



3200 WEST 300 NORTH  
WEST POINT CITY, UT 84015

**WEST POINT CITY COUNCIL**  
**MEETING MINUTES**  
WEST POINT CITY HALL  
**March 7<sup>th</sup>, 2023**

**Mayor**  
Brian Vincent  
**City Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Annette Judd  
Michele Swenson  
Brad Lee  
**City Manager**  
Kyle Laws

**Administrative Session**  
**6:00 PM**

Minutes for the West Point City Council Administrative Session held on March 7<sup>th</sup>, 2023, at 6:00 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 889 7348 0568 at <https://zoom.us/join> or by telephone at (669) 900-6833.

**MAYOR AND COUNCIL MEMBERS PRESENT:** Mayor Brian Vincent, Council Member Gary Petersen, Council Member Jerry Chatterton, Council Member Annette Judd, Council Member Michele Swenson, and Council Member Brad Lee

**EXCUSED:** None

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

**EXCUSED:** None

**VISITORS PRESENT:** Matt Leavitt, Stan Hall. No sign-in required for those attending virtually.

**1. Discussion Regarding Speed Limit Recommendations – Mr. Boyd Davis**

Mr. Davis stated speed limits have been a topic that has been brought up before in City Council meetings and residents have stopped into City Hall wanting to discuss speed limits. Last August, the Transportation Master Plan was completed and with part of that plan, Staff asked them to include some recommendations for speed limits which they included and also a section about traffic calming. When discussing a policy on how to set speed limits, there is no legal standard to set speed limits. However, there are recommended guidelines and the most commonly accepted guideline is, "When a speed limit is posted, it should be within 5 mph of the 85<sup>th</sup> percentile speed of free-flowing traffic." That comes from the Utah Manual on Uniform Traffic Control Devices, MUTCD. Drivers are going to drive what they are comfortable at, despite the posted limit, which does seem counterintuitive.

The MUTCD also states that other factors that may be considered when establishing or evaluating speed limits include:

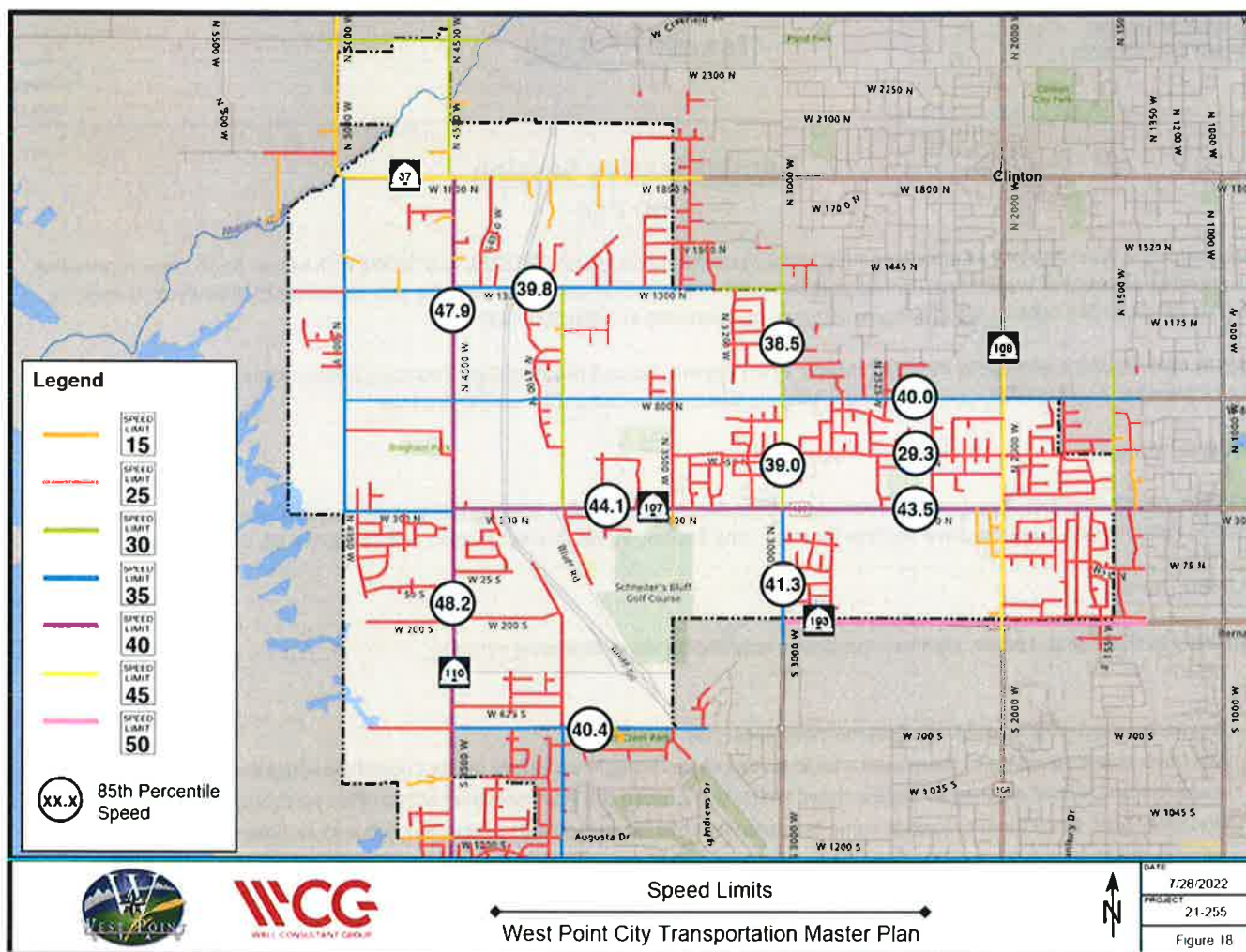
- A. Road characteristics, shoulder condition, grade, alignment, and sight distance;
- B. The pace;
- C. Roadside development and environment;
- D. Parking practices and pedestrian activity; and
- E. Reported crash experience for at least a 12-month period.

