

Lake Point City Council Minutes

Date: Wednesday, July 19, 2023

Place: Lake Point Fire Station 1528 Sunset Rd Lake Point, UT 84074

Time: 6:00 PM

1. **Call to Order-** 6:01 pm
2. **Prayer- Hannah Caldwell**
3. **Pledge of Allegiance-** Deputy Lerdahl
4. **Presiding Officer-** Jonathan Garrard
5. **Attendance Roll Call-** Jonathan Garrard

Lake Point Council & Staff (C=Council)	Public	Public
Jonathan Garrard (Chair)	Hannah Caldwell	Rhondalyn Garrard
Ryan Zumwalt (Vice Chair)	Deputy Dane Lerdahl	
Dan Crawford (C.)	Lori Chigbrow	
Kathleen VonHatten (C.) over phone	Tina Garrard	
Doyle Garrard (C.)	James Simko	
Jamie Olson (RCDR)	Daniel Jenkins	
Rob Patterson (Attorney) 11:35pm	Ivanova Garrard	

6. **Legal Training – Rob** (3:17 recording)
 - A. (Dan) asked about an email that Rob sent regarding “notices, shipping containers, fee schedule, and firework permit”
 - i) (Rob) explained each one and the council discussed.
 - ii) Council discussed when they will meet next.
 - iii) Council Tabled-legal training briefly and moved to Sheriff’s report so the deputy could be excused. (28:40 recording)
 - iv) Returned to Legal Training (38:03 recording)
 - v) Council discussed the Holiday Oil and additional roofing for the drive-through.
 - vi) Motion-Dan to move forward to allow Holliday Oil with the county to finish off their build. Doyle 2nd (56:04 recording)
 - 1) Passed unanimously
7. **Public Comment-(57:26 recording)**
 - A. Motion- Doyle to open Public Comment. Jonathan 2nd
 - i) Vote was unanimously approved
 - 1) Hannah Caldwell (57:03 recording)
 - (a) Asked about the policies and procedures for land use and if they can do a public hearing once Rob reviews the recommendation. They were aiming for the August 21st meeting for a public hearing and still follow planning and zoning policies and procedures. They need the permitted items to be ready in time for Rob to review and be able to post it for the public before the 10-day notice requirement.
 - (b) The PZ will take public comment concerning the permitted items instead and wait on the public hearing.
 - B. Motion- Jonathan to close Public Comment. Dan 2nd
 - i) Vote was unanimously approved
8. **Reports/Presentations** (1:03:04 recording)

- A. Dark Sky Presentation by Daniel Jensen (1:04:00 recording)
 - i) Daniel presented the basic information on the dark skies.
- B. Sheriff Report (29:09 recording)
 - i) Deputy Lerdahl gave the sheriff's report.
 - 1) Hot Spot map (Exhibit A).
 - 2) Returned to legal training
- C. Fire Chief Report (2:02:30 recording)
 - i) (Chief Nunn) reported on emergency responses.
 - ii) (Chief Nunn) warned about the changes in dry land compared to the 4th of July when it comes to fireworks.
- D. Treasurer Report (2:17:09 recording)
 - i) Council discussed.
 - ii) (Doyle) asked the council if they had any questions.

9. Action/Business Items

- A. R-2023-22 Fee Schedule (to add engineering fees, from Jones & DeMille) was page 8 now page 7 (2:21:15 recording)
 - i) (Dan) reviewed the updates to the fee schedule.
 - ii) Motion- Doyle to approve R-2023-22 Fee Schedule as discussed. Kathleen 2nd (2:39:20 recording)
 - 1) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - 2) Pass unanimously
- B. Design Review Committee (DRC) all builds (2:40:40 recording)
 - i) (Dan) introduced the Design Review Committee and the pros and cons.
 - ii) Council and Attorney Discussed
 - iii) Motion- Kathleen- to table until comments and reviews can be completed on this for a future meeting, on August 9th meeting. Ryan 2nd (3:27:43 recording)
 - iv) Amend Motion- Ryan to add tabling 9.C. to the motion. Kathleen 2nd (3:29:26 recording)
 - 1) Roll Call Vote-Jonathan Nay -Ryan Yea -Dan Nay -Kathleen Yea -Doyle Nay
 - 2) Record- Dan- he would like to talk about 9.C.
 - (a) Motion fails 2 Yea 3 Nay
 - 3) Motion- Jonathan table 9.B. Doyle 2nd (3:33:33 recording)
 - (a) Motion passes
- C. Process for Site Plan Review (3:34:00 recording)
 - i) Motion- Ryan to table 9.C. because council members Zumwalt and VonHatten weren't able to review the document so they can ask questions of our legal counsel or to carry on a discussion.
 - 1) Motion- fails no second
 - ii) Jonathan handed out printed information- Subdivision Site Review (Exhibit B).
 - 1) Jonathan asked Rob some questions.
 - iii) Motion- Jonathan to send the subdivision site plan review to Planning and Zoning. (3:40:06 recording)
 - 1) Amend the Motion- Jonathan- as a council put in comments in this for the benefit of Planning and Zoning in 14 days. Dan 2nd
 - (a) Pass unanimously
- D. Ordinance Home-Based Business/Occupation Revision from Public Feedback & Surveys (3:56:20 recording)
 - i) Jonathan handed out HBB Combined Ordinance (Exhibit C.) and HBB survey charts (Exhibit D.)
 - ii) Jonathan introduced the creation of this Home-Based Business Revision and the supporting documents.
 - iii) Council discussed the results of the survey and ways to get public feedback.

- iv) Motion- Jonathan to table and bring it back up on August 9th with a review from Rob and with the council adding comments. Dan 2nd
 - 1) Passed unanimously
- E. Lake Point Vision Statement (Follow-up Discussion) (4:25:48 recording)
 - i) Jonathan read his proposed mission and vision statement. Jonathan handed out the mission and vision statement. (Exhibit E)
 - ii) Council discussed the Vision Statement
 - iii) Council discussed potential edits.
 - iv) Council discussed how to proceed in getting feedback from the public.
 - v) Motion- Ryan to table until we make edits allowing Mike to collect free open discussion on the vision with the public and then come back with this and that to see where we need to change it and make amendments or adopt this if that is what the public feels open. So, we allow Mike to do his expertise and his job at collecting open comments for what people have for the city and then bring that back and compare it to this and where we need to adjustments. (5:02:00 recording) Doyle 2nd the motion with conditions
 - vi) Record- Jonathan- When I was filling out Mike's survey for us to respond as council members I had this vision statement that had been prepared way before he had started on it and I had put it in there and some other people had added some things too and so when he had his generated it was pulling from this document because it was already placed in there. I think this is more clear, but because we haven't discussed it as a council even though it had been there for a very long time. I'm bringing it up now because we are at a critical stage, and I want to see us move on something and I think this is a really good document. (5:07:00 recording)
 - vii) Record- Ryan-His thing didn't pull anything from our files it pulled from the four-question survey we took that he sent specifically to us, your answer may have been in there but so were 14 other people's answers and that is where it was formed. (5:07:50 recording)
 - viii) Doyle rescinded his 2nd to the motion. (5:15:22 recording)
 - ix) Motion- Dan- to move forward and talk to Mike, he gets his data he does his magic and I'd like him to hand this out in conjunction with his presentation that he has and then we get feedback and he pulls that data like the Lake Point Days bring back for comments for August 9th. Jonathan 2nd (5: 19:09recording)
 - 1) Amend Motion- Doyle- the motion to separate the vision and second page are the core values. 2nd Vote Dan.
 - 2) Roll Call Vote-Jonathan Yea -Ryan Nay -Dan Yea -Kathleen Yea -Doyle Yea
 - 3) Record-Ryan I support many of these things, but I want to allow the public unswayed input of their vision. Our expert consultant we are paying to prepare and review the feedback for us to compare to Jonathan's proposed vision. I have only seen this document when in this meeting. I have not had time to thoroughly seek changes I want or discuss them further with the community. (5:22:20 recording)
 - x) Motion- Dan- To adjourn (Council still needed a vote on a previous motion, so this motion died)
 - xi) Vote on the previous motion- on the coordination of Mike on the vision statement.
 - 1) Roll Call Vote-Jonathan Yea -Ryan Nay -Dan Yea -Kathleen Yea -Doyle Yea
 - 2) Record- Ryan to clarify I voted Nay on the previous motion; I would have voted Yea for separating them. But for presenting it to the public please see my "for the record" on the previous vote.
 - xii) Motion- Dan- to adjourn (motion dies because they hadn't done public comment yet)
 - xiii) Dan-Motion to move to public comment. Kathleen 2nd (5:26:23 recording)
 - 1) Council skipped 10. and 11. and went to public comment.

10. Attorney Clarification- Rob excused at 11:35 pm

11. Council Updates

- A. Dan Crawford
 - i) skipped

- B. Kathleen VonHatten (5:32:52 recording)
 - i) Family Night with Tooele Health Dept. discussed.
 - ii) Grant Committee was discussed
 - iii) Trash discussed
- C. Jonathan Garrard
 - i) skipped
- D. Doyle Garrard
 - i) skipped
- E. Ryan Zumwalt
 - i) skipped

12. Public Comment (5.26:58:00 recording)

- A. Lori Chigbrow
 - i) (Lori) offered her help on how to do a review process in accounting (mentioned in the beginning of the meeting).
 - 1) (Doyle) addressed this topic.
- B. Tina Garrard
 - i) (Tina) appreciates that the vision statement will be shown to the public tomorrow.
- C. Motion- Doyle- to Close Public Comment. Jonathan 2nd
 - 1) Passed unanimously
- D. Dan- Motion to adjourn. (5:30:56 recording) Jonathan 2nd
 - i) Council discussed what to do with the remaining Council Updates. (Council moved to Council Updates in this discussion, and then came back to this in the middle of Kathleen's update)
 - ii) Motion failed (5:36:20 recording)

13. Adjournment

- A. Motion- Jonathan 2nd Doyle 11:47 pm

Note-The minutes may include a summary of what was discussed and are not intended to be verbatim. All public meetings have an audio recording, time stamps are included in the minutes to help the public find where certain topics were discussed. Please see the audio recording of this meeting for a full audio record of the meeting.

Note- Additional information concerning meetings including agendas, minutes, recordings, written/typed public comment, other distributed materials, ordinances, resolutions, public notices, and how to sign up for notifications on the Public Notification Website, can be found at <https://lakepoint.gov> under Departments-Recorder.

