

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Andrew Williams

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

City Recorder
Cathy Brightwell

City Engineer
Ben White

Public Works Director
Steve Maughan

CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A
REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 4, 2018
AT CITY HALL, 550 N 800 WEST**

Invocation/Thought – Mark Preece; Pledge of Allegiance – James Bruhn

1. Approve the Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Public Hearing Regarding Potential Sale of .065 Acres Deeded as Street Right-of-Way at 167 N 1450 West.
4. Consider Resolution 445-18, A Resolution Authorizing the Sale of .065 Acres of Land at 167 N 1450 West.
5. Presentation of Fiscal Year 2018 Audited Financial Statements and Auditors Report.
6. Consider Final Plat Approval for Atwater (Grover) Estates 12-Lot Subdivision at 1811 N 800 West Consisting of 4.64 Acres.
7. Consider Resolution #444-18, A Resolution Adopting the 2018 Biennial Moderate-Income Housing Element Review Report.
8. Discuss and Consider Authorizing Letter of Support for a County-wide Local Option Sales Tax for Transportation.
9. Discuss Rear-yard Setbacks and Covered Patios in Residential Zones.
10. Discuss Implementation of Previously Recorded Extension for Off-site Improvements Agreement (Deferral Agreement) for 780 W 1600 N.
11. Public Works/Engineering Report.
12. Administrative Report.
13. Mayor/Council Reports.
14. Consider Approval of Minutes from the November 20, 2018 City Council Meeting.
15. Executive Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
16. Adjourn.

Those needing special accommodations can contact Cathy Brightwell at 801-292-4486 24-hrs prior to the meeting.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on November 29, 2018.

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NOTICE OF PUBLIC HEARING

A public hearing will be held by the West Bountiful City Council at its regular meeting on Tuesday, December 4, 2018 at the City offices, 550 N 800 West, beginning at 7:30 pm, or as soon thereafter as dictated by the agenda.

The purpose of the hearing is to receive public input on the potential sale of .065 acres or 2823 square feet, of land originally deeded for future street right of way at 167 N 1450 West

All interested parties are invited to participate in the hearing.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Mayor and City Council

DATE: November 29, 2018

FROM: Ben White

RE: Disposal of Real Property at approximately 167 N 1450 West

Background

Al and Candice Jones quit claimed to the City 0.168 acres in January in anticipation of 1450 West street extending south as part of the Highgate Subdivision. The Jones' (and city staff) did not want to deed the ground to the developer in case the development failed to be materialize.

A recent realignment of the proposed 1450 West street will not utilize all of the property originally deeded to the city allowing the city to quit claim a portion back to the Joneses.

A public hearing has been scheduled for December 4th to receive public comment on the proposed disposition as required by state law.

Recommendation

Staff recommends approval of Resolution which includes a Quit Claim deed for the excess property the Jones originally deeded to the City. Staff believes the City is receiving fair value for the disposal of the property based on the following considerations:

1. Jones family deeded the necessary right of way for 1450 West to the City at no cost which includes the excess property being proposed to deed back to them
2. The Jones family and the Highgate developer are financially responsible for the construction of 1450 West street extension adjacent to this property.
3. The Jones family is responsible for the offsite costs associated with the realigning of 1450 West, namely removing the demolition and construction of additional asphalt in the Millbridge Lane 1450 West intersection.
4. Jones will be responsible for the property taxes associated with the property.
5. A non-conforming land parcel would be created if the City were to keep the proposed property.

WEST BOUNTIFUL CITY

RESOLUTION #445-18

**A RESOLUTION AUTHORIZING THE SALE OF 0.065 ACRES
OF STREET RIGHT OF WAY AT 167 NORTH 1450 WEST**

WHEREAS, Utah Code Annotated § 10-8-1 authorizes municipal legislative bodies to sell and dispose of property for the benefit of the municipality; and,

WHEREAS, a public hearing was properly noticed and held on December 4, 2018 to receive public comment on the proposed sale; and

WHEREAS, the city council finds that it is in the best interest of the city to dispose of the property:

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful, Utah that the mayor is authorized to execute the sale of 0.65 acres of land at 167 North 1450 West.

EFFECTIVE DATE. This resolution shall take effect immediately upon passage.

Passed and approved by the city council of West Bountiful City this 4th day of December 2018.

Kenneth L Romney, Mayor

Voting by the City Council:	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Williams	_____	_____

ATTEST:

Cathy Brightwell, Recorder

When Recorded Mail To:
Albert Jones
1807 West Mojave Dr.
Salt Lake City, Utah 84116

Space above this line for Recorder's use

Tax ID No. part of DL-033-0072

Quit Claim Deed

West Bountiful City, GRANTOR(S)

hereby **QUIT CLAIMS TO**

Albert Jones and Candice Jones, husband and wife as joint tenants, GRANTEE(S)

for the sum of (\$10.00) Ten Dollars and other good and valuable considerations the following described tract of land in Davis County, State of Utah, to-wit:

See attached exhibit "A"

WITNESS the hand of said Grantor(s) this _____ day of _____, 2018.

West Bountiful City

By: _____

State of Utah
County of _____

On this _____ day of _____, 2018, personally appeared before me, the undersigned Notary Public, _____ who is the _____ of West Bountiful City, personally appeared the signer(s) of the above Quit Claim Deed personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged before me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Notary Public
My commission expires:

BEGINNING SOUTH 00°03'47" EAST ALONG THE QUARTER SECTION LINE, 772.13 FEET AND SOUTH 89°02'45" WEST 44.43 FEET FROM THE CENTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 08°04'45" EAST 227.95 FEET; THENCE 100.90 FEET ALONG THE ARC OF A 475.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 14°09'52" WEST 100.71 FEET); THENCE 131.41 FEET ALONG A 525.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT (CHORD BEARS NORTH 13°04'46" WEST 131.06 FEET); THENCE NORTH 89°02'45" EAST 22.27 FEET TO THE POINT OF BEGINNING.

CONTAINS 2823 SF, MORE OR LESS



MEMORANDUM

TO: Mayor and City Council
DATE: November 29, 2018
FROM: Ben White
RE: Atwater Estates Subdivision – Final Plat

Pembridge Heathrow Holdings is proposing a 12-lot subdivision at approximately 1811 North 800 West. The property contains 4.64 acres with the westerly property line being the old D&RG rail corridor and the DSB canal.

The property is within the R-1-10 zone. The 12 lots all meet the minimum size and width requirement for the zone. Below is summary of points of interest. The items in bold text need to be addressed prior to recording the final plat.

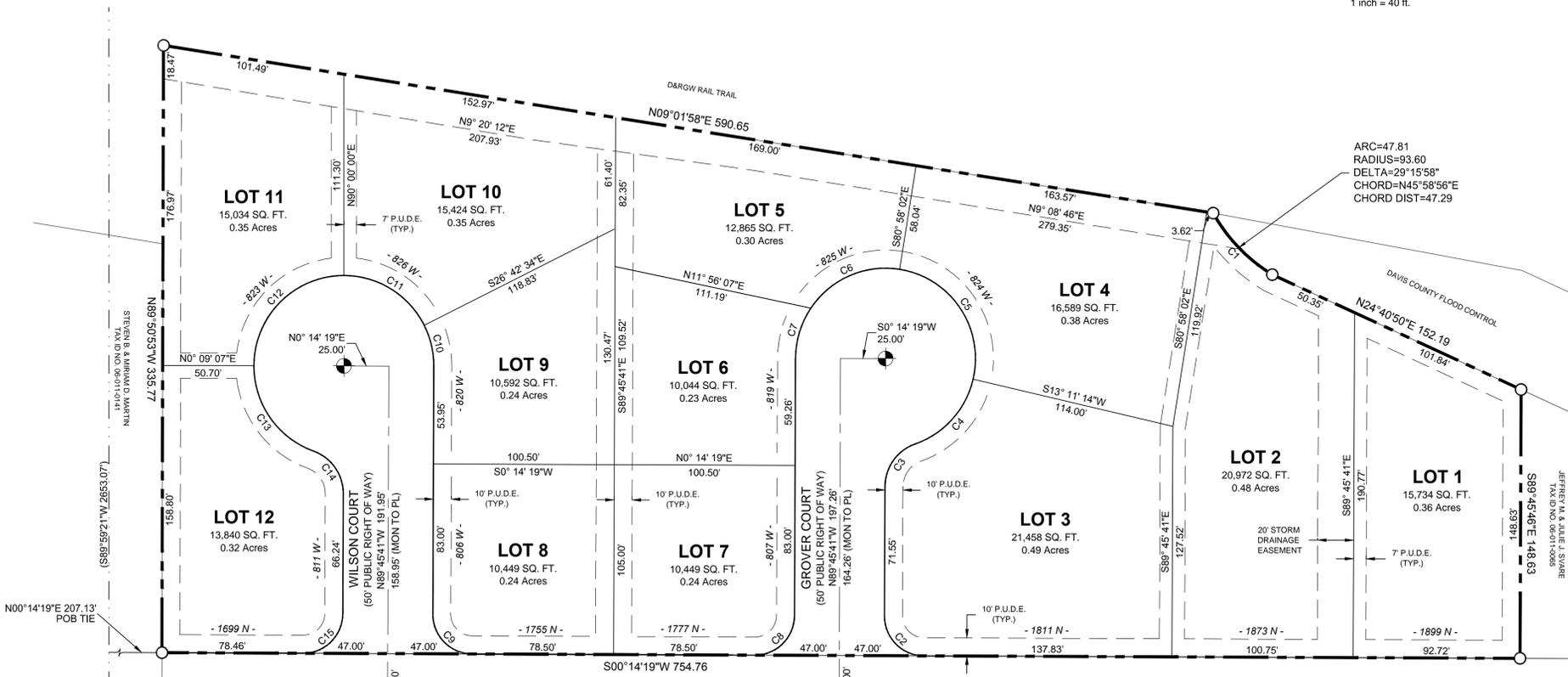
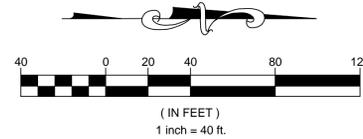
1. There are two existing street lights with one additional proposed street light at the Grover Court corner.
2. The Planning Commission recommended the group mailbox be located on the westerly lot corner of Lots 7 and 8.
3. Staff has a complete set of construction drawings and a geotechnical report for the development available for review.
4. Drainage for the subdivision will discharge into the DSB canal without detention. Davis County has given a tentative approval, but final approval is still pending. **A flood control permit issued by Davis County Public Works is required.**
5. The construction of the two cul-de-sacs will necessitate cutting into 800 West for utility service. Permission to cut into 800 West was previously granted during a June city council meeting. **The excavation permit fee for the road cut will need to be paid prior to excavating in the existing asphalt.**
6. **The development is required to reimburse the city for the service laterals used which were previously installed with the hope of minimizing 800 West street cuts when the property developed.**
7. **The construction drawings need to be revised to correct a drainage issue on the two cul-de-sac entries and other minor improvement drawing corrections.**
8. **Water rights will need to be deeded to the city.**
9. **Title report review by the city attorney with no objectional entries.**
10. **Payment of impact and inspection fees.**
11. **Post appropriate improvement bonds**
12. **Design approval by Weber Basin, South Davis Sewer and Davis County Public Works.**

Staff is recommending approval of the Atwater Estates Subdivision with the conditions noted in item 4 through 12 listed above.