There are other things to consider but setting speed limits are subjective. There is no clear way to state each road should be at a certain speed. Each road requires its own study. Research has shown that artificially lowering speed limits generally does not lead to lower vehicle speeds.

For this reason, the master plan includes a section on traffic calming, also known as speed management. Traffic calming is the use of physical design and other measures to reduce vehicle traffic and/or vehicle speeds. The master plan has a link to several examples of traffic calming measures and their relative effectiveness. These types of measures should be considered if speed reduction is desired. UDOT has designed a few information sheets talking about traffic calming and ways it can be implemented to help slow speeds down. A few examples are the radar speed sign, landscape medians, and roundabouts.

In discussing the map below, the posted speeds are within the 85<sup>th</sup> percentile speeds, the recommended speed. With most of the locations below, the posted speed limit is within 5 mph of the measured speed. There are a few locations where it does not match. For example, on 3000 W between 800 N and 300 N, the posted is 35 mph but actually speed is 41.3 mph. Another example would be

on 3000 W between 300 N and 1300 N where the posted speed is 30 mph, but the actual speed is 39 mph and 38.5 mph. On 4500 W, it is posted as 40 mph but speeds are 48.2 mph and 47.9 mph. The engineers that did the study did not recommend increasing the posted speeds on these roads as they believe the characteristics of the road from the MUTCD do not merit increasing the speed.



The engineers did recommend on 1300 N, there is a small section between 3000 W and 3330 W where the posted limit is 30 mph, but the rest of the road is posted as 35 mph. They recommended increasing that section to 35 mph to keep it consistent. The only complication is that area is shared with Clinton City and they would need to be involved. If there was interest in changing 3000 W, that would also require involving Clinton City.

Council Member Chatterton asked if 3000 W is considered part of residential and Mr. Davis stated it is a collector road and even possibly considered a major collector road because of the traffic counts. Sadly, it is one of the highest traffic counts of the City. He stated he will bring those traffic counts to the next meeting.

The Council had no further discussion.

## 2. Discussion Regarding the General Plan Update and Small Area Plans Contracts – Mrs. Bryn MacDonald

Mrs. MacDonald stated last year the City was awarded a \$75,000 grant from Wasatch Front Regional Council and the grant required a \$25,000 match from the City. The contract is with the City, Wasatch Front Regional Council, and Downtown Redevelopment Services, who is the consultant that has been chosen. Wasatch Front handles the whole thing with invoices and pays everyone. The schedule is to have the General Plan adopted by the end of the year. In talking to the consultant, it was specifically discussed with them about the Main Street area across the street from City Hall and then also the area located to the west of Smith's. They asked if a small area plan could be completed for those properties. The price for those would be about \$19,000 for those two areas and do it as part of the General Plan. Combining these allowed them to save money as they can do that work together when they come out

for the other work. The small area plan will give greater detail in these two properties that will help make decisions. There are two contracts that will need to be approved. The first is with Wasatch Front for the General Plan and the second is specifically between the City and Downtown Redevelopment for the additional \$19,000.

Council Member Chatterton asked where in the budget is that money located. Mr. Laws stated there is money in the budget. An amendment may need to be done to place it there, but there is money available.

Mayor Vincent stated in reading the contracts, it states Wasatch Front Regional Council is involved a lot in the contract language. He asked if most of the work will be completed between the City and Downtown Redevelopment. Mrs. MacDonald stated yes, but Wasatch Front will still be involved just on a side basis wanting to know where in the process it is at, but most of the work will be done through Downtown Redevelopment and the City. They are not involved in the inquiry.

Council Member Swenson asked about the steering committee and Mrs. MacDonald stated that will be part of the General Plan that is a scope from Downtown Redevelopment. It is similar to the committee that was done for the Parks Master Plan. The Planning Commission has picked two Planning Commissioners to be on this steering committee.

Mr. Laws asked if the Council is in support of the small area plans and it was answered yes.

The Council had no further discussion.

