein.

3. *Other Impact Fees Not Repealed.* Except as otherwise specifically provided herein, this Storm Drain Impact Fee Ordinance shall not repeal, modify or affect any impact fee of the City in existence as of the effective date of this Ordinance.

SECTION XV EFFECTIVE DATE

In accordance with the provisions of Utah Code Ann. Section 11-36a-401, this ordinance and the impact fees adopted herein or pursuant hereto shall take effect immediately upon approval of this ordinance.

[Signature Page to Follow]

PASSED AND APPROVED this 7th Day of September, 2021.

Mayor Erik Craythorne

[SEAL]

VOTING:

Jerry Chatterton	Yea__ Nay__
Andy Dawson	Yea__ Nay__
Kent Henderson	Yea__ Nay__
Gary L. Petersen	Yea__ Nay__
Annett Judd	Yea__ Nay__

ATTEST:

Casey Arnold
City Recorder