NOTE TO HOME OWNERS:
 THIS SUBDIVISION IS LOCATED ADJACENT TO A STORM WATER CONTROL CANAL. YARD DRAINS HAVE BEEN INSTALLED TO HELP YARD DRAINAGE AND MUST HAVE A RIM ELEVATION OF 4825.50 OR GREATER. IT IS THE RESPONSIBILITY OF LOT OWNERS WITH YARD DRAIN CHECK VALVES TO MAINTAIN AND MONITOR TO ENSURE THAT WATER FROM CANAL DOES NOT PASS THROUGH SAID CHECK VALVES AND FLOOD YARDS AND HOMES. THE DEVELOPER, ENGINEER, CITY AND OTHER PARTY SHALL NOT BE RESPONSIBLE FOR INSTALLING THE FOREGOING AND THE HOMEOWNER SHALL HOLD THEM HARMLESS FROM ANY FAILURE BY THE HOMEOWNER TO DO SO.

ATWATER ESTATES SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13,
 TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN
 WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH
 OCTOBER 2018



SURVEYOR'S CERTIFICATE:

I, **MICHAEL L. WANGEMANN**, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. **6431156**, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS: **ATWATER ESTATES SUBDIVISION** AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE: _____ MICHAEL L. WANGEMANN
 LICENSE NO. 6431156

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF ONION STREET (AKA 800 WEST STREET), SAID POINT BEING SOUTH 89°59'21" WEST ALONG THE QUARTER SECTION LINE 215.89 FEET AND NORTH 00°14'19" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 207.13 FEET FROM THE CENTER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89°50'53" WEST 335.77 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE D&RGW RAILROAD RIGHT-OF-WAY LINE; THENCE NORTH 09°01'58" EAST ALONG SAID RAILROAD RIGHT-OF-WAY LINE 590.65 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE DAVIS COUNTY CANAL; THENCE NORTHEASTERLY ALONG SAID CANAL RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: THENCE NORTHEASTERLY 47.81 FEET ALONG THE ARC OF A 93.50 FOOT RADIUS NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 29°15'58" (WHICH LONG CHORD BEARS NORTH 45°58'56" EAST 47.29 FEET); THENCE NORTH 24°40'50" EAST 152.19 FEET; THENCE SOUTH 89°45'46" EAST 148.63 FEET TO SAID WEST RIGHT-OF-WAY LINE OF ONION STREET; THENCE SOUTH 00°14'19" WEST ALONG SAID WEST RIGHT-OF-WAY LINE 754.76 FEET TO THE POINT OF BEGINNING.

CONTAINS 201,955.12 SQ/FT OR 4.64 ACRES

OWNERS DEDICATION:

WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAT, AND NAME SAID TRACT:
ATWATER ESTATES SUBDIVISION

AND DO HEREBY DEDICATE, GRANT AND CONVEY TO WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH, ALL THOSE PARTS AND PORTIONS OF SAID TRACTS OF LAND DESIGNATED AS PUBLIC ROADS, THE SAME TO BE USED AS PUBLIC UTILITY AND DRAINAGE EASEMENTS, DETENTION BASIN, AND SLOPE EASEMENTS FOREVER AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY WEST BOUNTIFUL CITY.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUT HANDS THIS _____ DAY OF _____ A.D. 20____.

CORPORATE ACKNOWLEDGEMENT:

STATE OF UTAH) §
 COUNTY OF DAVIS

ON THIS _____ DAY OF _____ IN THE YEAR 20____ PERSONALLY APPEARED BEFORE ME _____, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE _____ OF _____ AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID _____ ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL.

 (NOTARY SIGNATURE)

CORPORATE ACKNOWLEDGEMENT:

STATE OF UTAH) §
 COUNTY OF DAVIS

ON THIS _____ DAY OF _____ IN THE YEAR 20____ PERSONALLY APPEARED BEFORE ME _____, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE _____ OF _____ AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID _____ ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL.

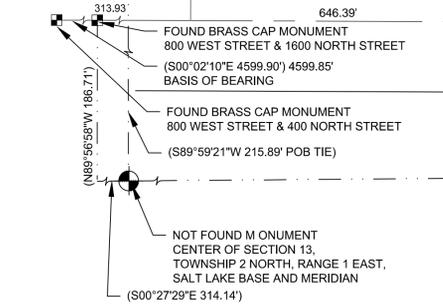
 (NOTARY SIGNATURE)

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
 FILED FOR RECORD AND RECORDED THIS _____ DAY OF _____, 2018
 AT _____ IN BOOK _____ PAGE _____

 DAVIS COUNTY RECORDER

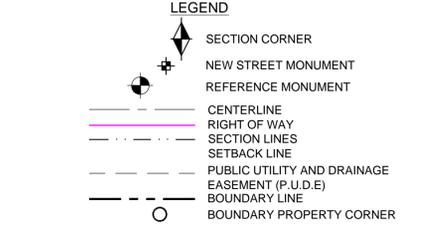
BY: _____
 DEPUTY RECORDER



CURVE	LENGTH	RADIUS	DELTA	TAN	CHORD	CHORD BRG
C1	47.81'	93.60'	29°15'58"	24.44'	47.29'	S45°58'56"W
C2	34.56'	22.00'	90°00'00"	22.00'	31.11'	N45°14'19"E
C3	30.77'	25.00'	70°31'44"	17.68'	28.87'	S54°29'49"E
C4	50.25'	50.00'	57°34'48"	27.48'	48.16'	S48°01'22"E
C5	82.17'	50.00'	94°09'16"	53.76'	73.23'	N56°06'36"E
C6	56.84'	50.00'	65°07'47"	31.93'	53.83'	N23°31'56"W
C7	29.38'	50.00'	33°39'52"	15.13'	28.96'	N72°55'45"W
C8	34.56'	22.00'	90°00'00"	22.00'	31.11'	N44°45'41"W

CURVE	LENGTH	RADIUS	DELTA	TAN	CHORD	CHORD BRG
C9	34.56'	22.00'	90°00'00"	22.00'	31.11'	N45°14'19"E
C10	23.52'	50.00'	26°56'53"	11.98'	23.30'	N76°45'53"E
C11	55.23'	50.00'	63°17'26"	30.81'	52.47'	N31°38'43"E
C12	78.41'	50.00'	89°50'53"	49.87'	70.62'	N44°55'27"W
C13	61.47'	50.00'	70°26'32"	35.30'	57.67'	S54°55'51"W
C14	30.77'	25.00'	70°31'44"	17.68'	28.87'	S54°58'27"W
C15	34.56'	22.00'	90°00'00"	22.00'	31.11'	N44°45'41"W

BASIS OF BEARINGS:
 THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED USING FOUND BRASS CAP MONUMENTS LOCATED AT THE INTERSECTION OF 800 WEST STREET & 400 NORTH STREET AND 800 WEST STREET & 1600 NORTH STREET AS SHOWN ON THIS SURVEY PLAT.



CITY ENGINEER'S APPROVAL APPROVED THIS _____ DAY OF _____ A.D., 2018 BY THE WEST BOUNTIFUL CITY ENGINEER. CITY ENGINEER _____	CITY ATTORNEY APPROVAL APPROVED THIS _____ DAY OF _____ A.D., 2018 BY THE WEST BOUNTIFUL CITY ATTORNEY. CITY ATTORNEY _____	PLANNING COMMISSION APPROVED THIS _____ DAY OF _____ A.D., 2018 BY THE WEST BOUNTIFUL CITY PLANNING AND ZONING COMMISSION. CHAIRMAN _____	CITY COUNCIL ACCEPTANCE APPROVED THIS _____ DAY OF _____ A.D., 2018 BY THE WEST BOUNTIFUL CITY COUNCIL. MAYOR _____ CITY RECORDER _____
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WEST BOUNTIFUL CITY

RESOLUTION #444-18

A RESOLUTION ADOPTING THE 2018 BIENNIAL MODERATE-INCOME HOUSING ELEMENT REVIEW REPORT

WHEREAS, Section 10-9a-408 of Utah Code requires the city council to biennially review the moderate-income housing plan element of the city's general plan and implementation of that element of the general plan, prepare a report on the findings of the review, and to post the report on the city's website; and,

WHEREAS, the Utah Department of Workforce Services has provided a required template for this report; and,

WHEREAS, the West Bountiful City Council has conducted a review and directed staff to complete the report on the require template:

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful that:

1. The West Bountiful City 2018 Moderate-Income Housing Report is hereby issued;
2. The report is to be immediately posted on the city's website and submitted to the Department of Workforce Services;

Passed and approved by the City Council of West Bountiful City this 4th day of December 2018.

Kenneth Romney, Mayor

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Williams	_____	_____
Councilmember Preece	_____	_____

ATTEST:

Cathy Brightwell, City Recorder

State of Utah

MODERATE-INCOME HOUSING REPORTING FORM

A form for reporting the findings of a biennial moderate-income housing element review.
Revised: March 2018



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SERVICES**
HOUSING & COMMUNITY
DEVELOPMENT

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MODERATE-INCOME HOUSING REPORTING FORM

General purpose municipal governments, other than towns, are required to include a 5-year moderate-income housing element in their comprehensive general plan. The following are obligated municipal governments:

- All cities of the first, second, third, and fourth class.
- Cities of the fifth class:
 - Having an estimated population greater than or equal to 5,000 residents; **AND**
 - That are located in a county with a population greater than or equal to 31,000 residents.
- Metro Townships:
 - Having an estimated population greater than or equal to 5,000 residents;
 - Having an estimated population less than 5,000 **BUT** is located in a county with a population greater than or equal to 31,000 residents.

In addition, every two years the legislative body of obligated municipal governments are to:

- Conduct a thorough review of the moderate-income housing element and its implementation; and
- Revise its 5-year moderate-income housing needs estimates; and
- Report the findings of the biennial review to the Housing and Community Development Division (HCDD) of the Utah Department of Workforce Services no later than December 31st; and
- Post the findings report on their municipality's website.

NOTE: Completion of this form only partially satisfies each municipality's obligations to ensure an adequate supply of moderate-income housing within their geographic jurisdiction. It is also incumbent upon each municipality to stay apprised of pertinent state and federal housing-related legislation, administrative rules, regulatory procedures, and reporting deadlines.

When did the municipality last adopt a new moderate-income housing element?

MUNICIPAL GOVERNMENT INFORMATION:

Municipal Government: _____
 Reporting Date: _____
 General Plan's Web Address: _____

MUNICIPAL GOVERNMENT CONTACT INFORMATION:

Mailing Address: _____ P.O. Box: _____
 City: _____, UT Zip Code: _____
 Mayor's First and Last Name: _____
 Mayor's Email Address: _____

PREPARER INFORMATION:

Preparer's First and Last Name: _____
 Preparer's Title: _____
 Preparer's Email Address: _____
 Preparer's Telephone: _____ Extension: _____

INSTRUCTIONS (1 OF 3):

Download the electronic version of this form at:

<https://jobs.utah.gov/housing/affordable/moderate/index.html#biennialreporting>

Only save the electronic version of this form in its original "fillable" PDF format.

The legislative body of each municipal government is to review the sections of the Utah Code cited below. Municipal governments must then prepare a report of their biennial review's findings in accordance with these sections of Utah Code. They may utilize the Moderate-Income Housing Reporting Form in the following pages to report the findings of their biennial reviews. Municipal governments opting to use this form are to respond directly to questions in the appropriate boxes, but may need to attach additional pages for longer responses.

MODERATE-INCOME HOUSING REPORTING CRITERIA IN THE UTAH CODE

(Updated: March 2018)

UCA 10-9a-103(34):

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

UCA 10-9a-103(41):

"Plan for moderate income housing" means a written document adopted by a city legislative body that includes:

- (a) an estimate of the existing supply of moderate income housing located within the city;
- (b) an estimate of the need for moderate income housing in the city for the next five years as revised biennially;
- (c) a survey of total residential land use;
- (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) a description of the city's program to encourage an adequate supply of moderate income housing.