### **3. Discussion Regarding Accessory Dwelling Units – Mrs. Bryn MacDonald**

Mrs. MacDonald stated a request was received by a property owner who wanted to discuss a text change for the height of accessory dwelling units (ADU). There are 3 different types of ADUs: internal, attached, and detached. This text request was specific for attached ADUs which is doing an addition on the house to add an ADU. The applicant would like to add a garage with an ADU located above. The Code currently states the height is to be the same as the primary dwelling which may interpret it cannot be taller than the existing home. The applicant is wanting more of a two-story height. This was gone over with the Planning Commission. The applicant had two ideas: To be as tall as the zone allows, which is 40 ft, or to be 25 ft 25 ft or the same as the existing dwelling, whichever is larger. The Planning Commission wanted to look at proportion to the existing house. The Planning Commission decided to do a proportion of 1.8 times the height of the house. The language proposed to be changed would be, "Attached ADUs may be taller than the existing primary dwelling. The maximum height of an attached ADU shall not exceed 1.8 times the height of the primary dwelling and in no case shall an attached ADU be greater than the maximum height limit of a principle structure in the zone that the dwelling exits." It would also be changed on Table 17.70.060-1. If the applicant wanted to only place an addition on, they could and it could be 40 feet tall; however, because they are wanting to make it an ADU, there are regulations. That is on her list of text changes to look at as it does not make sense. The State Code did just change as far as internal ADUs specifically for garages, but it has the same loophole which is it has to be in the existing footprint. If it was an existing garage and they turn it into an ADU, then it would be allowed, but because this applicant is wanting it place this as an addition, it does not fall under the State Code exemption.

Council Member Chatterton asked if this is like a mother-in-law type apartment and Mrs. MacDonald stated yes. Mrs. Swenson asked if the ADU has to have its own separate entrance and exit and Mrs. MacDonald stated this particular one does. The City Code does state it does, but the new State Code states internal connections are not required. Mr. Davis asked what the State Code stated about garages. Mrs. MacDonald stated the previous was internal ADU which was interpreted at basements. It was clarified to mean to be the garage, bonus room, anything within the footprint. Mrs. Swenson asked about setbacks and Mrs. MacDonald stated it would meet those. Mayor Vincent asked what the heights were and Mrs. MacDonald stated it was 19 feet to the top of the wall and the peak was about another 5 feet more.

Council Member Petersen stated he believes the same height as the primary dwelling requirement came from not having some desirable outcomes of prior builds and not looking like duplexes. It was in fairness to neighbors and original development.

Council Member Swenson asked if it would still fall within the 50% up to 800 sq ft that is the size limit. Mrs. MacDonald stated she does not know and thinks it might be over. Mr. Davis stated that is why he is using the loophole of an addition because by itself, it would not be allowed as an ADU. It would need to be an addition and then ADU. Mayor Vincent stated that would still limit the size and Mrs. MacDonald stated no because that is for attached. This would be considered internal that has no limitation. Council Member Lee stated at the time ADUs was a discussion, most were as detached so the setbacks were the issue, but now this issue

shows the size can be an issue. Mrs. MacDonald stated under State Code and the strict definition, this type of attached ADUs does not need to be allowed. It is now required to be allowed. Mayor Vincent stated with the loophole, they can get there. Mrs. MacDonald stated she spoke with a member of the ULCT who stated they are aware of the loophole and would rather have people build it right versus retrofitting it to get around the loophole and build it as an ADU. Council Member Chatterton stated this is trying to manage the loophole because it cannot be changed and Mrs. MacDonald stated yes.

Council Member Petersen stated the reason it was the same on the primary dwelling on the height was due instances in the past where a garage could be built, but a living area was created above that was not built to Code. To help alleviate that, it was either build the garage the same size as the house or build an ADU that is up to Code. Mrs. MacDonald stated on the detached, there was this conversation for the detached garage with an ADU above and the Council came out and stated no, it needs to be one or the other, but cannot be both. Council Member Petersen stated he is worried about older homes having these built but it completely changes the exterior of the home and throws off the look of the neighborhood and requirements for architecture had to be removed.

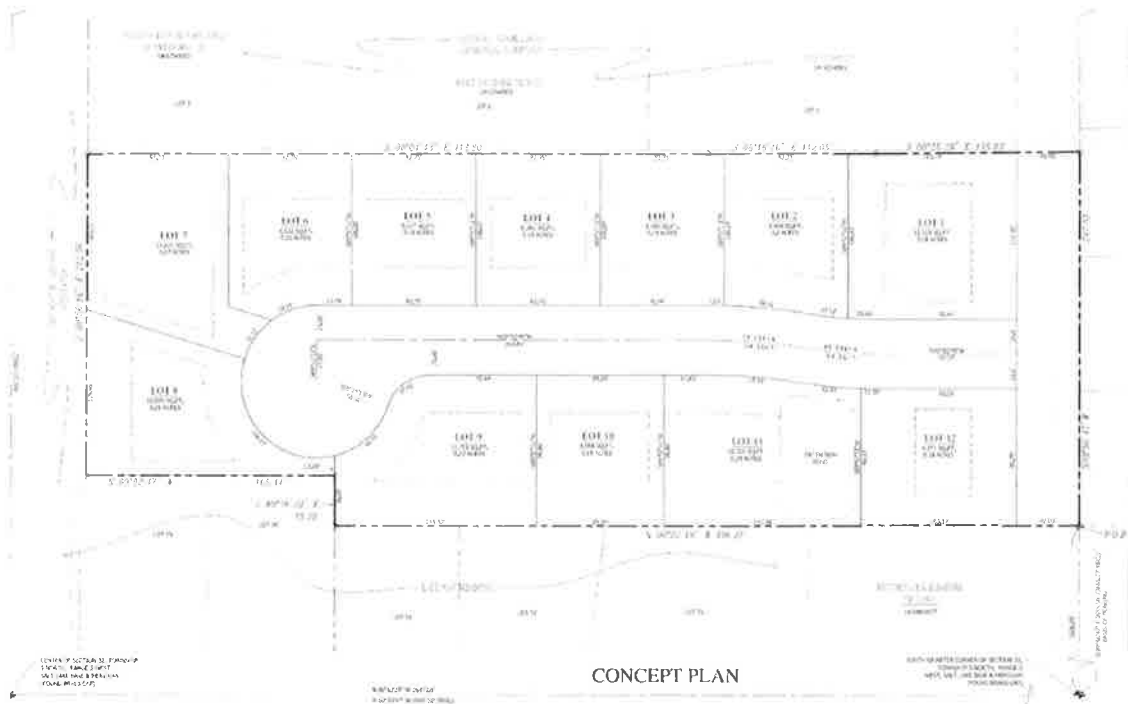
Council Member Chatterton asked why the Planning Commission settled on the 1.8 times the height. Mrs. MacDonald stated the Planning Commission were shown different examples of varying heights and what each one would look like. They settled on the 1.8 times the height as it looked the nicest. Council Member Swenson stated there was quite a bit of discussion and Staff did go out to find pictures of what exactly that would look like to have a good visualization.