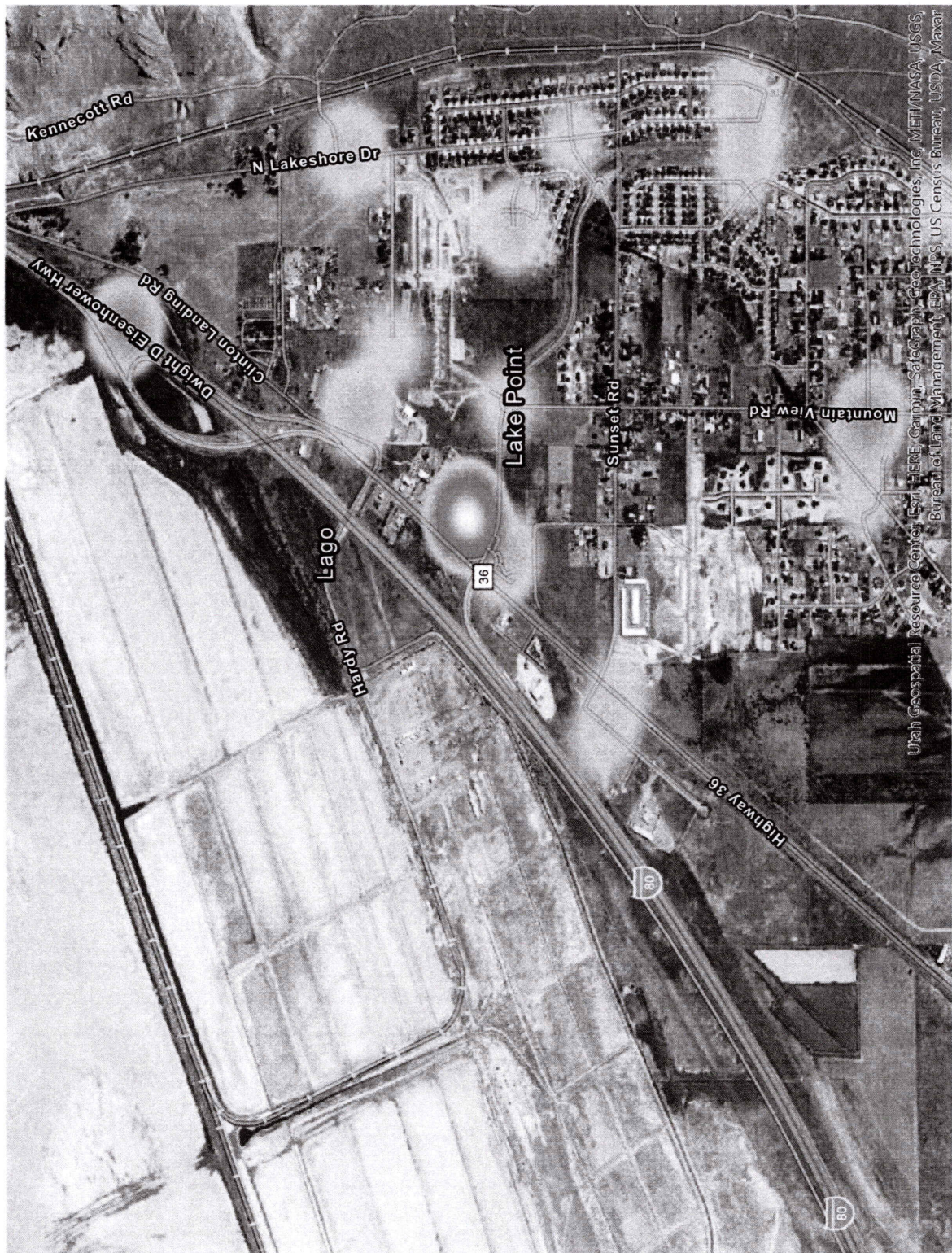
PASSED AND APPROVED but the Council this 9th day of August, 2023


Jonathan Garrard, Chair

ATTEST:


Jamie Olson, City Recorder

Exhibit A
2023 07.19 LPCC



Subdivision Site Plan Review [Including Public and Quasi-Public Uses for all zones]

- 1) **Purpose.** This section sets forth the procedures for all site plan applications and required submittals for Subdivisions, including Public and Quasi-Public Uses for all zones. These standards and procedures are established to encourage adequate advanced site planning and review in order to assure the highest quality of development for Lake Point. Such standards and procedures are intended to provide for orderly, harmonious, safe and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the Lake Point General Plan and this title. This section is not intended to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense, rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated herein.
- 2) **Authority.** The Land Use Authority for site plan reviews, specific to the scope of this ordinance, is outlined as attached in Exhibit A
- 3) **Initiation.** A property owner or their designated agent may request approval of a site plan as provided in this section.
 - a) A site plan shall be required for any of the following uses, unless expressly exempted from such requirement by another provision of this title:
 - i) Any multifamily residential use;
 - ii) Any commercial use;
 - iii) Any professional use;
 - iv) Any manufacturing use; and
 - v) Any institutional use.
 - vi) Any Public and Quasi-Public use (all zones).
 - b) In situations requiring site plan approval, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of the site plan by the Land Use Authority. Furthermore, no clearing, grubbing, grading, drainage work, parking lot construction, or other site improvements shall be allowed prior to site plan approval.
- 4) **Procedure.** The City shall process and consider an application for site plan review as provided in this section. (see Exhibit C for process handout)
 - a) **Application.** An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - i) One (1) plan set, size 22"x34" drawings; one (1) plan set, size 11"x17" drawings; and one (1) PDF copy. The application and plan sets shall include at a minimum the following documents and information:

- (1) A plan set cover sheet showing the entire site plan including a title block showing the name, address, and phone number of the applicant, designer, engineer, and any other professionals that contributed to the production of the plans and drawings. The cover sheet shall also include the name (if applicable) and address of the proposed project, and date of preparation of the plans and drawings. A general vicinity map shall be inset on this sheet.
- (2) A detailed boundary survey sheet showing the following information:
 - (a) The location and width of existing and proposed abutting streets;
 - (b) All property and parcel/lot lines;
 - (c) Existing and proposed easements and dedications, adjacent property owners and holding strips;
 - (d) The location of all existing and proposed structures on the site, including the building height and any provisions to screen roof-based mechanical equipment, and the location of existing structures on adjoining properties;
 - (e) The location of existing fencing and significant existing trees and shrubbery;
 - (f) The location of off-street parking, driveways, loading facilities, and hard-surfaced areas;
 - (g) The location of existing and proposed curb, gutter, sidewalk, and curb cuts. If the property abuts a State-owned highway, the applicant must obtain approval from the Utah Department of Transportation (UDOT) for the location of curb, gutter, and sidewalk. UDOT shall also approve the location and number of curb entrances;
 - (h) The location of refuse container(s); and
 - (i) The location of vehicular and pedestrian access and circulation including all existing and proposed traffic, pedestrian, and road safety signs.
- (3) A detailed utilities plan showing the location and size of all existing or proposed utilities that will provide service to the project (including location of nearest fire hydrants) consistent with the design standards approved by the City.
- (4) A detailed landscaping plan that shows the following information:
 - (a) The proposed landscaping including identification of plant species and fencing in sufficient detail for review of screening and aesthetic qualities;

- (b) Irrigation sprinkler designs indicating the location and service size of secondary water connections;
 - (c) Location and design of all exterior lighting;
 - (d) Data table showing parcel, building, landscaping, parking areas and percentages, and the number of parking stalls required and provided;
 - (5) Floor plans and elevations including exterior building finishes and colors.
 - (6) Required engineered drawings for on- and off-site improvements.
 - (7) Traffic study and geotechnical study unless waived by the Land Use Authority, Zoning Administrator or City's Engineer.
 - (8) Each sheet shall be signed and stamped by the relevant design professional registered in the State of Utah (i.e. engineer, professional landscape architect, etc.) as applicable.
- 5) **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of a site plan application, the Zoning Administrator shall transmit the application to the DRC for preparation of a staff report evaluating the application.
- 6) **Review By Planning Commission In A Public Meeting.** The Planning Commission shall review the proposed site plan application including the staff report prepared by the DRC and shall recommend approval, approval with modifications, or denial of the proposed site plan to the Land Use Authority.
- 7) **City Council Adoption In A Public Meeting.** The City Council shall review the proposed site plan application, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed site plan application. The City Council may also table the matter for further information or future consideration or action.
- 8) **Approval Standards.** City Staff may provide advisory comments to the applicant prior to the scheduling of the site plan application before the Land Use Authority. Staff comments or feedback shall not guarantee or imply approval of any portion of the site plan. The following standards shall apply to the approval of a site plan:
- a) The entire site shall be developed at one time, unless a phased development plan is approved by the Land Use Authority.
 - b) A site plan shall conform to all applicable standards as set forth in the title and the City's Code. In addition, consideration shall also be given to the following:
 - i) Considerations relating to buildings and general site layout.

- (1) The general silhouette and mass, including the location on the site and elevations in relationship to the character of the neighborhood and the applicable provisions of the City's General Plan;
 - (2) Preserving and protecting valuable natural features and amenities to the greatest extent practical;
 - (3) Protecting important views and vistas as identified in adopted plans; and
 - (4) Exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade fronting onto rights-of-way, line and pitch of roofs, the arrangement of structures on the parcel or lot, and the appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the area or neighborhood.
- ii) Considerations relating to traffic safety and traffic congestion.
- (1) Effect of the proposed site plan of traffic conditions on abutting streets and neighboring land uses, both existing and as planned;
 - (2) Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
 - (3) Arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provision of City ordinances regarding the same;
 - (4) Locating, arrangement, and dimensions of truck loading and unloading spaces;
 - (5) Vehicular and pedestrian circulation patterns within the boundaries of the development;
 - (6) Surfacing and lighting of off-street parking facilities;
 - (7) Ensuring that the location, size, and orientation of signage do not impair the visibility of or distract motorists while minimizing obstructions and hazards to pedestrians; and
 - (8) Provision for transportation modes other than personal motor vehicles, including such alternative modes such as pedestrian, bicycle, and mass transit.
- iii) Considerations relating to landscaping.
- (1) Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;
 - (2) Planning of ground cover or other surfaces to prevent dust and erosion;

- (3) Promoting the use of plant material compatible with the climate of the region and micro-climate conditions on the site;
 - (4) Ensuring that plant material can be maintained for long term health and continued growth; and
 - (5) Unnecessary destruction of existing healthy beneficial trees.
- iv) Considerations relating to drainage and irrigation.
- (1) The effect of the site development on the adequacy of the storm and surface water drainage; and
 - (2) The promoting the use and preservation of natural watercourse and patterns of drainage; and
 - (3) The need for piping of irrigation ditches bordering or within the site.
- v) Other considerations including, but not limited to:
- (1) Buffering;
 - (2) Lighting;
 - (3) Placement of trash containers and disposal facilities;
 - (4) Location of surface, wall and roof-mounted equipment.
 - (5) Ensuring the proposed site development conforms to all applicable requirements of the land use ordinance and other ordinances and regulations.
- 9) **Bonding.** The applicant shall provide a guarantee of installation and construction of all on-site and off-site improvements required by this title, or as required by the Land Use Authority, prior to issuance of any building permits or the commencement of any work. The guarantee shall be in a form acceptable to the City and in an amount equal to one hundred ten percent (110%) of the estimated cost of all improvements. The guarantee shall assure the installation of improvements within one (1) year of the date of site plan approval, and shall provide a one (1) year warranty pertaining to the installed improvements. It shall be the responsibility of the developer to notify the City when the improvements are complete and ready for inspection.
- 10) **Appeal Of Decision.** Any person adversely affected by a decision of the Land Use Authority regarding approval or denial of a site plan application may appeal to District Court in accordance with the provisions of §10-9a-801 of Utah State Code (as amended).
- 11) **Effect Of Approval.** Every site for which a site plan has been approved shall conform to such plan.
- a) A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan. No structures or improvements may be added to a site that are not included on the approved site plan.