UCA 10-9a-401(3):

(3)(a) The general plan of a municipality, other than a town, shall plan for moderate income housing growth.

(3)(b) On or before July 1, 2019, each of the following that have a general plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with Subsection (3)(a):

- (i) a city of the first, second, third, or fourth class;
- (ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class;
- (iii) a metro township with a population of 5,000 or more; and
- (iv) a metro township with a population of less than 5,000, if the metro township is located within a county of the first, second, or third class.

(3)(c) The population figures described in Subsections (3)(b)(ii), (iii), and (iv) shall be derived from:

- (i) the most recent official census or census estimate of the United States Census Bureau; or
- (ii) if a population figure is not available under Subsection (3)(c)(i), an estimate of the Utah Population Estimates Committee.

UCA 10-9a-403(2):

- (2)(a)(iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a realistic opportunity to meet the need for additional moderate income housing.
- (2)(b) In drafting the moderate income housing element, the planning commission:
- (i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - (A) to meet the needs of people desiring to live in the community; and
 - (B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
 - (ii) for a town, may include, and for other municipalities, shall include, an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the next five years, which means or techniques may include a recommendation to:
 - (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city; construction of moderate income housing;
 - (E) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity;
 - (F) consider utilization of affordable housing programs administered by the Department of Workforce Services; and
 - (G) consider utilization of programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

UCA 10-9a-408

- (1) The legislative body of a municipality described in Subsection 10-9a-401(3)(b) shall biennially:
- (a) review the moderate income housing plan element of the municipality's general plan and implementation of that element of the general plan;
 - (b) prepare a report on the findings of the review described in Subsection (1)(a); and
 - (c) post the report described in Subsection (1)(b) on the municipality's website.
- (2) The report described in Subsection (1) shall include a description of:
- (a) efforts made by the municipality to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
 - (b) actions taken by the municipality to encourage preservation of existing moderate income housing and development of new moderate income housing;
 - (c) progress made within the municipality to provide moderate income housing, demonstrated by analyzing and publishing data on:
 - (i) the number of housing units in the municipality that are at or below:
 - (A) 80% of the adjusted median income for the municipality;
 - (B) 50% of the adjusted median income for the municipality; and
 - (C) 30% of the adjusted median income for the municipality;
 - (ii) the number of housing units in the municipality that are subsidized by the municipality, the state, or the federal government; and
 - (iii) the number of housing units in the municipality that are deed-restricted;
 - (d) all efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities or associations of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;
 - (e) all efforts made by the municipality to utilize a moderate income housing set-aside from a redevelopment agency, a community development agency, or an economic development agency;
 - (f) money expended by the municipality to pay or waive construction-related fees required by the municipality; and
 - (g) programs of the Utah Housing Corporation that were utilized by the municipality.
- (3) The legislative body of each city shall send a copy of the report under Subsection (1) to the Department of Workforce Services and the association of governments in which the city is located.
- (4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(5)(c), a plaintiff may not recover damages but may be awarded injunctive or other equitable relief.

INSTRUCTIONS (2 OF 3):

The following pages contain two (2) parts that pertain to UCA 10-9a-103(b) and UCA 10-9a-408. Part I consists of eight (8) sections that require the report’s preparer to revise 5-year estimates of the municipality’s housing needs. The report’s preparer will need to download data from the U.S. Census Bureau’s FactFinder website to complete this part of the form. Part II consists of seven (7) sections that will require the preparer to review city ordinances, existing plans, and compile records from multiple sources, including: The municipality’s various departments, affiliated development agencies, interlocal cooperatives, associations of government, public housing authorities, and/or county assessors.

NOTE: Reporting the findings of a biennial moderate-income housing review is a time intensive process. Municipalities should set-aside sufficient time to prepare an adequate report. The Utah Housing and Community Development Division has developed this form to assist municipal governments with their biennial reporting obligations. Nonetheless, a preparer of the biennial report is expected to have a basic knowledge of planning principles, a familiarity with demographic methods, and an understanding of state laws governing moderate-income housing as well as applicable municipal ordinances.

PART I: REVISED ESTIMATES OF 5-YEAR MODERATE-INCOME HOUSING NEEDS

In accordance with UCA 10-9a-103(b), please complete the tables in the following sections to revise estimates of the municipality’s 5-year moderate-income housing needs.

The report’s preparer should use the advanced search functions of the U.S. Census Bureau’s American FactFinder website to look up tabulated values from the American Community Survey (ACS). Specific ACS tables are listed in each table to aid searches. FactFinder tutorials are widely available on the internet, including HCDD’s website: <https://jobs.utah.gov/housing/affordable/moderate/index.html>. Municipalities should use 5-year ACS estimates, but they may determine for themselves whether to use 3-year or 1-year estimates if available and appropriate. Alternatively, municipalities may use the most recent estimates and projections generated by the Utah Population Estimates Committee. Municipalities may use compound annual growth rate, average annual growth rate, trend analysis, or a more sophisticated estimating technique of their choice to estimate their 5-year moderate-income housing needs.

www.factfinder.census.gov

SECTION 1: Population by tenure in the municipality

Table B01003 Table B25008	2010 American Community Survey	Most Recent American Community Survey	Growth Rate	5-Year Projection
Total Population: (ACS Table B01003)				
Total Population in occupied housing units (ACS Table B25008)				
Total Population in owner- occupied housing units (ACS Table B25008)				

Total Population in renter-occupied housing units (ACS Table B25008)				
Subtract the total population living in occupied housing units from the total population to estimate the total population with limited housing.				

Source 1: U.S. Census Bureau. Table B01003: Total population. American Community Survey.
 Source 2: U.S. Census Bureau. Table B25008: Total population in occupied housing units by tenure. American Community Survey.

SECTION 2: Supply of housing units by structure type in the municipality

Table B25001 Table B25032	2010 American Community Survey	Most Recent American Community Survey	Growth Rate	5-Year Projection
TOTAL HOUSING UNITS (ACS Table B25001)				
Total occupied units (ACS Table B25032)				
Owner-occupied structures (ACS Table B25032)				
1 unit, detached				
1 unit, attached				
2 units				
3 or 4 units				
5 to 9 units				
10 to 19 units				
20 to 49 units				
50 or more units				
Mobile homes				
Boat, RV, van, etc.				
Renter-occupied structures (ACS Table B25032)				
1 unit, detached				
1 unit, attached				
2 units				
3 or 4 units				
5 to 9 units				
10 to 19 units				
20 to 49 units				
50 or more units				
Mobile homes				
Boat, RV, van, etc.				

Source 1: U.S. Census Bureau. Table B25001: Total housing units. American Community Survey.
 Source 2: U.S. Census Bureau. Table B25032: Tenure by units in structure. American Community Survey.

SECTION 3: Housing occupancy in the municipality

Table B25003 Table B25081	2010 American Community Survey	Most Recent American Community Survey	Growth Rate	5-Year Projection
Total households in occupied housing units (ACS Table B25003)				
Total households in owner-occupied housing (ACS Table B25003)				
With a Mortgage (ACS Table B25081)				
Without a Mortgage (ACS Table B25081)				
Total households in renter-occupied housing (ACS Table B25003)				

Source 1: U.S. Census Bureau. Table B25003: Tenure. American Community Survey.

Source 2: U.S. Census Bureau. Table B25081: Mortgage status. American Community Survey.

SECTION 4: Housing vacancy in the municipality

Table B25004	2010 American Community Survey	Most Recent American Community Survey	Growth Rate	5-Year Projection
Total vacant units (ACS Table B25004)				
For rent (ACS Table B25004)				
Rented, not occupied (ACS Table B25004)				
For sale only (ACS Table B25004)				
Sold, not occupied (ACS Table B25004)				
For seasonal, recreational, or occasional use (ACS Table B25004)				
For migrant workers (ACS Table B25004)				
Other vacant (ACS Table B25004)				

Source 1: U.S. Census Bureau. Table B25003: Tenure. American Community Survey.

SECTION 5: Average household size of the municipality

Table B25010	2010 American Community Survey	Most Recent American Community Survey
Average Household Size (ACS Table B25010)		
Average Owner Household Size (ACS Table B25010)		
Average Renter Household Size (ACS Table B25010)		

Source 1: U.S. Census Bureau. Table B25010: Average household size of occupied housing units by tenure. American Community Survey.

SECTION 6: Monthly median housing costs in the municipality

Table B25088 Table B25064	2010 American Community Survey	Most Recent American Community Survey	Growth Rate	5-Year Projection
Total median owner-occupied housing costs (ACS Table B25088)				
Units with a mortgage (ACS Table B25088)				
Units without a mortgage (ACS Table B25088)				
Median gross rent (ACS Table B25064)				

Source 1: U.S. Census Bureau. Table B25088: Median selected monthly owner costs (Dollars) by mortgage status. American Community Survey.

Source 2: U.S. Census Bureau. Table B25064: Median gross rent (Dollars). American Community Survey.

SECTION 7: Median household income in the municipality

Table B25119	2010 American Community Survey	Most Recent American Community Survey	Growth Rate	5-Year Projection
Median household income (ACS Table B25119)				
Owner-occupied income (ACS Table B25119)				
Renter-occupied income (ACS Table B25119)				

Source 1: U.S. Census Bureau. Table B25119: Median household income that past 12 months by tenure. American Community Survey.

SECTION 8: "COUNTY-LEVEL" Area Median Income (AMI)*

Table B19019 Table B19119	2010 American Community Survey	Most Recent American Community Survey	Growth Rate	5-Year Projection
Median <u>HOUSEHOLD</u> income (ACS Table B19019)				
1-person household				
2-person household				
3-person household				
4-person household				
5-person household				
6-person household				
≥ 7-person household				
Median <u>FAMILY</u> income (ACS Table B19119)				
2-person family				
3-person family				
4-person family				
5-person family				
6-person family				
≥ 7-person family				

Source 1: U.S. Census Bureau. Table B19019: Median household income that past 12 months by household size. American Community Survey.

Source 2: U.S. Census Bureau. Table B19119: Median family income in the past 12 months by family size. American Community Survey.

***NOTE:** AMI is always calculated at the **COUNTY-LEVEL**.

Using the calculations above, explain the municipality’s current and projected housing needs.

PART II: FINDINGS OF THE MODERATE-INCOME HOUSING ELEMENT REVIEW

In accordance with UCA 10-9a-408, please complete the following sections to report the findings of the municipal legislative body's review of the moderate-income housing element of the general plan.

SECTION 1: Efforts made by the municipality to reduce, mitigate, or eliminate barriers to moderate income housing

The following questions were adapted from the U.S. Department of Housing and Urban Development's "Questionnaire for HUD's Initiative on Removal of Regulatory Barriers" (OMB approval no. 2535-0120).

- 1) Yes No Does the municipality's general plan include a moderate-income housing element that utilizes maps, illustrations, tables, and a detailed analysis of means and techniques to set forth goals, policies, and guidelines intended to direct the jurisdiction's present and future residential development?
- 2) Yes No Does the moderate-income housing element of the municipality's general plan take into account the anticipated growth of the region, for existing and future residents, including low-income, very low-income, and extremely low-income households for at least the next five years?
- 3) Yes No Does the municipality's zoning ordinance and map, development and subdivision regulations or other land use controls conform to the jurisdiction's comprehensive plan regarding moderate-income housing needs by providing:
 - a) Sufficient land use and density categories for multifamily housing, duplexes, small lot homes and other similar elements; and
 - b) Sufficient land zoned or mapped "as-of-right" in these categories, that can permit the building of moderate-income housing addressing the needs identified in the plan?
- 4) Yes No Does the municipality's zoning ordinance set minimum building size requirements that exceed the local housing or health code or is otherwise not based upon explicit health standards?
- 5) Yes No If the municipality has development impact fees, are the fees specified and calculated under local and/or state statutory criteria?
- 6) Yes No Do the municipality's development impact fee statutes provide criteria that set standards for the allowable types of capital investments that have a direct relationship between the fee and the development, and a method for fee calculation?
- 7) Yes No If the municipality has impact fees or other significant fees, does it provide waivers of these fees for moderate-income housing?
- 8) Yes No Has the municipality adopted specific building code language regarding housing rehabilitation that encourages such rehabilitation through graduated regulatory requirements applicable as different levels of work are performed in existing buildings?