Council Member Judd asked if a person who has an ADU, do they have to have parking spaces available. Mrs. MacDonald stated State Code just changed to only require one extra spot for the ADU. Council Member Judd stated that is one area that comes into play, if there could be more cars now where they should have been fewer to begin with.

The Council had no further discussion.

**4. Discussion Regarding a Rezone of Property Located at 320 W 300 N (Hall Property) – Mrs. Bryn MacDonald**

Mrs. MacDonald stated the applicant, Matt Levitt who represents Stan & Jeni Hall, is requesting a rezone on the property located at 3230 W and 3250 W 300 N from R-2 Residential to R-3 Residential. The subject property consists of 3.64 acres split between two parcels. There is an existing home on each parcel. The property is currently zoned R-2. The General Plan identifies this property as R-3 Residential. The applicant submitted a site plan showing how the house located on the flag lot (lot 7) would look like.



It is a private street. The development agreement contains the architectural standards being offered and the applicant is requesting exceptions to lot width, lot depth, lot sizes, the side yard setback on the two existing homes, and the flag lot size as it is not the 1.5 times the requirement of the zone. It would have to be 13,500 sq ft and the lot they are requesting is only 11,611 sq ft. The Planning

Commission recommended no park strip, just curb and gutter, and placed half the footage into the lots to make them deeper and the other half into the road to make it wider as it is a 50-foot right-of-way. Council Member Petersen asked how deep are the lots and Mr. Matt Leavitt stated it is 100.09 ft on the east side and 99.86 ft on the west side. Those are the smallest depths and there are others that are bigger with 8-foot side yards on each one. Bryn MacDonald stated side yard next to roadways are required to have 20 ft setbacks and they are asking for 10 ft to accommodate the width of the road next to the two existing homes.

Mayor Vincent stated there was a discussion about eliminating the flag lot and absorbing the width into the lots on the east side and a discussion about seeing how the house plans laid out. Mr. Leavitt stated the reason they are asking for the flag lot is due to the notch on the west side. He did show the Council floor plans he had brought of the type of homes that would be built in the subdivision. Council Member Petersen asked if there would be fencing around the development and Mr. Davis stated there is not a fencing requirement for residential, but there is fencing around some of the area. Mayor Vincent asked if there is a requirement for the side of commercial, not residential and Mr. Davis stated he is not sure. Council Member Petersen asked about the existing homes and the 10 ft side yard and access for them. Mrs. MacDonald stated both existing home driveways come off 300 N and UDOT is requiring them to eliminate the driveways and have them come off the street. Council Member Chatterton asked how does that affect the driveway and Mrs. MacDonald stated they will have to come in and swing around towards the front. Mr. Leavitt stated the carport that is on the existing house would need to be removed. Mayor Vincent asked how does the driveway work for the house on the west side and Mr. Leavitt stated it would have to cross the yard in front of the house and swing into the garage. The Council would like to see drawings of how this would work for these houses with the new proposed driveways.

Mayor Vincent asked if there are requirements for the detention pond and how close it can be located next to the home on the same lot. Mr. Davis stated there needs to be at least 10 ft of flat space before the pond. Council Member Petersen asked if the pond is intended to be on the same lot and be owned by the homeowner and required to be maintained and Mr. Davis stated he would recommend having it be separate and maintained by the HOA.

Council Member Swenson stated she appreciated having some new drawings, especially for the flag lot, but has concerns on the existing homes and what those will look like without having those drawings available. Council Member Petersen stated he is trying to feel better but still has concerns. Mayor Vincent stated he knows the discussion was around the end three lots and whether to eliminate them or combine them and shift lots to meet the Code and he was unsure the feeling of the Council and what they would like to see. Council Member Chatterton asked what the lot sizes were and it was stated 8200 sq ft. Mr. Leavitt stated they have tried for it to meet the requirements for an R-3, but have issues due to the geometric constraints of the lot. Council Member Petersen stated he wonders if there a comprise as he understands lots sizes are 8,200 sq ft but the requirement is 9,000 sq ft and that means an extra lot but it feels like the flag lot might not work with the way the driveways are pushed together. He would be okay to have the 10-ft side yards in the front, giving up the park strip, if the flag lot could be removed to get the lots back up to size. There needs to be some compromise. Mr. Leavitt stated this subdivision is to address those who are retired and not needing the larger lot sizes. Council Member Petersen stated he does understand that and there is value with the whole subdivision and making things fit and made more proportional. Council Member Chatterton stated he agrees with Council Member Petersen as the value is still there and Mr. Leavitt stated he has done the math and it does not actually add up to the same if a lot is removed.