- b) All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.
- c) Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title.

12) **Amendments.** Except as may be provided for elsewhere in this title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan from the Land Use Authority.

13) **Revocation.** A site plan approval may be revoked using the same process as outlined in Exhibit B.

Expiration. Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Zoning Administrator may require that a new site plan application be submitted and approval obtained pursuant to this section. A written request may be submitted to the Zoning Administrator prior to the expiration of the site plan for an extension of up to six (6) months. The Land Use Authority may grant such an extension where good cause can be shown.

Exhibit A:

Designation Of Land Use Authority

The following chart designates the Land Use Authority for subdivision approvals within Lake Point, including Public and Quasi-Public Uses in all zones.

Type of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
Annexation			City Council	
Pre-Application Meeting				
Concept Plan				
Preliminary Plan				
Final Plat / Minor Subdivision				
Sensitive Lands (Preliminary Plan & Final Plat)				
Subdivision Amendment / Vacation Of Public Right-Of-Way		Planning Commission	City Council	
Parcel Boundary Adjustment / Lot Line Adjustment	N/A			
Development Agreement		Planning Commission	City Council	District Court
Variance / Appeals	N/A	N/A	City Council	District Court
Subdivision Ordinance Amendments		Planning Commission	City Council	District Court

Exhibit B:

General Responsibilities

1. An applicant shall prepare a concept plan, preliminary plan, and final plat consistent with the standards contained herein and shall pay for the design, review, construction, and inspection of the improvements required.
2. The applicant shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the applicant has obtained the necessary approvals as described in this title.
3. The applicant is responsible to obtain and be familiar with all applicable subdivision ordinances, construction regulations, and all other rules and related standards of the City.
4. The City shall process said plans and plats in accordance with the regulations set forth herein.
5. The Land Use Authority shall review submitted plans and plats for design, conformity to the applicable requirements of the General Plan, land use and other adopted ordinances, and shall process the plans and plats as provided for in this title.
6. Plans and/or plats of proposed subdivisions may be referred by the Zoning Administrator or Land Use Authority to the City's various departments and staff, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comments. The Zoning Administrator shall be responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plans and plats to.
7. Unless designated as the Land Use Authority, the Planning Commission shall act as an advisory agency to the Land Use Authority. The Planning Commission shall be charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance with the City's General Plan, the land use ordinance, and other pertinent rules, regulations, and standards of the City. After determining that a referred plan or plat complies with applicable requirements, the Planning Commission shall recommend approval, approval with conditions, or denial of the plan or plat to the Land Use Authority. Failure of the Planning Commission to render an official recommendation shall be deemed a recommendation of approval.
8. The Land Use Authority as outlined in Exhibit A shall have final jurisdiction in the approval of subdivision plans and plats.

Exhibit C:

In general, applications for authorization to engage in development activity shall be processed according to the following steps. In the event this Handout or another title in Lake Point Code sets forth a specific procedure for obtaining a permit, such procedure shall supersede this handout to the extent of any conflict.

Step 1 – Initial meeting. Meet with staff to discuss the development process. Staff should explain and provide appropriate ordinances, handouts, checklist, and application at time of meeting.

Step 2 – Submit Application. Submit an application with all project plan drawings and supporting documentation as required by this ordinance and/or checklist, including but not limited to: an existing site analysis plan, vicinity plan, appropriate plats, site drawings, building elevations, floorplans, materials board, landscaping plans, site lighting plans, special reports and other supporting documents.

Step 3 – Application Circulated. When a complete application is received by staff, it will be circulated to all the appropriate city departments for review and comment (using Civic Review). Comments will be provided to applicant through Civic Review.

Step 4 – Concerns. If concerns are raised by various departments/entities, the applicant will be expected to have the concerns addressed and resubmit corrected or new information as requested.

Step 5 – Design Review Committee. If a proposed development activity requires review by the Design Review Committee, the applicant will follow the appropriate procedures to have the proposal reviewed.

Step 6 – Administrative Approval. If a proposed development activity can be approved administratively, the staff will follow through with the approval process. If a proposed development activity must be heard by the Planning Commission, staff will arrange to have the matter placed on the next available agenda after the Design Review Committee or Planning Secretary indicates the plan is ready for the Planning Commission as an action agenda item.

Step 7 – Bond. Prior to final plan approval, the applicant posts a bond in the form of cash and/or an irrevocable letter of credit, guaranteeing installation of the required improvements.

Step 8 – Recording of Plat Review. If the recording of a plat is required by this Ordinance, the City Engineer, when satisfied the plat conforms to all engineering requirements, signs and seals the plat, prior to forwarding the plat to the Planning Commission. Staff arranges a public hearing in accordance with Utah Code to recommend approval of the plat. The Planning Commission Chair, signs the plat.

Step 9 – City Council approves. The City Council approves, or denies the plat with any modifications necessary to make the final plat conform to applicable City standards and after executive approval, the plat is recorded by the Lake Point City Recorder.

Step 10 – Building Permits issued. After a proposed development activity receives appropriate City approval and any applicable plats are recorded by the City Recorder, building permits may be issued, if necessary. The applicant shall follow approved project improvement plans. Modifications shall be submitted for review and approval prior to construction. Penalties for unauthorized plan changes are set forth in _____, Lake Point Code.

Useful Contact Information:

Website: LakePoint.gov

General Information Email: info@lakepoint.gov

City Recorder: 801-725-5096 (Main point of Contact for City)

Commission Secretary: 435-849-2651 planning@lakepoint.gov (Main point of Contact for Planning)

Building Inspector:

City Engineer: jonesanddemille.com 435-896-8266

Sheriff Department:

Website: tooelecountysheriff.org

Dispatch/Non-Emergency: 435-882-5600

Fire Department:

Website: ntfd.us

Station Desk: 435-882-6730

Lake Point Cemetery and Park:

Lake Point Improvement District (sewer):

Website: lakepointsewer.com

Sewer Backup Emergency: 435-840-2440

Oquirrh Mountain Water Company:

Website: omwc.us

General Info: 801-508-0397

Tooele County Health Department:

Website: tooelehealth.org

General Info: 435-277-2300

Utah Division of Water Rights:

Website: waterrights.utah.gov/wellinfo/

General Info: 801-538-7240

Exhibit C.
07.19.2023

Page 1 of 8

Below is the Key to understanding the different colors of text within this document:

Included from public survey feedback with survey type and question number listed

Included from public feedback from May 11, 2023 Work Meeting (minutes and actual meeting timestamps)

Denotes the specific Time Stamp or other source of the participant at the meeting or survey that gave the public feedback relating to that item.

No references in work meeting or public surveys, but was still in one of the two drafts we are working with.

[left as an option to include or remove]

ORDINANCE ADOPTING REGULATIONS RELATED TO HOME-BASED OCCUPATIONS

WHEREAS, the City of Lake Point acknowledges the importance of small home-based businesses as a cornerstone of our local economy and desires to promote entrepreneurship and economic growth while preserving the residential character of the community; and

WHEREAS, the City Council wishes to establish regulations for home-based occupations/businesses that prioritize the individual liberties enshrined in the U.S. Constitution and the Declaration of Independence, and that does not violate the Law of Nature and Nature's God; and

WHEREAS, the City Council aims to enhance the well-being of our community and raise the standard of living, we further recognize the value home-based businesses create as sources of innovation and opportunity for residents of our city; and

WHEREAS the City Council desires to adopt specific regulations regarding the conditions and manner in which businesses located upon residential lots/parcels and residential dwelling units may be permitted;

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1: Purpose

The purpose of this Ordinance is to allow the establishment and operation of modest home-based occupations/businesses upon residential lots in Lake Point in a manner that respects individual freedoms and limits unnecessary government intervention. It seeks to encourage entrepreneurship, economic growth, and the responsible operation of home-based businesses within the City of Lake Point, while ensuring that these activities remain incidental and secondary to the residential use. General & Business (overall tone) [5-11-23 WM (overall tone)] General 4 Survey that was emailed to Council through the contact us page of the website, but not filled out like the others:

Section 2: Definitions

2.1 [Will need to add as ordinance comes together]

2.2 Daycare: The care and supervision of children, other than children related to the adult resident(s) of a residential property, which is provided in place of care ordinarily provided by

a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation.

2.3 Home Occupation: An occupation or other commercial or business activity conducted upon a residential lot/parcel and/or within a residential dwelling unit, which is incidental and secondary to the residential use of the property and does not change its character. It does not include services rendered by an employee to an employer within a dwelling. General 1 Business 1

2.4 In-Home Instruction: The provision of classes, lessons, training, practice, and other organized instruction in various subjects, offered within a residence to individuals, including children, who do not live at the residence. This includes in-home preschools and also adult instruction courses. [5-11-23 WM]

2.5 Preschool: An early childhood program that provides education and care to pre-elementary school-aged children, emphasizing learning and development rather than daycare services.

Section 3: Rights and Responsibilities

3.1 Rights of Residents, including Home-Based Business Owners living within Lake

Point: They have the right to engage in business activities according to the Declaration of Independence and the US Constitution. Home-based businesses may include office or professional services, arts and crafts, sales of goods, or other similar activities.