- 9) Yes No Does the municipality use a recent version of a nationally recognized model building code, published within the last 5 years, without significant technical amendment or modification?
- 10) Yes No Does the municipality's zoning ordinance or land use regulations permit manufactured housing "as-of-right" in all residential districts and zoning classifications in which similar site-built housing is permitted, subject to design, density, building size, foundation requirements, and other similar requirements applicable to other housing that will be deemed realty, irrespective of the method of production?
- 11) Yes No Within the past five years, has a the municipality's legislative body conducted a comprehensive study of, public hearings for, or established a formal ongoing process to review residential development regulations and processes to assess their impact on its supply of moderate-income housing?
- 12) Yes No Has the municipality implemented regulatory reforms consistent with the findings of a comprehensive housing study, public hearings, or periodic reviews in the last five years?
- 13) Yes No Within the past five years, has the municipality modified infrastructure standards and/or authorized the use of new infrastructure technologies (e.g. water, sewer, street width) to significantly reduce the cost of housing?
- 14) Yes No Does the municipality grant sufficient density bonuses to offset the cost of building below market units as an incentive for any market rate residential development that includes a portion of moderate-income housing?
- 15) Yes No Has the municipality established a single, consolidated permit application process for housing development that includes building, zoning, engineering, environmental, and related permits? Alternatively, does your jurisdiction conduct concurrent, not sequential, reviews for all required permits and approvals?
- 16) Yes No Does the municipality provide for expedited permitting and approvals for all moderate-income housing projects?
- 17) Yes No Has the municipality established time limits for government review and approval or disapproval of development permits in which failure to act, after the application is deemed complete, by the government within the designated time period, results in automatic approval?
- 18) Yes No Does the municipality allow "accessory apartments" either as: a) a special exception or conditional use in all single-family residential zones or, b) "as-of-right" in a majority of residential districts otherwise zoned for single-family housing?
- 19) Yes No Does the municipality have an explicit policy that adjusts or waives existing parking requirements for all moderate-income housing developments?
- 20) Yes No Does the municipality require moderate-income housing projects to undergo public review or special hearings when the project is otherwise in full compliance with the zoning ordinance and other development regulations?

21) What other efforts has the municipality made to reduce, mitigate, or eliminate barriers to moderate-income housing?

SECTION 2: Report the municipality's actions to encourage the preservation of existing moderate-income housing and development of new moderate-income housing during the preceding biennium?

SECTION 3: Analyze the municipality's progress in providing moderate-income housing.

SUBSECTION 3.1:

Enter data from TABLE 1 and TABLE 2 at the end of this form into the tables below to calculate the municipality's progress in providing affordable and available moderate-income rental housing for the current and previous biennium. Subtract data in TABLE 2 from TABLE 1 to estimate the municipality's progress in providing moderate-income housing. Finally, in each table below subtract the number of affordable units from the number of renter households and then subtract the number of available units from the number of renter households to estimate the municipality's moderate-income housing gap.

Calculate the municipality's housing gap for the current biennium by entering the number of moderate-income renter households, affordable rental units, and available rental units in the municipality from TABLE 1 below:

	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI					
≤ 50% HAMFI					
≤ 30% HAMFI					

Calculate the municipality's housing gap for the previous biennium by entering the number of moderate-income renter households, affordable rental units, and available rental units in the municipality from TABLE 2 below:

	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI					
≤ 50% HAMFI					
≤ 30% HAMFI					

Subtract data from TABLE 2 from TABLE 1 to estimate progress in providing moderate-income housing

	Renter Households	Affordable Rental Units	Available Rental Units	Affordable Units - Renter Households	Available Units - Renter Households
≤ 80% HAMFI					
≤ 50% HAMFI					
≤ 30% HAMFI					

SUBSECTION 3.2:

Report the number of all housing units in the municipality that are currently subsidized by each level of government below:

Municipal Government _____
 State Government _____
 Federal Government _____

SUBSECTION 3.3:

Report the number of all housing units in the municipality that are currently deed-restricted for moderate-income households in the box below:

--

SECTION 4: Report all efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities or associations of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act during the preceding biennium.

[Empty reporting area for Section 4]

SECTION 5: Report the municipality's efforts to utilize the moderate income housing set-asides from redevelopment agencies, community development agencies, or economic development agencies by completing the following tables.

Project Area Name:	_____	Description of moderate-income housing set-aside utilization:
Agency type:	_____	
Start date:	_____	
Expiration date:	_____	
Initial value:	_____	
Future value:	_____	
% Rate per yr.:	_____	
Amount collected:	_____	
Amount expended:	_____	

Project Area Name:	_____	Description of moderate-income housing set-aside utilization:
Agency type:	_____	
Start date:	_____	
Expiration date:	_____	
Initial value:	_____	
Future value:	_____	
% Rate per yr.:	_____	
Amount collected:	_____	
Amount expended:	_____	

Project Area Name:	_____	Description of moderate-income housing set-aside utilization:
Agency type:	_____	
Start date:	_____	
Expiration date:	_____	
Initial value:	_____	
Future value:	_____	
% Rate per yr.:	_____	
Amount collected:	_____	
Amount expended:	_____	

Project Area Name:	_____	Description of moderate-income housing set-aside utilization:
Agency type:	_____	
Start date:	_____	
Expiration date:	_____	
Initial value:	_____	
Future value:	_____	
% Rate per yr.:	_____	
Amount collected:	_____	
Amount expended:	_____	

Project Area Name:	_____	Description of moderate-income housing set-aside utilization:
Agency type:	_____	
Start date:	_____	
Expiration date:	_____	
Initial value:	_____	
Future value:	_____	
% Rate per yr.:	_____	
Amount collected:	_____	
Amount expended:	_____	

Project Area Name:	_____	Description of moderate-income housing set-aside utilization:
Agency type:	_____	
Start date:	_____	
Expiration date:	_____	
Initial value:	_____	
Future value:	_____	
% Rate per yr.:	_____	
Amount collected:	_____	
Amount expended:	_____	

Project Area Name:	_____	Description of moderate-income housing set-aside utilization:
Agency type:	_____	
Start date:	_____	
Expiration date:	_____	
Initial value:	_____	
Future value:	_____	
% Rate per yr.:	_____	
Amount collected:	_____	
Amount expended:	_____	

Project Area Name:	_____	Description of moderate-income housing set-aside utilization:
Agency type:	_____	
Start date:	_____	
Expiration date:	_____	
Initial value:	_____	
Future value:	_____	
% Rate per yr.:	_____	
Amount collected:	_____	
Amount expended:	_____	

If necessary, duplicate this page to list all active project areas in the municipality.

SECTION 6: Report the money expended by the municipality to pay or waive construction-related fees required by the municipality during the preceding biennium.

SECTION 7: Provide a description of the programs of the Utah Housing Corporation that were utilized by the municipality during the preceding biennium.

INSTRUCTIONS (3 OF 3):**SUBMISSION GUIDELINES:**

1. **Biennial moderate-income housing review reports are due on December 31st of each year.**
2. Emails must include the following items as *separate* attachments:
 - (a) A findings report of the biennial moderate-income housing element review
 - (b) The most current version of the moderate-income housing element of the municipality's general plan
 - (c) A copy of the resolution formally adopting the current moderate income housing element as part of the municipality's general plan
 - (d) A link to the biennial report on the municipality's website
3. Acceptable electronic document formats include:
 - (a) DOC, DOCX, RTF, OTD, and PDF
4. Emails **MUST** be addressed to:

biennialreporting@utah.gov

For additional moderate-income housing planning resources, please visit:

<https://jobs.utah.gov/housing/affordable/moderate/index.html>

TABLE 1:
Moderate-income renter households, affordable rental units, and available rental units, 2011-2015

Municipality	Renter Households HAMFI			Affordable Units HAMFI			Available Units HAMFI		
	≤ 30%	≤ 50%	≤ 80%	≤ 30%	≤ 50%	≤ 80%	≤ 30%	≤ 50%	≤ 80%
Alpine	25	215	395	85	140	365	4	78	253
American Fork	410	700	1,105	200	465	1,765	45	205	980
Aurora	4	14	14	4	8	18	0	12	12
Bear River City	0	4	8	10	14	18	0	0	12
Beaver	25	130	190	125	270	325	30	165	240
Blanding	75	120	195	55	200	240	40	109	194
Bluffdale	55	120	260	25	140	340	0	70	245
Bountiful	580	1,180	2,380	535	1,750	3,600	270	735	2,340
Brigham City	425	835	1,410	380	1,420	1,975	235	875	1,575
Castle Dale	25	40	70	65	110	110	35	59	94
Cedar City	1,560	2,465	3,375	1,375	3,580	4,765	825	2,440	3,810
Cedar Hills	50	75	175	20	20	55	0	0	35
Centerville	260	405	525	50	365	855	20	274	594
Clearfield	1,095	2,270	3,240	340	2,115	4,430	225	1,270	3,290
Clinton	70	205	540	90	315	835	10	65	475
Coalville	35	85	100	45	105	125	10	64	94
Corinne	15	15	35	4	39	59	0	0	34
Cottonwood Heights	355	790	1,685	240	690	3,345	25	295	1,700
Delta	135	185	200	85	190	220	85	160	190
Draper	300	515	1,135	115	330	2,145	0	125	1,070
Duchesne	55	105	150	40	130	245	25	74	163
Eagle Mountain	60	155	410	50	65	680	25	50	355
East Carbon-Sunnyside	35	60	90	70	120	140	20	49	92
Elk Ridge	10	14	14	0	0	20	0	0	8
Enoch	35	65	95	15	85	180	0	15	95
Enterprise	30	34	38	10	65	100	10	49	53
Ephraim	300	465	740	340	770	940	115	425	760
Escalante	20	35	45	30	64	64	20	42	42
Eureka	15	19	23	15	19	39	4	12	30
Fairview	20	45	60	10	85	125	0	30	55
Farmington	130	190	605	115	365	910	25	110	570
Farr West	30	40	65	20	70	140	0	4	59
Ferron	45	55	59	40	70	70	25	48	56
Fillmore	50	125	165	80	210	220	35	125	165
Fountain Green	4	24	49	10	35	45	0	14	49
Fruit Heights	4	79	99	0	25	95	0	4	83
Garland	40	75	130	30	165	225	19	84	153
Grantsville	185	300	365	195	270	455	150	195	299
Green River	45	70	90	75	130	134	40	90	113
Gunnison	20	55	70	25	50	75	20	39	63
Harrisville	10	85	190	45	100	345	0	30	190
Heber	365	540	865	125	340	1,175	40	225	830

TABLE 1: (Continued)*Moderate-income renter households, affordable rental units, and available rental units, 2011-2015*