Mayor Vincent stated this needs to be discussed more and the Council would like to see site plans for the existing two homes with the driveway configurations and the detention pond on its own parcel. Council Member Petersen stated he does know it takes time and effort but he would possibly like to see a plan where the three lots on the end of the cul-de-sac (where the flag lot is located) reconfigured.

The Council had no further discussion.

## 5. Other Items

No other items were discussed.

The Administrative Session adjourned



3200 WEST 300 NORTH  
WEST POINT CITY, UT 84015

**WEST POINT CITY COUNCIL  
MEETING MINUTES  
WEST POINT CITY HALL  
March 7<sup>th</sup>, 2023**

**Mayor**  
Brian Vincent  
**City Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Annette Judd  
Michele Swenson  
Brad Lee  
**City Manager**  
Kyle Laws

**General Session**  
**7:00 PM**

Minutes for the West Point City Council General Session held on March 7<sup>th</sup>, 2023, at 7:00 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 889 7348 0568 at <https://zoom.us/join> or by telephone at (669) 900-6833.

**MAYOR AND COUNCIL MEMBERS PRESENT:** Mayor Brian Vincent, Council Member Gary Petersen, Council Member Jerry Chatterton, Council Member Annette Judd, Council Member Michele Swenson, and Council Member Brad Lee

**EXCUSED:** None.

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

**EXCUSED:** None

**VISITORS PRESENT:** Matt Leavitt, Stan Hall, Brent Stoddard, Kenneth Palmer, Jacob Orton, Joelle Caruso, Ken Whitaker, Marvin Drake. No sign-in required for those attending virtually.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer or Inspirational Thought** – Given by Mayor Brian Vincent
4. **Communications and Disclosures from City Council and Mayor**

Council Member Swenson – None

Council Member Judd – The North Davis Fire District and the good work they do taking care of the citizens and saving lives and property. Encourage residents to follow them on social media because they do put out some good information. They are hard workers who keep their heads down and work hard.

Council Member Petersen – None

Council Member Chatterton – None

Council Member Lee – Thanked the public works crew for the work that has been performed on removing the snow out of the roads and passable. This winter has been tough and busy and he feels they have done a tremendous job in removing it in a safe and effective manner.

Mayor Vincent – Informed the Council about the brief discussions held with Clinton City regarding the property in the annexation area that is east of 4500 W. Nothing has been decided, just that there have been discussions.

5. **Communications from Staff**

None

6. **Citizen Comment**

Ken Whitaker – 379 N 3500 W: Mr. Whitaker was curious on the secondary water increase and if it was already voted on as he is in opposition of it. Mayor Vincent stated the secondary water will be part of the fee schedule discussion later in the meeting; however, that fee increase comes from Davis Weber Canal, not the City. Mr. Whitaker asked at what point can residents voice their opposition with the rate hikes and Mayor Vincent stated that will be part of the discussion.

**7. Youth Council Update**

Jacob Orton, Youth Council City Manager, stated a quick recap of the past month's activities. In December, Youth Council helped with the Cemetery Luminary by putting sand and a candle in bags. There was lots of participation from youth and the community. In January, there was the Local Officials Day at the Capital Building. The officers were able to attend and hear from State leadership, see how some offices work, and meet the State Senators. In February, they meet with a lady on how to get the youth more involved in the community and how to help with mental health with things like that. The upcoming activity this month is preparing for the Easter Egg Hunt followed by that activity in April. This weekend is a Youth Council Conference up at Utah State and will be from Thursday until Saturday. It will be a fun conference gathering with youth from around the state.

**8. Consideration of Approval of the Meeting Minutes from the December 6<sup>th</sup>, 2022 West Point City Council Meeting**

Council Member Lee motioned to approve the minutes

Council Member Swenson seconded the motion

The Council unanimously agreed.

**9. Consideration of Approval of the Meeting Minutes from the June 21<sup>st</sup>, 2022 West Point City Council Meeting**

Council Member Lee motioned to approve the minutes

Council Member Judd seconded the motion

The Council unanimously agreed.

**10. Consideration of Approval of Resolution No. 03-07-2023A, Approving a Storm Drain Impact Fee Reimbursement Agreement with Tracy Bingham – Mr. Boyd Davis**

Mr. Davis stated this was discussed at the February 21, 2023 City Council Administrative Session. Tracy Bingham has purchased the property located at 4428 W 800 N and has plans to subdivide it into two additional lots. As part of that project, he will need to pipe the open ditch along 800 N. That pipe is impact fee eligible and the City will need to reimburse him for the cost of installing the pipe. This is typically done through a reimbursement agreement. He will need to submit plans before he begins construction and asking the City Council to agree to pay for it.