General/Business 1 (not a comprehensive list of responses captured)

3.2 Limitations on Home-Based Businesses: Home-based businesses shall not engage in the following activities: General 6

- a) Animal hospital or clinic.
- b) Junkyard or scrapyard.
- c) Medical hospital, clinic, or office.
- d) Mortuary.
- f) Sales, leasing, rental, repair, or servicing of motor vehicles.
- g) Sexually oriented or adult-oriented businesses.
- h) [Add other prohibited occupations if desired]

3.3 Neighboring Relations: In the event of a complaint related to a home-based business, complainants must attempt to resolve the issue directly with the individual or family responsible for the alleged nuisance before approaching the City of Lake Point.

General/Business 7

4.1 Type I Home Occupations: Type I home occupations do not require a permit or a home-based business license. These businesses engage in administrative support for off-site services and may occupy up to fifty (50) percent of the heated area of the residence. General 12

4.1.1 Type I home occupations must comply with the following regulations:

- A) Exterior Appearance:** The residential appearance and characteristics must be maintained. Changes that make the dwelling look like a business, such as commercial exterior lighting or electric signs, are prohibited. 1st WHEREAS paragraph in Ordinance
- B) Customer Vehicles:** Only two-hundred customer vehicles per week may visit the site between 6 am and 10 pm. General Survey Question 11 (average of majority of responses combined together for a 8 hour a day, 5 days a week)
- C) Outside Business Signage:** Signage may not emit light but may be illuminated by landscape lighting. Placement and sizes must follow the specifications in the city sign ordinance. Dark Sky Ordinance (residential zone minimal impact)
- D) Employees and Parking:** No more than 10 employees may be employed, and off-site parking shall be provided. Business Survey Question 13 (average of answers) General 10 (parking)
- E) Deliveries:** Deliveries shall consist of ten (10) or fewer per day. Common Examples: USPS, Amazon (2), Fed Ex (2), UPS, Yellow, Etc.

4.2 Type II Home Occupations: Type II home occupations do not require a permit or a home-based business license but require permission from 75% of neighboring property owners [5-11-23 WM]. These businesses may have more impact than Type I and may occupy up to fifty (50) percent of the heated area of the residence.

4.2.1 Type II home occupations must adhere to the regulations outlined in Section 4.1 and these additional requirements:

- A) Permission from Neighbors:** Permission must be obtained from 75% of neighboring property owners, although it is preferred to obtain permission from all adjacent properties. An approach that allows flexibility without Conditional Use
- B) Material Goods and Products:** Material goods or products may be produced or manufactured between 8 am and 8 pm and may be stored on the property. Nuisance Ordinance daytime hours defined 6 am - 10 pm
- C) Noise, Vibration, and Odors:** Permissible during the hours of 8 am and 8 pm. Nuisance Ordinance daytime hours defined 6 am - 10 pm
- D) Exterior Product Displays:** Allowed if perimeter fencing and gates enclose the displays when the business is closed. 1st WHEREAS paragraph in Ordinance

4.3 Type III Home Occupations: Type III home occupations require a business license and permission from 75% of neighboring property owners [5-11-23 WM]. These businesses may occupy up to fifty (50) percent of the heated area of the residence.

4.3.1 Type III home occupations must comply with the regulations outlined in Sections 4.1 and 4.2. and these additional requirements:

A) Business License: A Type III business license is required to meet State and Federal laws when mandated or upon request by the home-based business owner.
Business 16

B) Home Occupation Business License Fee: An annual fee for the Home Occupation business license shall be charged from July 1 to June 30 of the fiscal year. Home 8, 12, 14 Business 6, 14, 16, 17

Section 5: Home-Based Occupation Regulations

5.1 City Regulation Lake Point shall exercise the lowest amount of regulatory control necessary to protect public health, safety, and welfare without unduly burdening home-based businesses. Business 4, 6 General 13

5.1.1 Licensing Requirement: Home-based occupations (Type III) requiring a license shall comply with the requirements outlined below: Business & General (overall)

A) License Application: Applicants for a home-based occupation license shall provide the following information, in addition to any other requirements:

- a) A drawing showing the area of the home, accessory structures, and yard where the occupation will be conducted compared to the unused portion of the property. Not specifically mentioned in any meetings or survey responses. It was originally placed in this. This goes along with requests for new builds found in City zoning.
- b) A description of the proposed home-based occupation. Not specifically mentioned in any meetings or survey responses. It was originally placed in this. It is a good idea to require this information when the City is issuing a license, for context & disclosure.
- c) A statement of compliance with all applicable regulations, including this Ordinance. General 14 Business 16
- d) Approval statement from the property owner, if different from the applicant [5-11-23 WM].

- e) Permission from 75% of neighboring property owners [5-11-23 WM].

B) Operational Requirements:

- a) Off-street parking spaces shall be provided for each non-resident employee, in addition to all other required parking spaces for the dwelling. A parking and traffic flow plan shall be submitted to demonstrate adequate parking and access. General 10
- b) The occupation shall not involve commercial traffic or deliveries using vehicles weighing more than twenty-six thousand (26,000) pounds gross weight. Not specifically mentioned in any meetings or survey responses. It was originally placed in this. I think it is good to limit the weight, since it is Lake Point's responsibility to maintain city roads.
- c) All buildings, structures, and property where the occupation is located shall comply with applicable building, fire, health, zoning, land use, and safety codes and regulations. Business 9

C) Continued Compliance:

Any license, permit, or authorization granted for a home-based occupation shall be subject to compliance with this Ordinance and all other applicable Lake Point land use and business license ordinances, codes, and regulations. General 13 Time Stamp 5/11/2023 16:27:20

D) Denial and Revocation:

A business license for a home-based occupation may be denied or revoked in accordance with the procedures outlined in the Lake Point business license ordinance. Not specifically mentioned in any meetings or survey responses. It was originally placed in this.

5.2 Inspections: Home-based businesses are entitled to one inspection per year if requested, with the cost of the inspection borne by the business owner as part of the licensing fee. In the absence of a request by the owner, no inspections shall be conducted. Business 10, 11

Section 6: Additional Considerations

6.1 Sales Tax: Citizens engaged in home-based businesses are responsible for reporting, collecting, and remitting all applicable sales taxes to the appropriate governing authority, if required. Business 15

6.2 Insurance: Home-based businesses may need to obtain liability insurance or other types of insurance to protect themselves and their business from potential lawsuits or damages, depending on the nature of the business. General 8 Time Stamp 5/17/2023 17:41:22 General 4 Time Stamp 5/11/2023 11:09:17 Business 12 Time Stamp 5/12/2023 7:07:28

6.3 Off-Street Parking: Home-based businesses may be required to provide off-street parking if they have employees or customers who need to park nearby. The number of required parking spaces shall be determined based on the size and type of the business. [5-11-23 WM] General 10 Survey that was emailed to Council through the contact us page of the website, but not filled out like the others:

6.4 Permit Parking: Home-based businesses may be eligible to obtain permits for employee or customer parking on designated streets identified and permitted by the City for local businesses. Additionally, businesses may enter into agreements with neighbors for parking arrangements. [5-11-23 WM]

6.5 Accessibility Requirements: Home-based businesses serving customers with disabilities may be required by the ADA to provide accessible parking spaces based on specific requirements, including proximity to the entrance and proper signage. Not specifically mentioned in any meetings or survey responses. It was originally placed in this. Great consideration to be informed.

6.6 Short-term Rentals: Short term rentals are allowed. The Transient Room Tax will need to be collected and allocated to the City, with the responsibility of doing this placed upon the hosting site for the Short-term Rental. [5-11-23 WM] Business 15

Section 7: In-Home Instruction and Daycare

7.1 General Requirements: Home-based occupations involving daycare or in-home instruction are permitted without any license from the city. [5-11-23 WM]

7.2 Optional Licensing: An optional business license may be obtained from the City and will be subject to the following: [5-11-23 WM] General 10, 14 Time Stamp 5/17/2023 17:32:47

- a) Compliance with all requirements outlined in Section 5 (Home-Based Occupation Regulations).
- b) Daycare operators must obtain the necessary licensing from the State of Utah Child Care Licensing. Business 8 Time Stamp 5/11/2023 20:52:14
- c) Daycares and in-home instruction may use portions of the yard associated with the dwelling if such use does not significantly alter the residential nature of the property.

Section 8: Exemptions

8.1 In-Home Instruction: see 2.4 [5-11-23 WM]

8.2 Agriculture - Animals : Farm animals (including 4-H) in alignment with City Zoning for the parcel/lot. Greenbelt properties may have different regulations. General 2 Time Stamp 5/18/2023 15:33:09

8.3 Agriculture - Food (for Human or Animal usage and consumption) : Includes field crops (examples: hay, wheat, rye, straw), Vegetable Gardens, Orchards, Greenhouses, Mutton, Beef, Pork, Fowl, etc. [5-11-23 WM]

8.4 Minor-operated business: means a business that is operated by an individual who is:
a) Under 18 years old. [5-11-23 WM]