<i>Municipality</i>	<i>Renter Households HAMFI</i>			<i>Affordable Units HAMFI</i>			<i>Available Units HAMFI</i>		
	<i>≤ 30%</i>	<i>≤ 50%</i>	<i>≤ 80%</i>	<i>≤ 30%</i>	<i>≤ 50%</i>	<i>≤ 80%</i>	<i>≤ 30%</i>	<i>≤ 50%</i>	<i>≤ 80%</i>
Payson	290	510	805	140	500	1,010	50	265	680
Plain City	0	0	15	0	0	0	0	0	0
Pleasant Grove	655	1,135	2,075	190	525	2,965	90	220	1,894
Pleasant View	10	45	95	10	185	235	0	45	95
Providence	35	100	245	30	85	350	10	29	239
Provo	5,600	10,160	14,410	3,695	9,230	17,810	1,485	5,645	13,905
Riverdale	90	390	575	90	620	990	65	445	700
Riverton	60	190	500	130	250	970	10	60	435
Roy	365	665	1,100	230	950	1,855	105	435	1,060
Salem	90	175	190	75	145	280	30	115	185
Salt Lake City	11,765	19,785	27,835	4,725	20,380	36,870	3,005	12,680	27,635
Sandy	1,030	2,205	3,590	545	1,405	5,595	225	770	3,310
Santa Clara	15	50	255	55	59	224	0	0	169
Santaquin	95	165	260	105	235	470	50	145	310
Saratoga Springs	20	30	230	10	25	570	0	0	155
Smithfield	45	95	210	60	125	365	15	75	198
South Jordan	340	570	1,225	300	510	2,170	65	150	1,205
South Ogden	355	810	1,425	155	1,150	2,115	35	675	1,495
South Salt Lake	1,605	2,940	4,195	480	3,250	5,235	325	2,220	4,300
South Weber	25	65	125	10	45	175	0	35	130
Spanish Fork	335	660	1,475	165	745	1,980	25	210	1,300
Springville	400	810	1,710	195	1,110	2,425	30	390	1,510
St. George	1,790	3,375	5,620	885	2,660	8,065	510	1,765	5,505
Sunset	195	280	385	50	350	475	4	208	383
Syracuse	50	130	285	45	80	435	20	49	249
Taylorsville	1,190	2,300	4,310	385	2,225	6,010	120	1,145	4,420
Tooele	605	1,100	1,570	345	1,345	2,675	195	915	1,810
Tremonton	275	340	495	180	495	570	160	315	490
Vernal	305	390	670	210	745	1,380	170	425	890
Washington	255	755	1,100	320	440	1,470	25	290	810
Washington Terrace	600	860	1,050	250	1,125	1,345	205	820	1,100
West Bountiful	10	35	39	0	60	115	0	15	29
West Haven	75	245	445	15	145	890	0	55	375
West Jordan	1,375	2,730	5,080	545	1,935	7,430	170	1,075	5,060
West Point	75	110	180	10	25	130	10	25	115
West Valley City	3,255	6,120	8,845	1,115	4,335	11,535	710	2,845	8,955
Woods Cross	135	270	455	35	370	535	0	195	455

Source: U.S. Dept. of Housing & Urban Development. (2018). Tables 8, 14B, & 15C: Comprehensive Housing Affordability Strategy [Data]. Available at: <https://www.huduser.gov/portal/datasets/cp.html#2006-2015> data

TABLE 2:*Moderate-income renter households, affordable rental units, and available rental units, 2009-2013*

<i>Municipality</i>	<i>Renter Households HAMFI</i>			<i>Affordable Units HAMFI</i>			<i>Available Units HAMFI</i>		
	<i>≤ 30%</i>	<i>≤ 50%</i>	<i>≤ 80%</i>	<i>≤ 30%</i>	<i>≤ 50%</i>	<i>≤ 80%</i>	<i>≤ 30%</i>	<i>≤ 50%</i>	<i>≤ 80%</i>
Alpine	15	110	280	65	65	275	0	40	159
American Fork	245	590	960	200	340	1,275	40	110	750
Aurora	4	14	18	4	8	12	0	12	16
Bear River City	20	20	24	10	25	35	10	20	24
Beaver	45	165	230	110	270	335	30	180	275
Blanding	80	130	190	95	215	295	65	124	223
Bluffdale	50	130	235	35	120	325	15	60	240
Bountiful	600	1,265	2,180	475	1,665	3,544	200	760	2,084
Brigham City	325	685	1,120	355	1,195	1,750	230	700	1,310
Castle Dale	30	50	70	40	100	110	14	59	79
Cedar City	1,390	2,485	3,465	955	3,445	5,100	525	2,280	3,900
Cedar Hills	95	120	145	35	35	70	0	10	45
Centerville	165	255	400	100	200	660	60	140	430
Clearfield	1,060	2,060	3,095	465	2,110	4,475	305	1,360	3,240
Clinton	80	210	465	40	245	780	0	75	435
Coalville	55	105	135	60	165	175	40	100	134
Corinne	10	10	25	10	20	65	0	0	24
Cottonwood Heights	440	855	1,700	200	700	3,540	45	365	1,920
Delta	140	195	250	165	330	400	115	225	290
Draper	195	535	955	155	365	1,925	0	155	980
Duchesne	50	125	190	25	130	295	15	64	204
Eagle Mountain	95	105	360	60	60	410	0	0	315
East Carbon-Sunnyside	45	74	109	75	155	185	19	66	122
Elk Ridge	4	8	12	4	8	12	0	0	4
Enoch	10	70	115	55	85	170	10	25	129
Enterprise	4	8	28	14	49	109	4	23	45
Ephraim	230	405	505	280	570	725	105	360	510
Escalante	20	35	35	19	59	69	8	42	46
Eureka	15	30	40	14	18	48	4	12	44
Fairview	15	40	65	14	39	119	4	14	64
Farmington	145	210	545	120	465	845	25	80	480
Farr West	20	40	70	45	85	145	0	20	70
Ferron	30	34	34	25	50	80	20	38	53
Fillmore	35	95	110	130	190	200	65	134	149
Fountain Green	0	20	30	10	35	55	0	24	38
Fruit Heights	10	65	85	0	20	75	0	0	75
Garland	40	110	135	50	140	230	35	100	164
Grantsville	155	225	250	150	240	480	120	150	274
Green River	50	85	110	35	110	150	15	70	119
Gunnison	25	35	90	20	74	119	20	44	98
Harrisville	0	60	150	40	65	280	0	15	150
Heber	260	475	725	70	340	990	15	230	695

TABLE 2: (Continued)*Moderate-income renter households, affordable rental units, and available rental units, 2009-2013*

<i>Municipality</i>	<i>Renter Households HAMFI</i>			<i>Affordable Units HAMFI</i>			<i>Available Units HAMFI</i>		
	<i>≤ 30%</i>	<i>≤ 50%</i>	<i>≤ 80%</i>	<i>≤ 30%</i>	<i>≤ 50%</i>	<i>≤ 80%</i>	<i>≤ 30%</i>	<i>≤ 50%</i>	<i>≤ 80%</i>
Payson	285	435	765	110	445	1,140	25	155	730
Plain City	0	20	35	20	20	40	0	4	22
Pleasant Grove	345	855	1,635	140	370	2,340	10	100	1,365
Pleasant View	10	25	85	0	45	180	0	25	100
Providence	20	75	225	45	160	395	0	35	220
Provo	5,285	9,310	13,695	3,165	6,990	16,145	1,335	4,470	12,400
Riverdale	120	345	645	75	570	975	45	325	740
Riverton	55	340	615	65	155	1,245	4	38	673
Roy	300	650	1,085	250	1,045	1,990	65	440	1,130
Salem	65	145	180	90	150	255	25	75	179
Salt Lake City	10,815	18,305	26,405	4,645	18,660	35,860	3,125	11,955	26,895
Sandy	1,075	1,965	3,265	575	1,320	4,945	245	735	3,020
Santa Clara	15	30	190	85	89	189	0	0	159
Santaquin	80	115	250	65	140	405	25	90	290
Saratoga Springs	45	125	295	0	15	315	0	0	145
Smithfield	50	100	190	75	185	350	20	60	184
South Jordan	205	400	935	170	320	1,320	0	40	710
South Ogden	420	830	1,340	150	1,135	2,085	65	655	1,400
South Salt Lake	1,770	2,985	4,225	480	3,125	5,295	290	2,030	4,435
South Weber	30	70	125	10	60	210	10	50	115
Spanish Fork	200	520	995	180	550	1,624	30	195	824
Springville	330	690	1,335	180	820	2,185	55	310	1,305
St. George	1,655	3,355	5,325	965	2,005	7,455	420	1,390	5,045
Sunset	225	280	355	40	395	525	4	274	388
Syracuse	10	95	230	45	110	445	35	60	265
Taylorsville	1,125	2,300	3,960	350	2,010	5,505	150	1,350	4,150
Tooele	615	1,135	1,830	365	1,130	2,715	175	775	1,980
Tremonton	140	190	450	105	500	635	75	165	400
Vernal	365	485	830	150	590	1,185	100	390	840
Washington	330	745	1,135	225	460	1,050	20	385	695
Washington Terrace	530	780	1,040	160	1,035	1,355	140	695	1,070
West Bountiful	10	35	50	10	65	115	10	35	50
West Haven	75	235	470	20	125	830	4	83	483
West Jordan	1,435	2,665	4,575	530	1,395	6,775	175	775	4,610
West Point	50	115	175	20	35	230	4	19	124
West Valley City	3,380	6,160	9,095	1,085	4,135	11,845	630	2,740	9,265
Woods Cross	55	155	335	15	365	575	0	165	405

Source: U.S. Dept. of Housing & Urban Development. (2018). Tables 8, 14B, & 15C: Comprehensive Housing Affordability Strategy [Data]. Available at: <https://www.huduser.gov/portal/datasets/cp.html#2006-2015> data

3rd Quarter Local Option Sales Tax for Transportation (0.25%)

BACKGROUND

There are currently four “local option” transportation sales taxes authorized by Utah state code. These options are sometimes referred to as “quarters” (meaning quarters of a percent (0.25%), not calendar quarters). Davis County has imposed the first, second and fourth quarters. The third quarter is available for imposition by the County.

The third quarter is a tool for local governments to receive funding for priority transportation needs in their communities, including projects identified in the Regional Transportation Plan – the [Wasatch Choice 2050](#) – and [Utah’s Unified Transportation Plan](#).

REVENUE GENERATION

Anticipated revenues from imposing the 3rd quarter 0.25% sales tax would total approximately \$12.6 million annually in Davis County (countywide). The county legislative body has until June 30, 2022 to impose this quarter.

PROCESS FOR IMPOSITION

Action by the County is required to impose the local option sales tax.

In 2018, the Legislature passed Transportation Governance Amendments ([SB136](#)), which made some modifications to the local options, including giving the county legislative body the authority to impose the third quarter without a voter referendum.

The authority to impose this local option sales tax expires June 30, 2022.

ELIGIBLE USES

The eligible uses of the local option funds are defined by Utah Code [59-12-2217](#).

- The funds can be used for:
 - new capacity
 - congestion mitigation
 - corridor preservation
 - debt service or bond issuance costs
- The funds can be used for a project or service “relating to a regionally significant transportation facility”, and can include the following types of facilities:
 - a principal arterial highway or minor arterial highway
 - a fixed guideway that extends across two or more cities or unincorporated areas
 - an airport of regional significance
 - a collector road.
- The projects or services must be part of the county and municipal master plan and the MPO (WFRC) regional transportation plans.
- The following are examples of eligible projects:
 - Road reconstruction with minor widening, widening, new construction, intersection improvements, corridor preservation (collector or greater).