The storm drain masterplan estimates the cost of the pipe along 800 N from 4150 W to 4500 W to be \$249,782. The pipe is 80% eligible for impact fees, which is \$199,825. The portion of pipe that Tracy plans to install is only 17% of the total pipe length which means he would be eligible for up to \$33,970, depending on the exact length of pipe that he installs. The impact fees can be paid to Mr. Bingham over time or as a lump sum once the pipe is installed and inspected. It is recommended that the payment be made as a lump sum because we have a large fund balance.

Mayor Vincent asked with this resolution, if Mr. Bingham opted to only do half the property at this time and the other half at a later date, does he need to come back. Mr. Davis stated this would cover it.

Council Member Petersen stated for clarification, this is reimbursement so paying him after the work is done and Mr. Davis stated correct. Mayor Vincent asked who follows up with that and Mr. Davis stated the Public Works Inspector, but since that position is vacant, it would be him or Paul Rochell.

Council Member Petersen motioned to approve Resolution No. 03-07-2023A, Approving a Storm Drain Impact Fee Reimbursement Agreement with Tracy Bingham

Council Member Chatterton seconded the motion

The Council unanimously agreed.

**11. Consideration of Approval of Ordinance No. 03-07-2023A, Vacating an Easement on Lot 205 of the Bennett Century Farms Subdivision – Mr. Boyd Davis**

Mr. Davis stated this was discussed at the February 21, 2023 City Council meeting. Staff received a request to vacate an easement on Lot 205 of the Bennett Century Farms Subdivision. Craythorne Construction is building a home with a detached garage for a new resident. The detached garage will cross the public utility easement on the rear of the lot. The public utility easement is not being used and, in this case, is not necessary. Staff is recommending to vacate the 10-ft public utility easement along the rear lot line.

Council Member Swenson asked if the detached garage meets the new setback requirement and Mr. Davis stated he is unsure. She recommended to have that checked. Mr. Davis stated the structure is not being approved at this time, just the easement. When the structure is brought in, that placement can be checked.

Council Member Petersen stated while the easement might be vacated on this side of the property, the easement on the adjoining property will still be there and Mr. Davis stated correct.

Council Member Chatterton motioned to approve Ordinance No. 03-07-2023A, Vacating an Easement on Lot 205 of the Bennett Century Farms Subdivision

Council Member Lee seconded the motion

Roll Call:

Council Member Swenson – Aye

Council Member Judd – Aye

Council Member Petersen – Aye

Council Member Chatterton – Aye

Council Member Lee – Aye

The Council unanimously agreed

**12. Consideration of Approval of Resolution No. 03-07-2023B, Approving Contract with Wasatch Front Regional Council and Downtown Redevelopment Services for the General Plan Update – Mrs. Bryn MacDonald**

Mrs. MacDonald stated this is for a contract for a new General Plan. The City was granted a \$75,000 grant from Wasatch Front Regional Council. The grant requires a \$25,000 match from the City. Downtown Redevelopment Services was selected as the consultant. The contract is with the City, Wasatch Front Regional Council, and Downtown Redevelopment Services. The hope is to have the new General Plan completed by the end of the year. The last time the General Plan was done was in 2008.

Council Member Judd motioned to approve Resolution No. 03-07-2023B, Approving Contract with Wasatch Front Regional Council and Downtown Redevelopment Services for the General Plan Update

Council Member Petersen seconded the motion

The Council unanimously agreed

**13. Consideration of Approval of Resolution No. 03-07-2023C, Approving a Contract with Downtown Redevelopment Services for the Small Area Plans – Mrs. Bryn MacDonald**

Mrs. MacDonald stated after further discussions with Downtown Redevelopment Services, Staff is proposing an additional contract for \$19,000 to complete two small area plans. The plans will be for the large farm north of SR-193 and west of 2000 West, and the farm south of city hall where the future Main Street would be located. The small area plans will give additional plans and details for developing these properties. Combining the small area plans with the General Plan process allows to reduce the cost for the small area plans by maximizing the consultants time and resources. This contract is separate as it does not involve Wasatch Front Regional Council.

Council Member Petersen motioned to approve Resolution No. 03-07-2023C, Approving a Contract with Downtown Redevelopment Services for the Small Area Plans

Council Member Chatterton seconded the motion

The Council unanimously agreed

**14. Consideration of Approval of Ordinance No. 02-21-2023B, Amending WPCC Section 17.70.060 Regarding Height of Attached Accessory Dwelling Units – Mrs. Bryn MacDonald**

Mrs. MacDonald stated the code allows three different types of ADU's: internal, attached, and detached. Internal is like a basement. Attached is a new addition to a home that adds the unit. Detached is a completely separate unit. The Code currently states that the maximum height for an attached ADU is the same as the primary home. This has been interpreted to mean that when building an addition for an ADU, it cannot be any taller than the existing home. An applicant has submitted a text change to allow attached ADU's to be taller than the existing home. The applicant plans to build a 2-story garage with an ADU above, which would be taller than the primary dwelling. The applicant requested to have it either be the same height as the zone, 40 ft, or 25 ft or the same as the existing dwelling, whichever is larger. The Planning Commission decided to do a proportion of 1.8 times the height of the house so it is more relative to the existing height of the home. The text wording changed would be: "Attached ADUs may be taller than the existing primary dwelling. The maximum height of an attached ADU shall not exceed 1.8 times the height of the primary dwelling and in no case shall an attached ADU be greater than the maximum height limit of a principle structure in the zone that the dwelling exists." This would also be changed on the Table 17.70.060-1.