Section 9: Conclusion

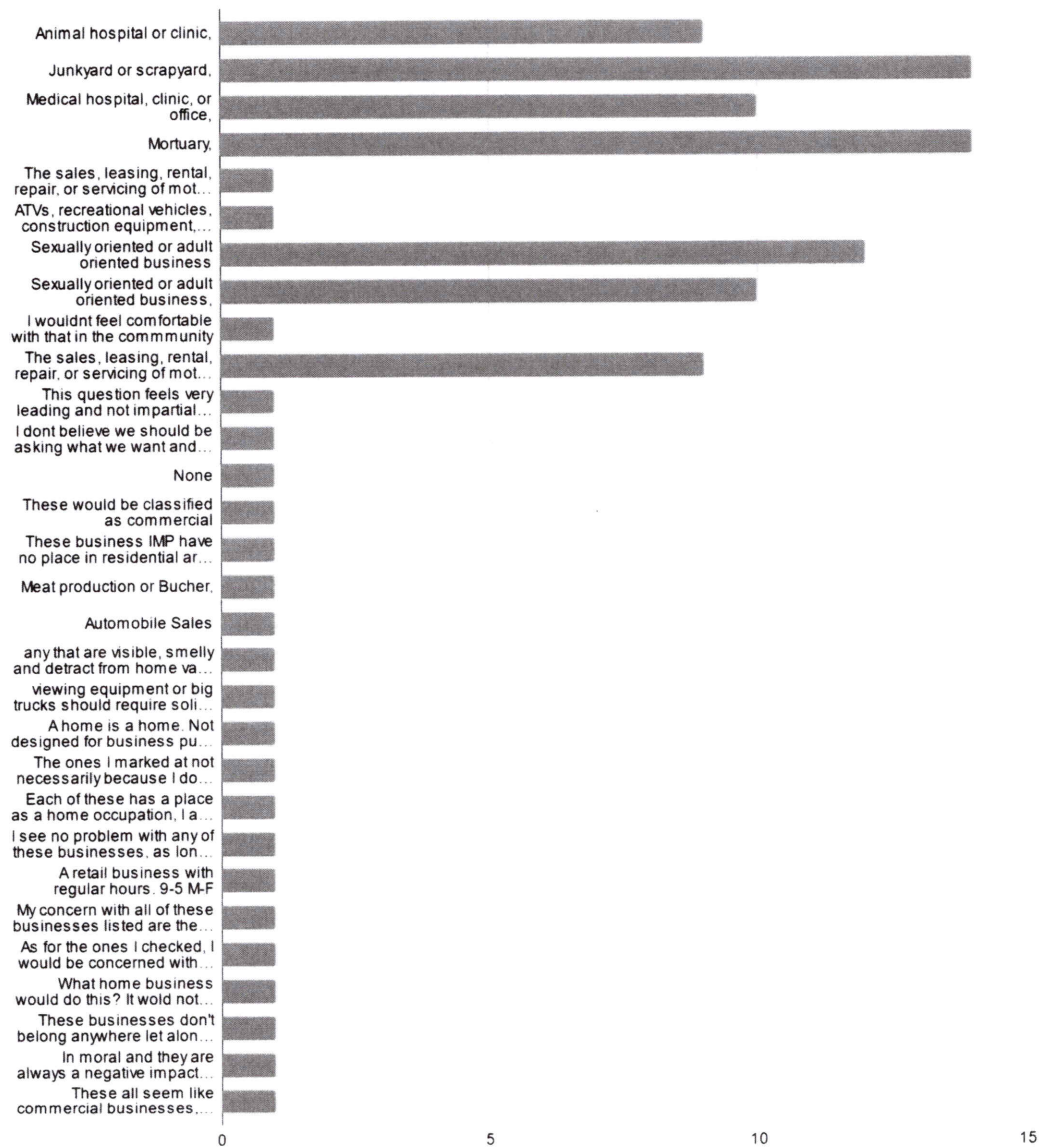
This ordinance provides the framework for the operation of home-based businesses in the City of Lake Point, prioritizing individual liberties while ensuring minimal government interference. By adhering to the principles outlined in the US Constitution, the Declaration of Independence, and relevant state and local regulations, Lake Point aims to foster a vibrant and entrepreneur-friendly community. General 13 Timestamps 5/24/2023 15:20:09, 5/18/2023 7:54:33, and Survey that was emailed to Council through the contact us page of the website, but not filled out like the others:

Section 10: Effective Date

This Ordinance shall take effect immediately upon adoption and publication in accordance with the law.

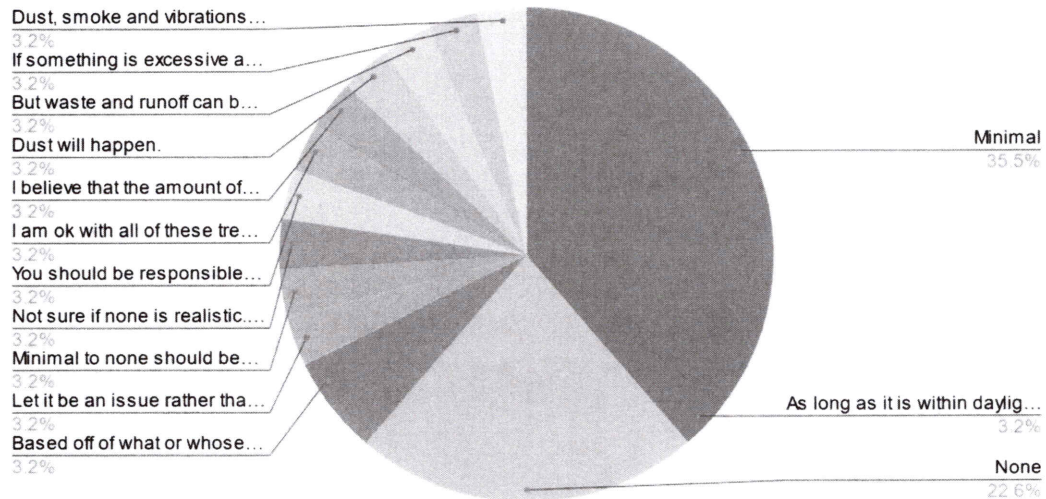
General Public Home-Based Survey [chart data showing trends]

Count of 6. Choose all the businesses you wouldn't want to be operated as a home occupation: Why? (use the "other" spot for your "why")

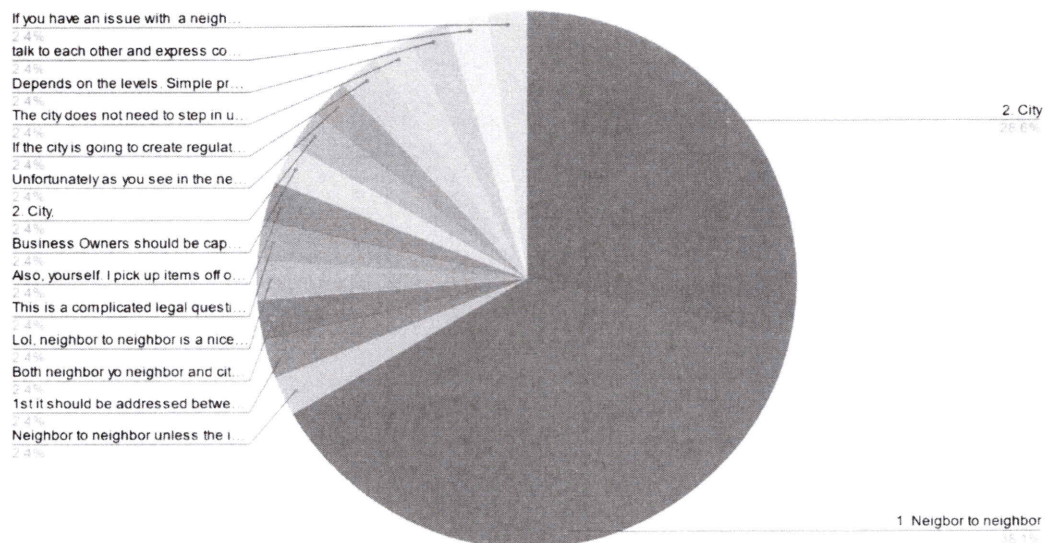


Count of 6. Choose all the businesses you wouldn't want to be operated as a home occupation: Why? (use th...

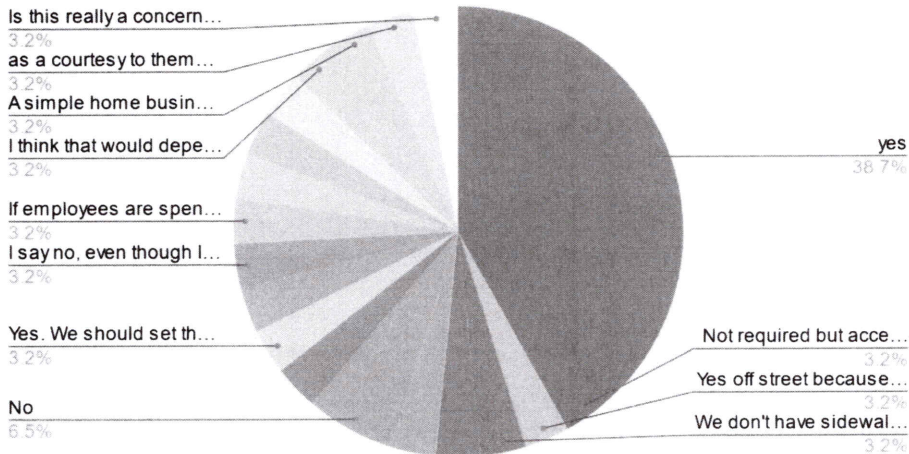
Count of 7. What level of dust, smoke, vibrations, runoff, or waste, can trespass onto adjacent personal properties or city property? Why? (use the "other" spot for your "why")



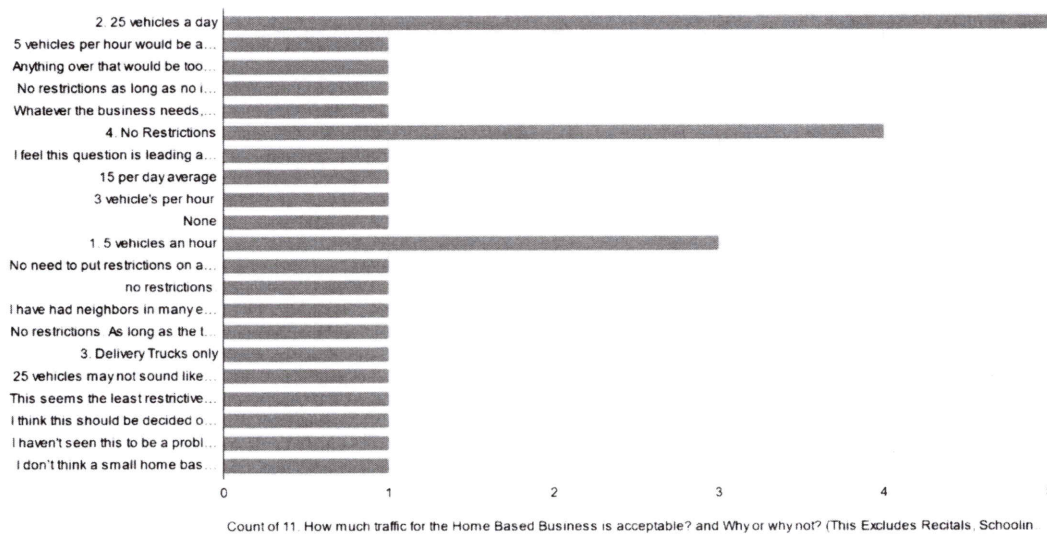
Count of 7.a. Related to above Question 7. If these issues do exist who should resolve these issues? Why? (use the "other" spot for your "why")



Count of 10. Should off-street parking space for customers and/or employees be required? and Why? (use the "other" ar...