- Transit construction and corridor preservation.
 - Preliminary engineering, environmental studies, and project implementation or construction.
- The following are examples of ineligible projects:
 - Eminent domain
 - Maintenance
 - Stand-alone active transportation projects

PROCESS FOR PRIORITIZING FUNDS

The Code requires that a process be developed for prioritization of the funds:

- The Council of Governments (COG) shall develop a written prioritization process and submit the process to the Executive Appropriations Committee for approval.
 - The process must specify the weighted criteria, data, and application procedures that the COG will use to rank and prioritize projects.
 - The weighted criteria must include cost effectiveness, mitigation of regional congestion, compliance with applicable federal laws/regulations, economic impacts, tax revenues needed for maintenance and operations, and any other provisions the COG deems appropriate.
- Each year, the COG will create a priority list of regionally significant transportation facility projects or services using the written prioritization process.
 - The COG will use the weighting system to prioritize projects, and explain any deviations from the weighted ranks.
 - The COG also must hold a public hearing on the priority list.
 - The COG then submits the list to the county legislative body for approval.

Note: Utah Code [59-12-2218](#) creates another option for the 3rd quarter.

- A county, city or town can impose 0.10% or 0.25%.
- If 0.10%, the funds are deposited into UDOT's County of the 2nd Class State Highway Projects Fund to fund transportation or airport projects, or for airport projects.
- If 0.25%, the county determines expenditures of the funds, from projects recommended by the MPO
 - Must deposit 0.05% into Local Highway and Transportation Corridor Preservation Fund.
 - For the remaining 0.20%, uses include state or local highway (principal and minor arterials, major and minor collectors); public transit; class B & C roads; traffic and pedestrian safety (class B roads, curb and gutter, safety, traffic sign, traffic signal, street lighting, or combination); construction of active transportation facility that connects origins/destinations.



MEMORANDUM

TO: Mayor and City Council

DATE: November 29, 2018

FROM: Duane Huffman

RE: **Rear Yard Setbacks and Covered Patios**

This memo is intended to facilitate a council discussion on rear yard setbacks in general, leading to the specific issue of covered patios in rear yards. The memo has three parts: (1) History and purpose of rear yard setbacks; (2) Review of West Bountiful code on rear yard setbacks; and (3) Options related to covered patios.

History and Purpose of Rear Yard Setbacks

A rear yard setback is the distance between a structure and the rear property line, and we generally discuss it in terms of the main structure. The reasoning behind rear yard setbacks appears to have morphed over time:

- Required rear yard setbacks were likely first related to sanitation and waste disposal.
- With the development of better public sewers and waste collection and the growth of land use planning, setbacks were justified as follows:

"In general, the purpose of setbacks is to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees, for light and sunshine in the home, for space for recreation outside the home, and to serve as filtration areas for storm water run-off." Calvert County, MD.

- There is also evidence to suggest that some setbacks are required to try to create an open or rural aesthetic.
- I cannot find any technical basis for when different setback lengths should be employed. Cities and neighborhoods decide on the lengths based on their own goals related to privacy, open space, neighborhood characteristics, etc.

The following table displays research on rear yard setbacks of neighboring cities.

REAR	Bountiful	WX	NSL	Cent.	Layton	W. Point	West Bountiful
House	20'	30'	25'	20'	30'	25-30' ¹	30'
Decks	10' ²				20'		20' CUP

1. If front setback is 25 rear must be 30, or if front is 30 rear can be 25.
2. Decks with permanent roof or canopy, open on 3 sides, not longer than 1/2 the width of main dwelling.

West Bountiful Code on Setbacks

The city's code on rear yard setbacks requires 30' for main structures and 6' for accessory structures (3' if the structure is fire rated). Accessory structures must also be 10' away from the main structure unless granted a conditional use permit, but even with a conditional use permit they must be 5' away unless they are fire rated.

Therefore, under current code, an attached covered patio must be 30' away from the rear property line, and an un-attached covered patio could be 5' away from the house and 6' away from the rear property line.

Decks are one exception to main structure setbacks in the city's code. A deck may encroach into a rear yard setback with a conditional use permit meeting the following criteria:

- 1) The entire deck is at least twenty (20) feet from the rear property line;
- 2) The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
- 3) The deck does not encroach more than 200 square feet into the setback area;
- 4) The floor of the deck is no higher than the highest finished floor of the main structure;
- 5) The portion of the deck that extends into the rear yard setback is not covered;
- 6) The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent; and
- 7) The deck satisfies other conditions required by the planning commission.

West Bountiful City has allowed a deviation from the rear yard setback requirements through a planned unit development. The rear setback for all lots in the Cottages at Havenwood is 15'. Now that most homes are built in this development, it is a good opportunity for the city to review how these setbacks impact the neighboring homes to the east and west.

Covered Patio Options

Based on a resident's desire for an attached covered patio that would encroach into the 30' rear setback, the city council recently asked the planning commission to consider a code change on rear yard setbacks. A majority of the planning commission believed that no changes to code should be made, and no language was drafted or public hearing held. Their concerns included potential intrusions on neighboring properties and the slippery slope of setback exceptions.

If additional discussion leads the council to ask the planning commission to reconsider and provide a recommendation after a public hearing, the following ideas constitute a spectrum of options:

- A. Provide covered patios the same allowances currently codified for decks, with the addition of height limitation of something like 10'-15'.
- B. Allow any portion of a main structure to follow the deck model, but with an additional height restriction. Under this scenario, the language specific to decks could be removed.
- C. Consider amending all rear yard setbacks to 25' or 20'.

MEMORANDUM



TO: Mayor and City Council

DATE: November 29, 2018

FROM: Duane Huffman

RE: **Discussion - Installation of Improvements Previously Deferred**

For several years the city council has allowed developers, by recorded agreement, to delay the installation of curb, gutters, sidewalk, etc. for small subdivisions to prevent creating islands of improvements on otherwise unimproved streets. We commonly refer to these agreements as deferral agreements.

A recently requested building permit for a vacant lot on 800 W just north of Pages Ln. now justifies requiring the property owners for both the vacant lot and the adjacent lot to complete the required improvements now that they will connect to improvements installed by the city since the original subdivision occurred. For reference, the recorded agreement and a map showing the two properties (labeled new house and 780 W) are included with this memo.

Staff is bringing this to the council's attention for discussion purposes due to it being the first time I am aware of the city exercising the rights in a deferral agreement.

E 2784991 B 5931 P 169-173
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
01/09/2014 12:04 PM
FEE \$18.00 Pgs: 5
DEP RTT REC'D FOR WEST BOUNTIFUL

WHEN RECORDED, RETURN TO:

West Bountiful City Corporation
550 North 800 West
West Bountiful, Utah 84087

06-D12-0152'

RETURNED
JAN 09 2014

EXTENSION FOR OFF-SITE IMPROVEMENTS AGREEMENT

This Extension for Off-Site Improvements Agreement ("**Agreement**") is entered into this 23rd day of December, 2013, by and between WEST BOUNTIFUL CITY, a Utah municipal corporation (the "**City**"); and CRISTOPHER S. HOGAN AND CHRISTINE N. HOGAN (collectively, "**Owners**").

RECITALS

A. Owners have applied to the City for approval of a residential subdivision known as Onion Street Gardens Subdivision on property owned by Owners located at 780 West 1600 North Street, West Bountiful, Utah, and more particularly described in the attached Exhibit A (the "**Property**").

B. The City is willing to grant approval of the Subdivision, subject to the completion of certain off-site improvements, namely, curb, gutter, asphalt road extension and sidewalk along the Property's frontage on 1600 North and 800 West Streets (Lots 1 and 2), West Bountiful, Utah (collectively, the "**Improvements**").

C. The City is willing to grant an extension of time for completing the Improvements according to the terms of this Agreement.

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants set forth below, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **EXTENSION OF TIME.** The City hereby grants the Owners, their successors and assigns an extension of time to complete the Improvements until 120 days after the City, in its sole discretion, determines the Improvements must be installed and makes a written request therefor to the Owners, or ten years from the date of this Agreement, whichever occurs first. The Owners will construct and install the Improvements subject to the City's inspection and approval and all applicable ordinances, standards, and regulations at no cost to the City; and will warrant the Improvements for a period of one year after the City's approval of the installation.

2. **CITY'S OPTION TO COMPLETE IMPROVEMENTS.** If for any reason the Owners do not complete the Improvements within the time allowed under this Agreement, the City is hereby authorized to construct and install the Improvements at the sole expense of the Owners, and to charge the Owners, jointly and severally, with the cost of such construction and installation. Such charge will constitute a lien against the Property.

3. SECURITY FOR COMPLETION OF IMPROVEMENTS. Before the Owners commence construction of the Improvements, the Owners will make a cash deposit with the City equal to one hundred twenty percent (120%) of the total cost of the Improvements to be completed by the Owner, as estimated by the City. The deposit will be refunded in accordance with the West Bountiful Municipal Code after satisfactory completion of the warranty period provided in Section 1.

4. COVENANTS RUN WITH THE LAND. The covenants contained in this Agreement shall be construed as covenants with respect to real property and shall run with the land. Such covenants shall be binding upon the Owners' heirs, agents, successors in interest, and assigns.

5. APPROVAL OF SPECIAL IMPROVEMENT DISTRICT. If a special improvement district for any of the Improvements is ever proposed to be created, neither of the parties will protest the creation of the district.

6. MISCELLANEOUS PROVISIONS.

a. Entire Agreement; Modification; Waiver. This Agreement constitutes the entire agreement and understanding of the parties with respect to its subject matter, and supersedes all previous or contemporaneous representations or agreements of the parties in that regard. No modification of this Agreement shall be valid or binding unless made in writing and signed by both parties. Any waiver of any provision of this Agreement shall be in writing and shall be signed by the party waiving the provision.

b. Severability. The provisions of this Agreement are severable, and the invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of the remaining provisions.

c. No Third-Party Beneficiaries. This Agreement is made for the exclusive benefit of the parties and their respective heirs, successors, and assigns. No other person or entity shall have any interest under this Agreement or be classified as a third-party beneficiary to this Agreement.

d. Attorney Fees. In the event the City is required to take any action to enforce its rights under this Agreement, the City shall be entitled to recover from the Owners its costs, including reasonable attorney fees, whether incurred in litigation or otherwise.

e. Reserved Powers. Nothing in this Agreement will limit the City's future exercise of its police power to complete the Improvements before the time allowed in this Agreement if the City, in its sole discretion, deems it necessary for the health, welfare, and safety of its residents. In such event, the City will charge the Owners for the cost of construction and installation of the Improvements.

[The remainder of this page is intentionally left blank.]