Council Member Chatterton asked where is the height of the primary dwelling measured and Mrs. MacDonald stated it is measured from the peak of the house, the highest point of the structure to ground level. Council Member Chatterton stated he was concerned about that if the lot was a sloping lot.

**a. Public Hearing**

Kenny Palmer – 3062 W 4375 S, Roy: Mr. Palmer stated he appreciated the consideration on this item. In regards to the question raised, in his opinion it does not matter because the height is still proportional and he does not think that is the issue. A big part of what is being talked about here is when you look around at neighborhoods you can see lots of split levels and these kinds of houses, and you are not going to see a problem with the height on these types of homes.

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated in the administrative session this item was discussed and she was curious if this can be something that can be looked at on a case-by-case basis, because something might work on one home but be too high for another. In the single-level home shown as an example, it looks ok, but if an existing home has a higher pitch to base the height off of, it can become a big eyesore.

Council Member Petersen motioned to close the public hearing  
Council Member Lee seconded the motion  
The Council unanimously agreed.

**b. Action**

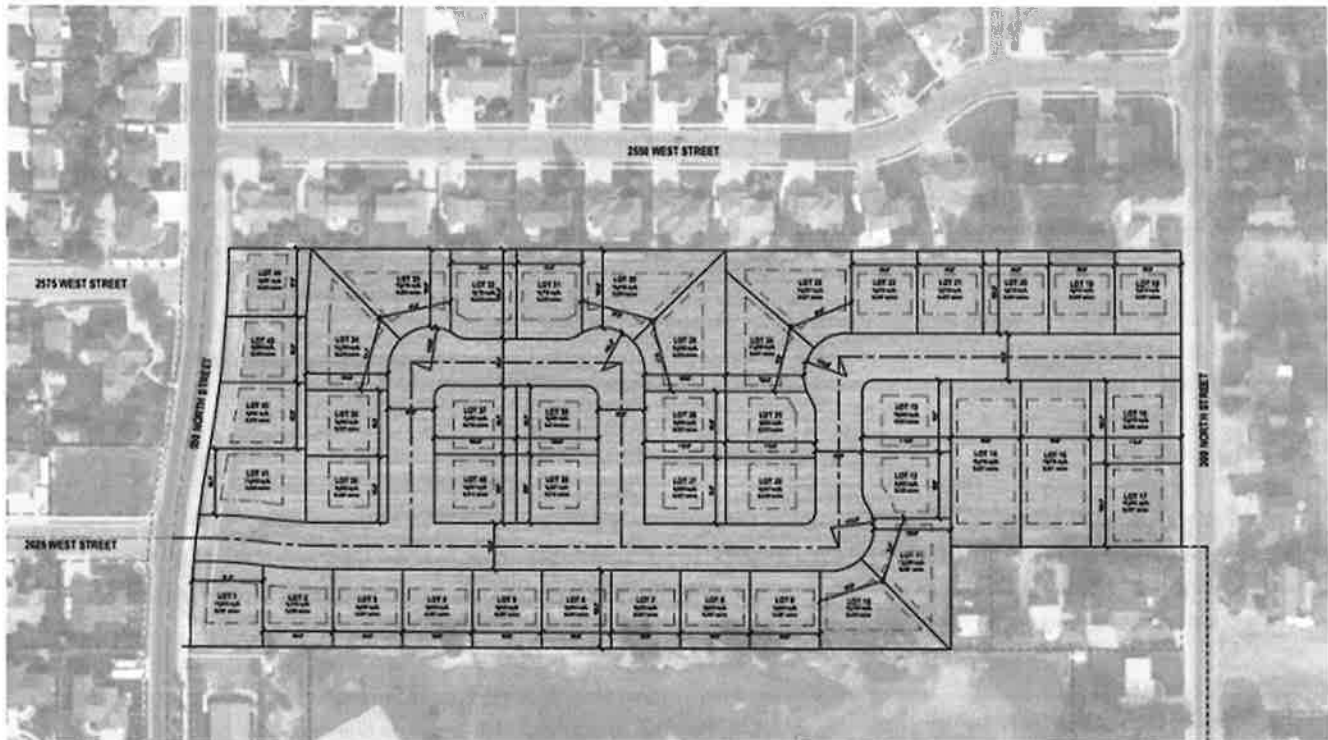
Council Member Swenson stated she appreciated Ms. Caruso's comment on how the 1.8 times the height can affect a split-level home and affect an area. In her own neighborhood, the 1.8 times in her neighborhood with 2-story would look way different than her home which is a rambler. Mrs. MacDonald stated she agreed that it would look different, but it cannot exceed the height of the zone, 40 ft. That is the problem with Code changes and it is hard to do a case-by-case basis as there needs to be a standard.

Council Member Petersen stated he is struggling to find the right place and does not feel the 1.8 times the height is right. He would like to have more time to discuss this with Staff and amongst City Council for benefits and non-benefits. Council Member Chatterton stated he agrees with Council Member Petersen and would like to get more clarification on exact measurement for height. Council Member Lee stated it does stink that the State Legislature makes changes and forces the municipalities to make these changes and to be so diligent on these types of issues.