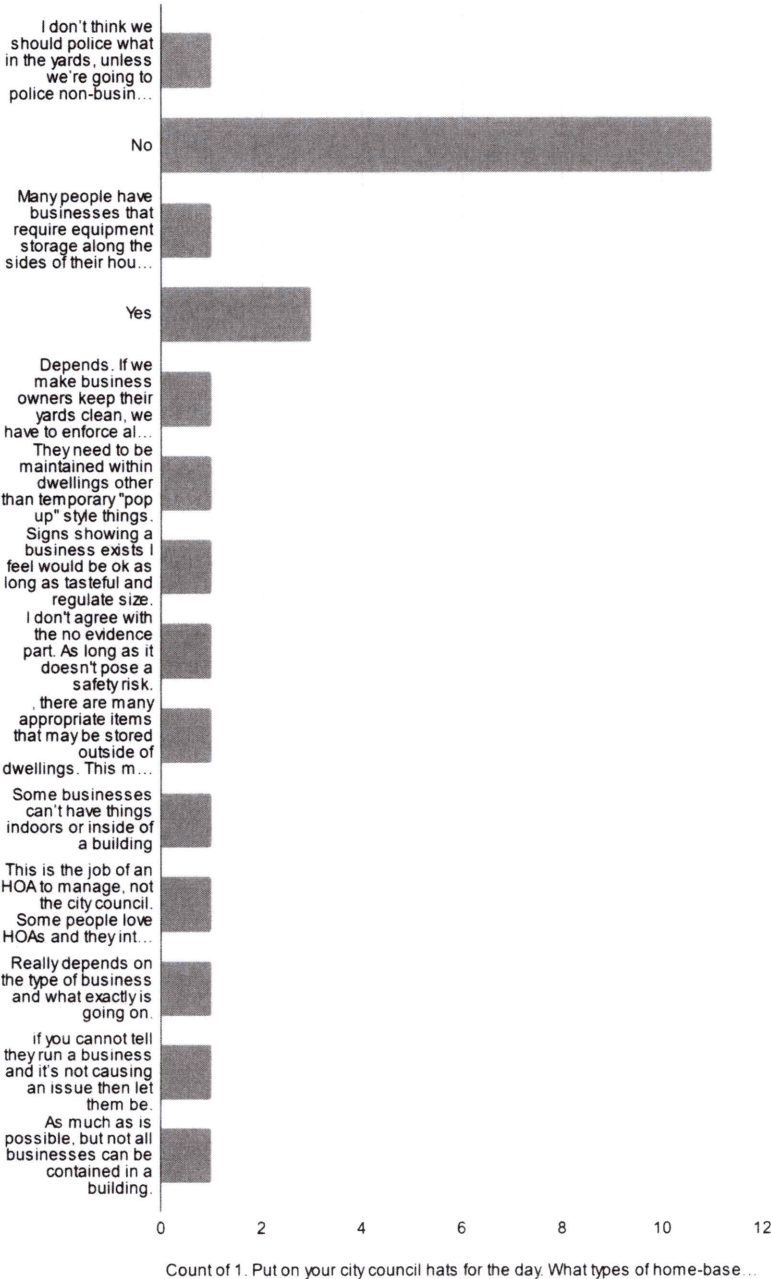
Count of 11. How much traffic for the Home Based Business is acceptable? and Why or why not? (This Excludes Recitals, Schooling, Public Events, and Similar) (use the "other" area for your "why or why not?")



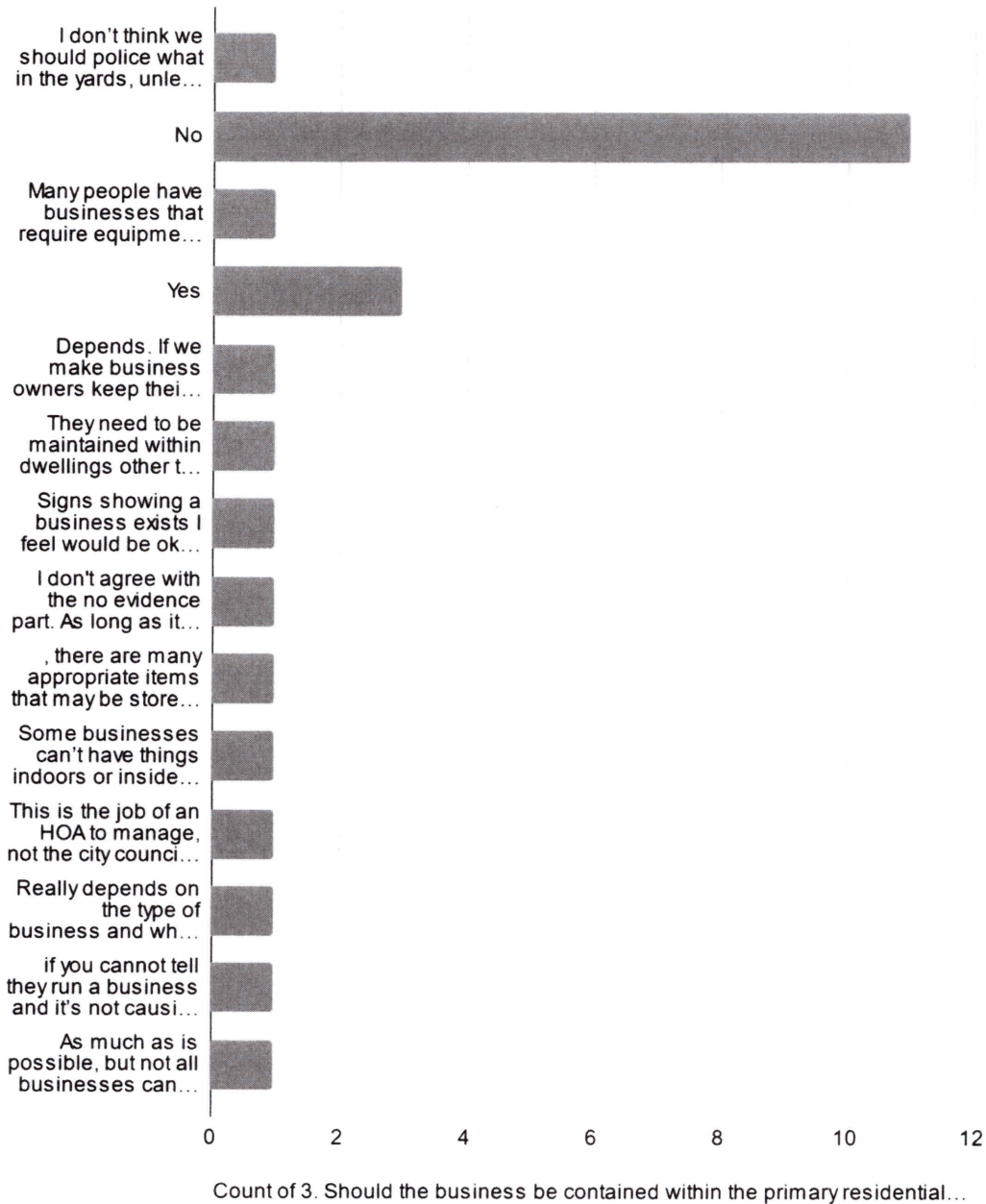
- For the Revision, here is how I understood the data. The top answers were: 6 for 25 per day, 4 for no restrictions, and 3 for 5 per hour (40 cars in an 8-hour day, or 200 cars in a 5-day work week). The middle ground on this question was 200 cars on average per week. The average allows home-based businesses that operate on less than a 5-day work week to still meet the criteria. For example, multiple classes being held on a single day of the week for different age groups, or yard sales on a weekend.

Business Owner Public Home-Based Survey [chart data showing trends]

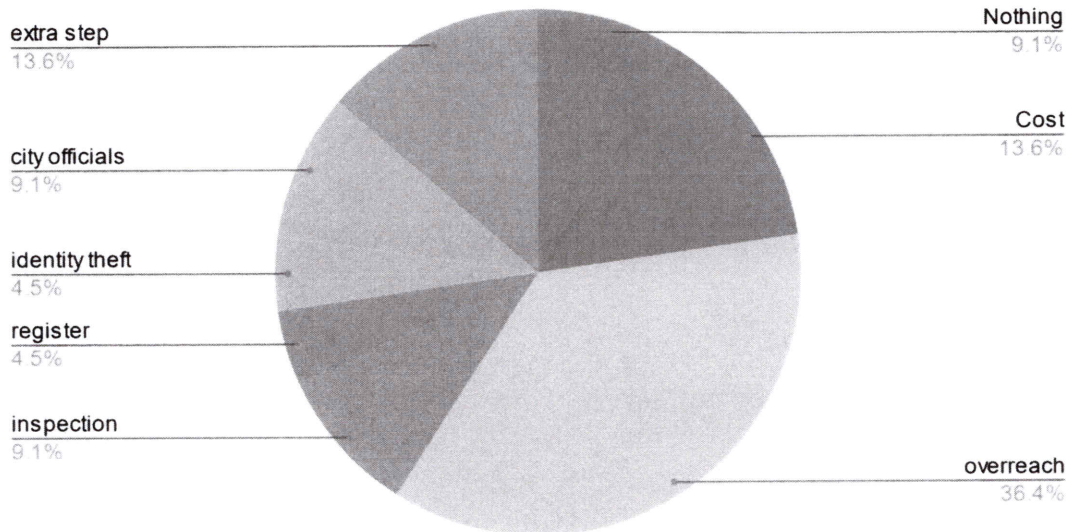
Count of 1. Put on your city council hats for the day. What types of home-based businesses would you encourage and promote within Lake Point?



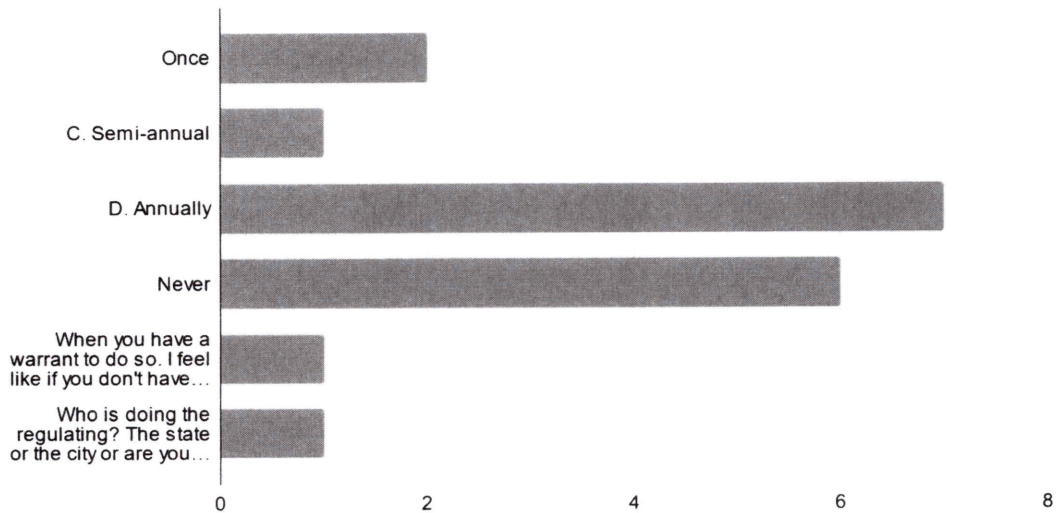
Count of 3. Should the business be contained within the primary residential area or accessory storage buildings with no evidence of items stored outside of dwellings? And why? (use the "other" area for your "why?")