EXHIBIT A

Legal Description of the Property

Parcel # 06-012-0152

Consisting of real property located at 780 West 1600 North, West Bountiful, Davis County, State of Utah, more particularly described as follows:

Beginning at a point which is South89°56'58"East 33.00 feet along the monument line of 1600 North Street and North0°14'19"East 33.00 feet from the monument marking the intersection of 1600 North and 800 West Streets, said monument being South0°27'29"East 314.14 feet along the Quarter Section line and North89°56'58"West 186.71 feet from the center of Section 13, Township 2 North, Range 1 West, Salt Lake Base and Meridian, Davis County, Utah and running thence North0°14'19"East 206.00 feet along the East line of 800 West Street; thence South89°47'43"East 143.86 feet; thence North0°14'19"East 71.51 feet; thence North89°59'33"East 27.61 feet; thence South01°15'13"East 132.75 feet; thence North89°56'58"West 31.07 feet; thence South0°14'19"West 144.43 feet; thence North89°56'58"West 143.86 feet to point of beginning.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

WEST BOUNTIFUL CITY


Kenneth Romney, Mayor

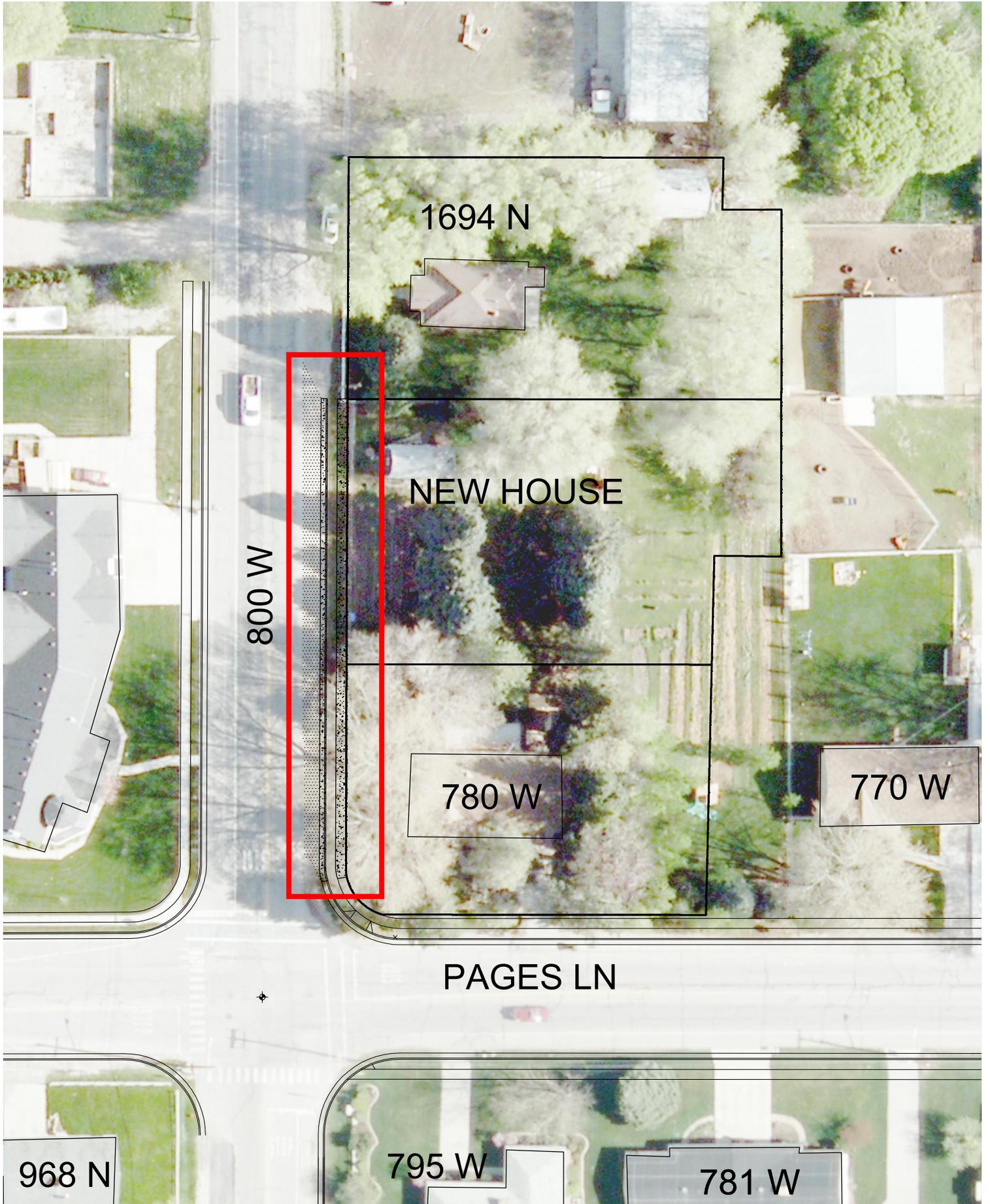
ATTEST:


Heidi Voordeckers, City Recorder

OWNERS:


Christopher S. Hogan


Christine N. Hogan



1694 N

NEW HOUSE

800 W

780 W

770 W

PAGES LN

968 N

795 W

781 W

1 **West Bountiful City**
2 **Planning Commission Meeting**

November 27, 2018

3

4

PENDING- Not Yet Approved

5 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website
6 and on the West Bountiful City website on November 26, 2018 per state statutory requirement.

7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, November 27,
8 2018 at West Bountiful City Hall, Davis County, Utah.

9 **Those in Attendance:**

10 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Alan Malan, Corey Sweat, Laura Charchenko, Dee Vest
11 (alternate) and Council member Kelly Enquist

12 **STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (Recorder) and Debbie McKean (Secretary)

13 **MEMBERS EXCUSED:** Mike Cottle

14 **VISITORS:** Gary Jacketta, Michael and Teresa Stout, Justin Atwater

15 The Planning Commission Meeting was called to order at 7:30 pm by Chairman Hopkinson. Laura
16 Charchenko offered a prayer.

17 **1. Accept Agenda**

18 Chairman Hopkinson reviewed the agenda. Corey Sweat moved to accept the agenda as presented and
19 Dee Vest seconded the motion. Voting was unanimous in favor among all members present.

20

21 **2. Consider Conditional Use Application for a Deck at 831 West 1320 North for Michael**
22 **Stout.**

23 Commission packets included a memorandum dated November 26, 2018 from Ben White regarding
24 Conditional Use Application – Rear Deck for Michael Stout at 831 West 1320 North with an application
25 and site plans.

26 **The memorandum addressed the following:**

- 27
- Staff received plans for a new home in Wasatch Meadows that included a rear deck on the back
28 of the home that would encroach into the rear setback. Home owner submitted a Conditional
29 Use Permit Application on November 20, 2018 that requested a five-foot wide x 20 foot long
30 deck to encroach into the thirty-foot rear yard setback. The deck will be four to five feet above
31 the ground.
 - A list of requirements from WBMC, Residential R1-10 Zone, Section 17.24.050(4)(c).
 - Staff's recommendation of approval for the permit with Affirmative Findings.
- 32
33
34

35 Ben White introduced the applicant and explained his desire to build a home in Wasatch Meadows in
36 the R1-10 zone with plans to add a rear deck. Mr. Stout intends to build a 5-foot-deep deck to be used

37 as a walkway to the side of the home with stairs that lead to a ground level patio. Because our code
38 allows 200 square feet encroachment into the rear setback with a conditional use permit, Mr. White
39 recommended granting approval for a deck that could be up to ten feet deep as long as it does not
40 exceed the maximum of 200 square feet, in case the owner desires to make changes while building his
41 home or in the future.

42
43 Commissioners had no questions.

44 **ACTION TAKEN:**

45 ***Corey Sweat moved to approve the conditional use permit for Michael Stout at 831 West 1320***
46 ***North to build a deck encroaching into a rear setback subject to the requirements listed in WBMC***
47 ***Section 17.24.050 (4)(c). Alan Malan seconded the motion and voting was unanimous in favor.***

48

49 **3. Consider Final Plat for Atwater Estates at 181 North 800 West**

50 Commission packets included a memorandum dated November 21, 2018 from Ben White regarding
51 Atwater Estates Subdivision-Final Plat with attached site plan.

52 Ben White described the 12-lot subdivision currently known as the Grover Family Property. The
53 property is within the R-1-10 zone and consists of 12 lots that all meet the minimum size and width for
54 the zone. The following highlighted items need to be addressed for final plat approval.

- 55 1. There are two existing street lights with one additional proposed street light at the Grover
56 Court corner.
- 57 2. Drainage for the subdivision will discharge into the DSB canal without detention. **This**
58 **requires a flood control permit issued by Davis County Public Works.**
- 59 3. The best location for the mail box due to utilities, street intersections and lighting is the Lot
60 7/8 corner. **Drawings should reflect this location.**
- 61 4. **The development is required to reimburse the city for the service laterals used which were**
62 **previously installed with the hope of minimizing 800 West street cuts when the property**
63 **developed.**
- 64 5. Staff has a geotechnical report for the development.
- 65 6. The street intersections do not drain properly. **Revise the construction drawings to reflect**
66 **proper drainage.**

67 Items to be completed prior to recording the plat include:

- 68 7. **Water rights will need to be deeded to the city.**
- 69 8. **Title report review by the city attorney with no objectional entries.**
- 70 9. **Other minor corrections to the improvement drawings.**
- 71 10. **Payment of impact and inspection fees.**
- 72 11. **Post appropriate improvement bonds**
- 73 12. **Approval by Weber Basin, South Davis Sewer and Davis County Public Works**

74 Alan Malan asked Mr. White how deep the cul-de-sacs will be, and Mr. White responded approximately
75 297 feet.

76 Mr. White introduced Mr. Atwater and invited the commission to ask him questions. Commissioners
77 had no questions.

78 **ACTION TAKEN:**

79 *Laura Charchenko moved to approve the final plat for the Atwater Estates Subdivision subject to*
80 *the conditions listed in numbers 1 – 12 above. Corey Sweat seconded the motion and voting was*
81 *unanimous in favor.*

82

83 **4. Discuss Proposed Changes to Title 16- Subdivision**

84 Ben White informed the Commissioners that all items that were asked to be addressed have been
85 corrected and included in this new document. The following commissioner questions were discussed.

86 Commissioner Malan wanted language regarding the postal receptacles changed to require their
87 location to be within a block area of the residents. He researched the regulations for the post office and
88 language in their requirements say, “normally the receptacle will be within one block of residents.” This
89 may require larger subdivisions to have more than one receptacle. Mr. Malan wants language added to
90 match the post office regulations.

91 Commissioner Vest inquired about the definition of “appeal authority” on page 2. He said his land use
92 training recommended best practices that elected officials not be appeal authorities. He also wondered
93 why this definition was left vague while city council is specifically listed in other parts of the document.
94 Ben White stated that the City Council decided they wanted to be our appeal authority. The definition
95 was left vague so it applies even if there is a change in the future. He also asked why some typed lines
96 were spread across the page. Cathy Brightwell explained it is due to the right-justification format of the
97 document but it will be fixed in the final document.

98 Mr. Vest asked how minor or small subdivisions are defined (Page 14, D.). Ben White responded that it
99 is defined in state code as 10 lots or less without the need to dedicate street right of way. Mr. Vest also
100 asked to have the language at the bottom of page 14 (B.1.) changed from “clean cut and readable to
101 clear and legible to be consistent with other language in the document.

102 Chairman Hopkinson pointed out the highlighted section B on page 9 B. He said the new language is
103 better but still may not be clear to the lay person. He asked commissioners to review it and try to come
104 up with an alternative.

105 Mr. Hopkinson instructed Staff to freshen up the suggestions from this evening.

106

107 **5. Staff Report**

108 **Ben White:**

- 109 • Reported that the letter to city council regarding the covered patio/rear set-back issue was
110 reviewed at their last meeting and they will have more discussion at their next meeting to
111 decide how to proceed.
- 112 • The Atwater subdivision will be on the next city council agenda for final plat approval.

113

114 **Cathy Brightwell:**

- 115 • She reminded the Commissioners that there will only one meeting in December due to
- 116 Christmas being on the fourth Thursday of the month.

117 Dee Vest stated he will be out of town for the next meeting.

118

119 **6. Consider Approval of Modifications to October 9, 2018 meeting minutes.**

120 Cathy Brightwell explained that a portion of the Motion for preliminary plat approval for Atwater Estates
121 at the October 9 meeting had been omitted from the minutes. This modification fixes it.