Count of 6. What would stop you from acquiring a business license or registering your business with a city? Why?

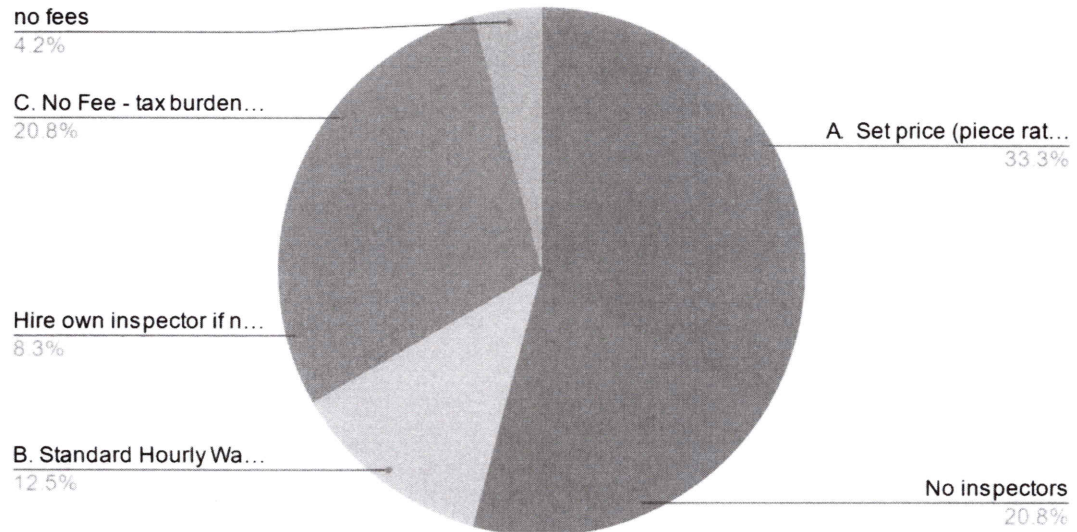


Count of 10. If you had a home-based business and it is regulated with inspections, how often would you want city representatives (Ex. building inspector, fire marshal, health department, city employees,

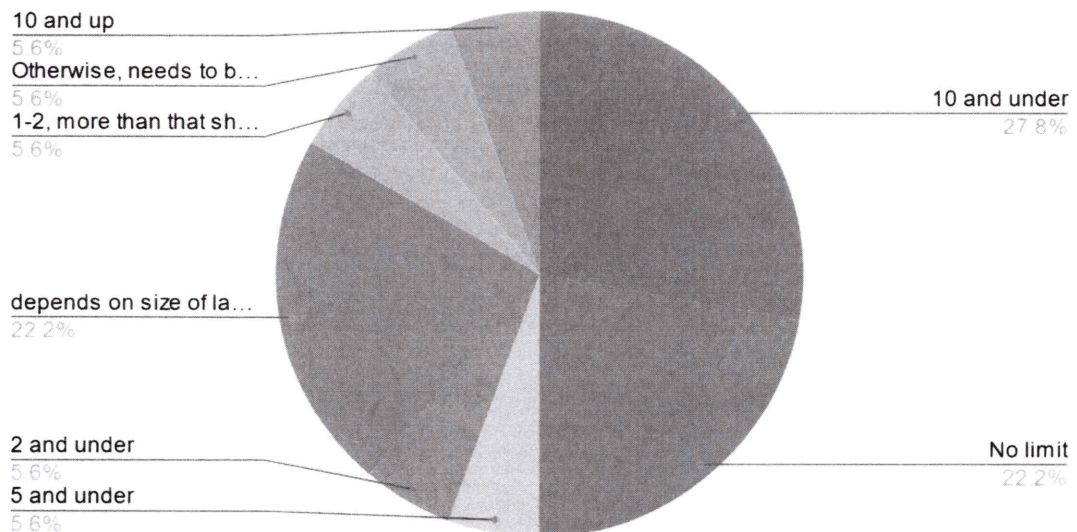


Count of 10. If you had a home-based business and it is regulated with inspections, how

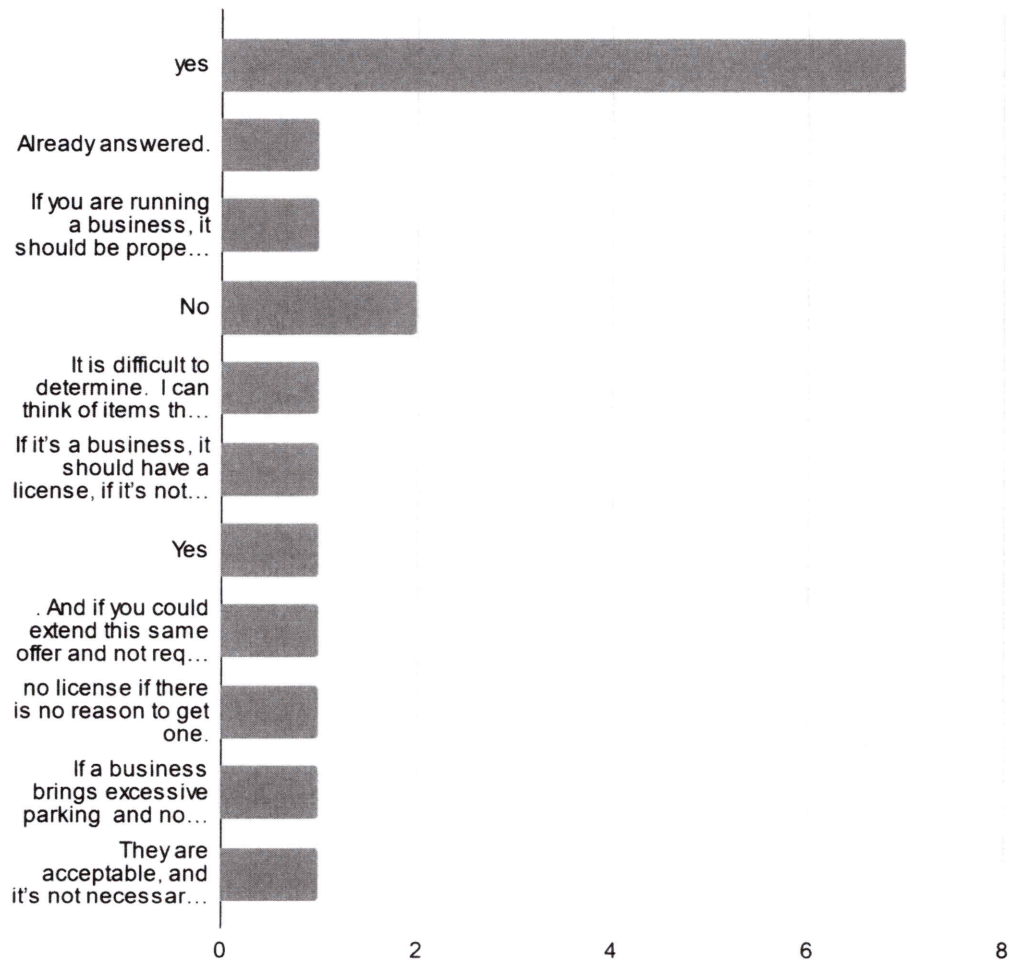
Count of 11. How much do you think our city representative
(Ex. building inspector, fire marshal, health department, city e...



Count of 13. How many full-time or part-time employees should
be allowed within a residential area home-based business?...

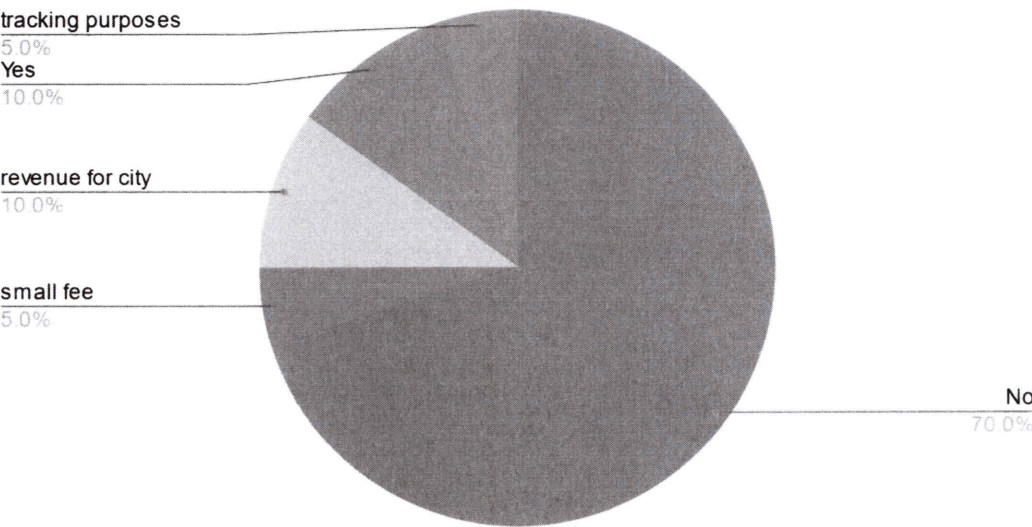


Count of 14. Are these acceptable circumstances to NOT require a business license and why? Occupation and commercial use is entirely contained within the residence, does not require or create any external evidence of the commercial use, does not result in additional parking or...