122 **ACTION TAKEN:**

123 *Corey Sweat moved to approve of the modifications of meeting minutes of the October 9, 2018*
124 *meeting as modified. Alan Malan seconded the motion and voting was unanimous in favor.*

125

126 **7. Consider Approval of Minutes from November 13, 2018 meeting.**

127

128 **ACTION TAKEN:**

129 *Laura Charchenko moved to approve of the minutes of the November 13, 2018 meeting as presented.*
130 *Corey Sweat seconded the motion and voting was unanimous in favor.*

131

132 **8. Adjournment**

133 **ACTION TAKEN:**

134 *Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:10 pm.*
135 *Laura Charchenko seconded the motion. Voting was unanimous in favor.*

136

137

138

139 *The foregoing was approved by the West Bountiful City Planning Commission on October 23, 2018 by*
140 *unanimous vote of all members present.*

141

142 _____

143 *Cathy Brightwell – City Recorder*

144

145

PENDING – Not Yet Approved

Minutes of the West Bountiful City Council meeting held at 7:32 p.m. on **Tuesday, November 20, 2018** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Andy Williams

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Asst. Chief Erikson, Ben White (City Engineer), Cathy Brightwell (Recorder)

VISITORS: Alan Malan, Gary Jacketta, Steve Sundstrom, Barry Gittleman, Gary Garza, Madi Garza, Hayley Pratt

Mayor Romney called the regular meeting to order at 7:30 pm. James Ahlstrom provided an invocation; Mark Preece led the Pledge of Allegiance.

1. Approve Agenda

MOTION: *James Bruhn made a Motion to approve the agenda as posted. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment - Two minutes per person, or five minutes if speaking on behalf of a group.

Steve Sundstrom, resident, stated he was here about ten weeks ago asking for a modification to rear setbacks so he could build a covered patio. Under the current thirty-foot requirement, he would only be able to have a patio cover that is seven feet deep. At the city council's direction, the planning commission considered ways to grant his request but decided 3-2 to not proceed with a recommendation. Mr. Sundstrom is looking for some direction.

Mr. Huffman explained that the planning commission's action cannot be appealed because it is not a final decision by a land use authority. He added that by coincidence, there is a letter from the planning commission included in tonight's packet that explains their position. Mr. Huffman said that if the city council wants to consider a different option, they can ask the planning commission to hold a public hearing and then send back a formal positive or negative recommendation to city council.

There was then some discussion with Mr. Sundstrom about his situation and whether there is a difference between a deck floor and patio cover. He added that he reviewed other cities regulations and their setbacks are less than West Bountiful's.

Council member Ahlstrom commented that he continues to want a better understanding of why current setbacks were selected. Council member Williams believes there is a way to make this

46 work. Council member Enquist explained that the planning commission did not make their decision
47 quickly but spent a lot of time on this issue.

48 Mayor Romney asked staff to put this issue on the next meeting agenda for further discussion.
49

50 **3. Public Hearing Regarding Vacating a Temporary Turnaround Easement at 2054 N 1000**
51 **W, Kinross Estates.**

52 **MOTION:** *Andy Williams made a Motion to Open the Public Hearing. James Bruhn*
53 *seconded the Motion which PASSED by unanimous vote of all present.*

54
55 No comments were made.

56
57 **MOTION:** *Kelly Enquist made a Motion to Close the Public Hearing. James Ahlstrom*
58 *seconded the Motion which PASSED by unanimous vote of all present.*

59
60

61 **4. Consider 1st Amendment to Plat for Kinross Estates Subdivision.**

62

63 Ben White explained there are several issues leading to this requested amendment. First, a
64 temporary turnaround was put in place not knowing when the road would be extended to the south,
65 but it is not needed because the road through to Mountain View Estates has been completed. Second,
66 Tesoro Pipeline required a wider easement crossing Lots 1, 7, 8, 20, and 21 so the property owner is
67 shifting Lots 1, 2, and 3 to have more ground, to have better buildable areas and meet the minimum
68 lot size. Also, an error was made establishing the right of way boundary of 1100 West (west of Lot
69 26) that needs to be corrected. Finally, Kinross is deeding 9134 square feet of Lot 26 to Mountain
70 View Estates Lot 139 which benefits both developers and still leaves each lot above the minimum
71 size.

72

73 **MOTION:** *James Ahlstrom made a Motion to Approve the 1st Amendment to Plat for*
74 *Kinross Estates Subdivision. Mark Preece seconded the Motion which*
75 *PASSED.*

76

77 The vote was recorded as follows:

78 James Ahlstrom – Aye	Mark Preece – Aye
79 James Bruhn – Aye	Andy Williams - Aye
80 Kelly Enquist – Aye	

81

82

83 **5. Consider Plat Amendment for Mountain View Estates Subdivision.**

84

85 Ben White explained the owners of Mountain View Estates and Kinross Estates have agreed
86 to modify plat boundaries such that Mountain View Estates Lot 139 will become larger. No new lots
87 are created; each lot meets the minimum R-1-22 requirements; existing public utility easements are
88 unaffected; and a new 10-foot utility easement is granted along the revised north and west property
89 line of Lot 139. As these changes affect the boundary of the plat, a plat amendment is required.

90

91 **MOTION:** *Andy Williams made a Motion to Approve the Plat Amendment for Mountain*
92 *View Estates Subdivision. James Bruhn seconded the Motion which*
93 *PASSED by unanimous vote of all present.*

94
95 The vote was recorded as follows:

96 James Ahlstrom – Aye	Mark Preece – Aye
97 James Bruhn – Aye	Andy Williams - Aye
98 Kelly Enquist – Aye	

99
100
101 **6. Consider Plat Amendment for Onion Gardens Subdivision at 800 West and Pages Lane.**
102

103 The property owners (Cris Hogan family) of current Lot 1 (proposed Lot 101) and the
104 adjoining property to the north (proposed Lot 102) desire to adjust the lot line between the two
105 properties causing a change to the boundary of the plat. No new lots are created with this amendment;
106 each lot meets the minimum requirements for the R-1-10 zone; existing public utility easements are
107 unaffected; and a ten-foot utility easement is granted across the front of Lot 102. There is an existing
108 house on Lot 102 that was originally constructed in 1919. The house conforms to zoning
109 requirements for side and rear setbacks but is nonconforming with front setback – 22 feet. Staff
110 considers the building’s status as legal non-conforming because it was built prior to the city code’s
111 adoption.

112 State law provides a process where a land use authority may amend or vacate a subdivision
113 plat. Staff has provided required written notice to affected entities which includes utility companies
114 and quasi-governmental agencies.

115
116 **MOTION:** *James Ahlstrom made a Motion to Approve the Plat Amendment for Onion*
117 *Gardens Subdivision. James Bruhn seconded the Motion which PASSED by*
118 *unanimous vote of all present.*

119
120 The vote was recorded as follows:

121 James Ahlstrom – Aye	Mark Preece – Aye
122 James Bruhn – Aye	Andy Williams - Aye
123 Kelly Enquist – Aye	

124
125
126 **7. Consider Modification #3 to Highgate Estates Subdivision Final Plat.**
127

128 The Highgate plat has been previously approved by city council and the developer is
129 diligently working to install the infrastructure at this time. Since the plat has not yet been recorded it
130 is simpler to make any proposed adjustments now than after it is recorded. The following changes
131 are being proposed which affect the boundary of the Highgate subdivision.

132 The developer and Al Jones are requesting to realign the 1450 West street. The previously
133 approved Highgate plat included a shift of 1450 West to the east to be further away from the Jones’
134 house currently being constructed. The extra property between the proposed 1450 W street right of
135 way and Millcreek Meadows Lot 14 has been sold to the owner of Lot 14 and removed from the plat.

136 Bureau of Reclamation is requiring the development to provide storm drain detention prior to
137 discharging into the A-1 drain. The detention basin is on Lot 23 with an easement in favor of the City

138 with the HOA responsible for the detention basin maintenance, which is now specified in the revised
139 CCRs.

140 A condition of subdivision approval was for the developer to deed water rights to the city.
141 The developer appears to have more than enough water right to meet their current obligation, but they
142 also own an additional thirty acres of land not included in this subdivision. In an effort to deed the
143 minimum amount required to the city and maintain ownership of the maximum amount of water, they
144 have requested a Change Application from the State Engineer's office which takes time. The
145 developer has requested to bond for the water right, similar to the recent McKean subdivision, as
146 collateral until they can work it out.

147 Steve Doxey added that Holly Frontier has two easements and we do not have specific
148 alignment.

149

150 **MOTION:** *James Bruhn made a Motion to Approve the Modifications to the Final Plat*
151 *for Highgate Estates Subdivision subject to resolution of easement issues to*
152 *the satisfaction of the city attorney. Andy Williams seconded the Motion*
153 *which PASSED by unanimous vote of all present.*

154

155 The vote was recorded as follows:

156 James Ahlstrom – Aye	Mark Preece – Aye
157 James Bruhn – Aye	Andy Williams - Aye
158 Kelly Enquist – Aye	

159

160

161 **8. Ratify Bond Agreement for Removal of Illegal Structure at 1035 W 600 North, dated**
162 **October 25, 2018**

163

164 Duane Huffman reviewed the circumstances around the illegal structure lien removal and
165 bond agreement for the structure at 1035 W 600 North, and why staff was sympathetic due to certain
166 timing issues. The buyer/seller had a contract on the house before the lien was place so it did not
167 appear on the initial title report, but it did appear on the final report prior to closing. He added that
168 this will be a difficult property that we will likely be working with in the future as several other
169 structures – not related to this setback - appear to be illegal.

170

171 **MOTION:** *Andy Williams made a Motion to Ratify the Bond Agreement for Removal of*
172 *Illegal Structure at 1035 W 600 N, dated October 25, 2018. Mark Preece*
173 *seconded the Motion which PASSED by unanimous vote of all present.*

174

175

176 **9. Consider Acceptance of Annexation Petition from Mike Cottle, et al, for 1338 W 1200**
177 **North.**

178

179 The Annexation Petition filed by Mike Cottle, et al, was filed on October 22, 2018 and mailed
180 to affected entities and property owners located within 300 feet of the area proposed to be annexed.

181 State law requires the city council to accept or deny the Petition for further consideration. If
182 accepted, the Petition will be Certified and published in the paper for three weeks prior to the city
183 council holding a public hearing and make a final determination on the Request.

184

232 Mayor Romney graduated from the Citizen’s Academy and said it was a good experience.
233
234

235 **9. Approve Minutes from the October 2, 2018 City Council Meeting.**
236

237 A correction was made to Page 5 to reflect the correct vote on the motion.

238 **MOTION:** *James Bruhn made a Motion to approve the October 2, 2018 City Council*
239 *meeting minutes as corrected. aw seconded the Motion which PASSED by*
240 *unanimous vote of all members present.*
241
242

243 **10. Executive Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to**
244 **Utah Code Annotated 52-4-205(1)(a).**
245

246 **MOTION:** *Andy Williams made a Motion to go into Executive Session at 8:22 pm in the*
247 *Police Training Room to Discuss strategy or sale of real property. Mark Preece seconded*
248 *the Motion which PASSED.*
249

250 The vote was recorded as follows:

251 James Ahlstrom – Aye	Mark Preece – Aye
252 James Bruhn – Aye	Andy Williams - Aye
253 Kelly Enquist – Aye	
254	

255 **MOTION:** *James Bruhn made a Motion to close the Executive Session. James Ahlstrom*
256 *seconded the Motion which PASSED by unanimous vote of all members*
257 *present.*
258
259

260 **11. Adjourn Meeting.**

261 **MOTION:** *James Bruhn made a Motion to adjourn this meeting of the West Bountiful*
262 *City Council 8:40 pm. James Ahlstrom seconded the Motion which PASSED*
263 *by unanimous vote of all members present.*
264
265

266 -----
267

268
269 *The foregoing was approved by the West Bountiful City Council on December 4, 2018 by unanimous*
270 *vote of all members present.*
271
272
273