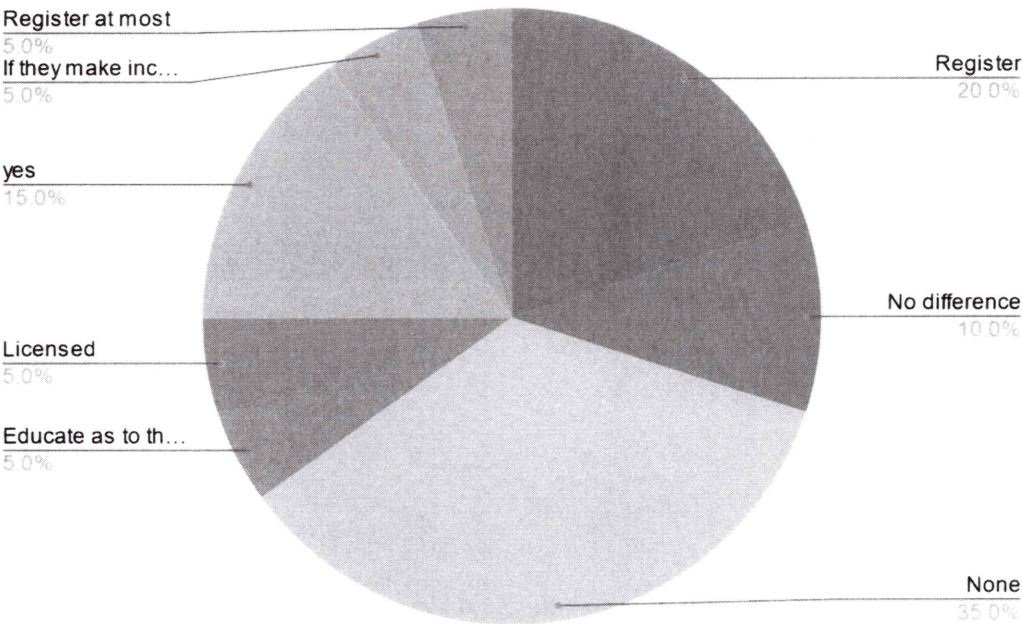


Count of 14. Are these acceptable circumstances to NOT require a busin...

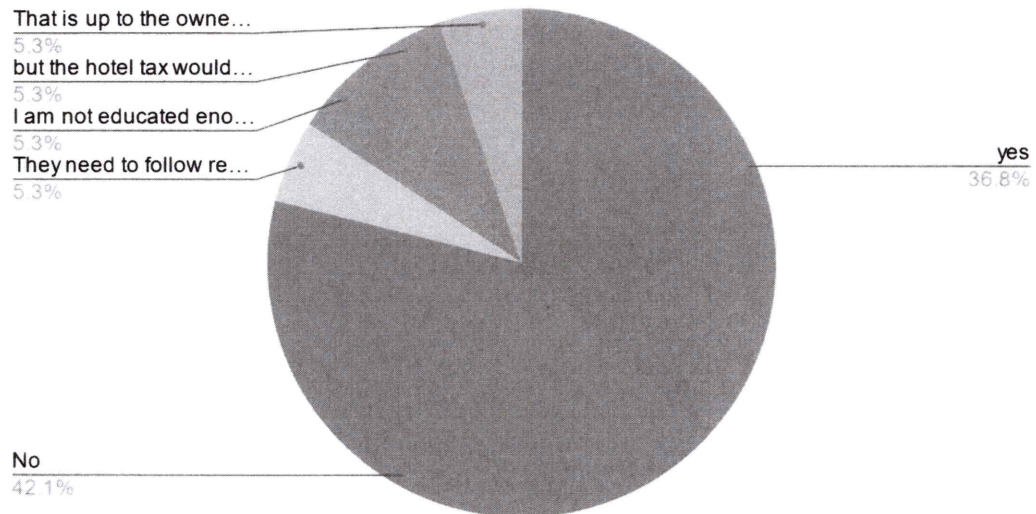
Count of 16. When a Occupation is already regulated by the State and requires Certificates, Degree's, training, or special...



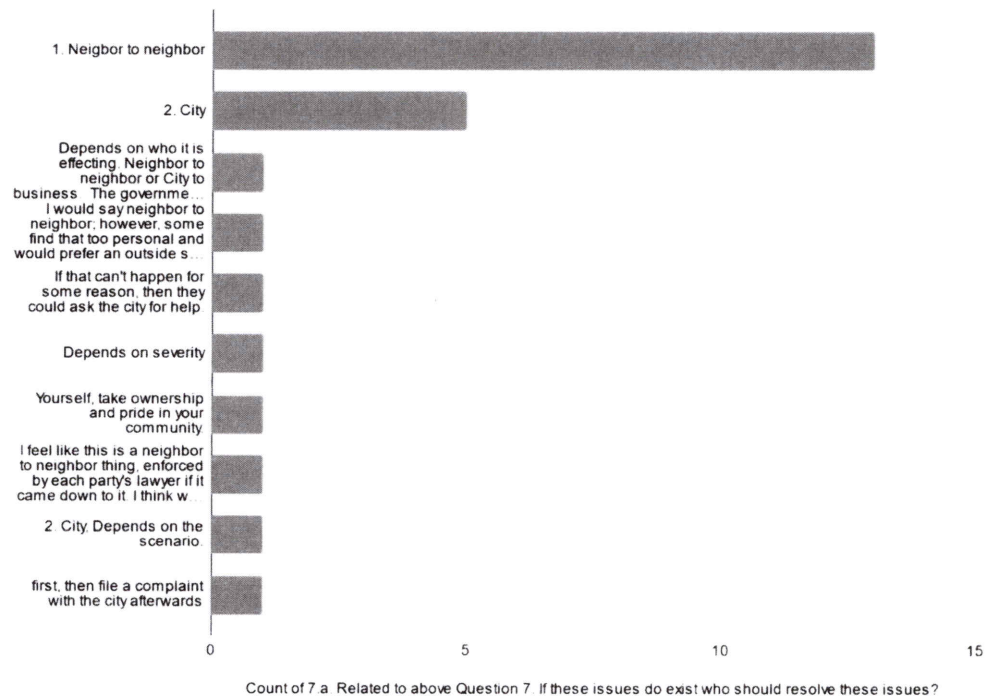
Count of 17. Do you feel that all home-based businesses require a business license or would you prefer that they are just required to be registered? and why? (use the "other" ar...



Count of 18. Should short-term rentals (Less than 30 Days) like Air B&Bs get a business license? and why or why not? (use t...



Count of 7.a. Related to above Question 7. If these issues do exist who should resolve these issues?



*The following are suggestions from Jonathan Garrard. The Mission statement is a great way to communicate our city's purpose and goals to the public. "A modern, well-crafted mission statement **clearly identifies your government's priorities to the public, and also reminds government officials of the values to uphold and goals to emphasize.**" It ties to the Lake Point Vision I created as well. This is what I have come up with:*

Mission statement for Council

"Lake Point's City Council is dedicated to cultivating a vibrant, lower-density country lifestyle rooted in Liberty and Freedom. Our aim is to foster a close-knit community that preserves our rich rural heritage, traditions, and core values while actively embracing new residents and encouraging their participation in our commitment to a peaceful and self-sufficient way of life. We deeply value Limited Government, Property Rights, and Free Enterprise, as they enable us to create an inclusive environment where Individuals and Families can thrive, inspired by the breathtaking natural beauty of Lake Point. Our community members exemplify Character, Decency, and Courage. Together, we Unite to safeguard our Cherished Liberties and Inalienable Rights for present and future generations."

On the other side of this paper, you will find my "Lake Point Vision" I created. When you look at it, you will see that it is a full page. This was intentional. I have learned from many Mentors throughout the years to clearly define what your vision is. What many people think of as vision statements today, are really just declarations. A declaration is a short sentence (maybe two sentences max). A vision is different. It creates a vibrant picture with words that is clear and complete. This is one of the reasons why it is a full page. I want to be clear enough with our vision, that it becomes difficult to misinterpret it's meaning.

As you review the Lake Point Vision, you will see Roman Numeral letters going down the left side. These Roman Numerals create the year 1854, when E.T. City was founded. I felt inspired to incorporate this historical part in our Lake Point Vision, because society seems to do better in the future, when they remember the past (or in other words, their roots).

One final item I should address is the blue text to the acronym T.R.F.F.C.C. I have sited the reference to the organization that I found that was using it. I really like the further details talked about in it and thought it meshed well with the Vision as written.

Lake Point Vision

Lake Point envisions a city where Liberty and Freedom are the guiding principles that inspire us to continue the lower-density, country lifestyle that is conducive to raising families. We value preserving our rural lifestyle and heritage, as well as our community core values. We welcome new residents and ask for their help in sharing our commitment to maintain a peaceful and self-sufficient way of life.

We believe that the natural beauty and resources of Lake Point provide ample opportunities for individuals and families to live fulfilling lives, free from the stresses and pressures of urban living. Our commitment to limited government, property rights, and free enterprise allows us to cultivate a community that values individual responsibility and initiative. We recognize that the more transparent our government is and the more we involve the entire community, the better our city will become.

We envision a Lake Point where our children can thrive, our families can grow, and our community can prosper. Our commitment to preserving our rural way of life and promoting freedom and liberty for all is what sets us apart and makes Lake Point a truly special place to call home.

In 1854 (MDCCCLIV) E.T. City was founded. It is known today as Lake Point and these founding principles of its roots still guide its destiny:

Magnanimity – Family has always been a strength for Lake Point. Whether long time residents or recently moved in, Lake Point city has always had a beautiful ability to become an extended family for its residents where they feel at home.

Decency – As Lake Point continues to grow, we realize that our strength comes from the many individuals who make up Lake Point. Being decent to one another is more than just manners, it includes honesty and respect for other people and their property.

Capitalism – The highest level of prosperity that may occur within Lake Point, is when a free-market economy and a minimum of government regulations is implemented. Throughout the years, this has brought many businesses to our town and we have watched them thrive in this environment. We see these businesses give back in many ways and are grateful for them.

Courage – Lake Point residents stand up and stand together. We take thoughtful action to preserve our way of life against tyrannical tendencies from within and without our city.

Character – Lake Point citizens maintain T.R.R.F.C.C. (terrific) Character: Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship. <https://www.lcisd.org/docs/default-source/campus-documents/Meyer-Elementary/General/character-counts.pdf?sfvrsn=2#~:text=The%20Six%20Pillars%20of%20Character%20are%3A%20Trustworthiness%2C%20Respect%2C%20Responsibility,used%20within%20our%20CHARACTER%20COUNTS!>

Liberty – Lake Point loves living in a community free from oppressive restrictions imposed by any authority on one's way of life and behavior. We realize how careful we must be in exercising our freedom in such a way that it will not destroy our liberties.

Inalienable Rights – Lake Point residents are endowed by their Creator with unalienable Rights, such as Life, Liberty and the pursuit of Happiness. Lake Point City is charged to guard and protect these rights for all those who enter its boundaries. The Declaration of Independence lists a long train of abuses that Lake Point city would be wise to always avoid.

Vigilance and Volunteerism – Lake Point must be ever vigilant in keeping its new found freedom. To help achieve this, city residents recognize their role in continuing to Volunteer to serve our community. This volunteer service is critical to keep our maximum freedoms with the minimum amount of government intrusion.