Council Member Chatterton motioned to table item number 14 until further discussion  
Council Member Petersen seconded the motion  
The Council unanimously agreed

**15. Consideration of Approval of Ordinance No. 03-07-2023C, Approving an Amendment to the General Plan Zoning Designation of Property Located at Approximately 2600 W 300 N from R-2 to the R-3 Residential Zone – Mrs. Bryn MacDonald**

Mrs. MacDonald stated Craythorne Development, acting agent for the Whitesides family, is seeking to amend the General Plan map on property located at approximately 2600 West 300 North from R-2 residential (2.7 units/acre) to R-3 residential (3.6 units/acre). The property is currently zoned agriculture and on the General Plan as R-2. A conceptual layout was shown to the City Council. This layout is not being approved, but to help give an idea.



In the current R-2 zone, 37 lots are allowed. Changing the general plan to R-3 would allow an increase to 49 lots. The applicant proposes to limit the density on the property to 44 lots. If the General Plan change was approved, the applicant would have to come back for a rezone and a development agreement can be done at that time with density and site plan.

Council Member Swenson asked if across the street to the south is R-1 and Mrs. MacDonald stated yes and the rest of the area around is R-3.

**a. Public Hearing**

Marvin Drake – 901 N 4100 W: Mr. Drake stated if this is increasing the number of lots, that will put an increase on the amount of utilities and he questioned if they utilities are available for it. There is a strain on water usage and the answer is not to build more. There is not the support.

Council Member Judd motioned to close the public hearing

Council Member Lee seconded the motion

The Council unanimously agreed.

**b. Action**

Council Member Swenson stated this was the piece of General Plan that was zoned originally R-3 and then changed to R-2 and Mayor Vincent stated that is correct.

Council Member Petersen stated this parcel is on an island surrounded by R-3 which means all the utilities and necessary things are there and this particular process is simply to change it on the General Plan from R-2 to R-3. It does not change the zoning and in order to do that, there are more requirements of the development plan and getting more information on what exactly is going to happen to the property. In that process, that is when it is fully vetted. Some of that is considered in this process, but it is very vague

at this point. If the public has concerns, they do need to stay aware and follow this project because there will be chances to voice concerns later as well.

Mayor Vincent stated Craythorne Development is the applicant for this development. Council Member Petersen stated the Council does get applications twice a year to change the General Plan and they do get quite a few applicants each time and there are some that do not get approved and there are some that do. This particular application is in line with what they have received in the past.

Council Member Chatterton stated if public is interested in following the processing, to follow the Planning Commission as they discuss items before they are sent to City Council.

Council Member Chatterton motioned to approve Ordinance No. 03-07-2023C, Approving an Amendment to the General Plan Zoning Designation of Property Located at Approximately 2600 W 300 N from R-2 to the R-3 Residential Zone

Council Member Petersen seconded the motion

Roll Call:

Council Member Swenson – Nay

Council Member Judd – Aye

Council Member Petersen – Aye

Council Member Chatterton – Aye

Council Member Lee – Aye

The Council voted 4-1 and the motion passed

**16. Consideration of Approval of Resolution No. 03-07-2023D, Amending the West Point City Fee Schedule – Mr. Ryan Harvey**

Mr. Harvey stated every year, as part of the Annual Budget Process, the Council adopts a Fee Schedule for the Fiscal Year. This schedule outlines the fees that the City will charge for Business Licenses, Copies, Rentals, Planning, Cemetery, Recreation, Development, and Utilities. Due to the conversation last Council Meeting about the proposed change to the Secondary Water Fees, an amendment to the current year fee schedule is necessary. The City Recreation Program fees are also in need of increases and are included in this amendment.

Secondary water has stated the fees will increase. A large part of this is in part due to the mandate they received from the legislature to install meters. They indicated the increase would most likely not be happening if it did not come from the legislature. The increase per lot size is shown below:

**Secondary Water Changes:**

<b>Lot Size</b>	<b>Current</b>	<b>Proposed</b>
Up to 1/3 acre	\$21.58	\$26.33
Greater than 1/3 acre	\$23.58	\$28.83
Greater than 1/2 acre	\$27.50	\$33.75
Greater than 3/4 acre	\$30.05	\$37.50
Greater than 1 acre	N/A	\$41.25
Greater than 1.25 acres	Determined by D&W Counties Canal Co.	

The Recreation Fees are also in need of adjustment. For this current amendment, Staff is only proposing a change to summer and fall sports, with the remaining adjustments scheduled to be updated when the City adopts the FY2024 Fee Schedule in July 2023. These fees are to be in line with surrounding communities and in no way do these fees pay for it all. The programs are still subsidized.

<b>Program</b>	<b>Current</b>	<b>Proposed</b>
WFFL Football	\$130	\$175
Soccer (Fall)	\$40	\$50
Volleyball	\$40	\$50
Summer Camps (Soccer, Basketball, Football)	\$20	\$25

Council Member Swenson stated she understands the secondary water increased as that has been discussed and where the cost is coming from, but she was curious why there was a substantial price jump for football. Mr. Laws stated some of it is for football equipment replacement, but most of it is so they can be consistent with what other cities are charging. West Point has been significantly lower than other surrounding cities and that program is subsidized more than any other program.

Council Member Petersen stated he is glad to know that price for the surrounding areas is being monitored because if it is low, that means more people from outside West Point could come play sports here that residents are then subsidizing and that is not fair to them. It is important to be similar so the fee itself is not an incentive. If they like our program, that is great they want to play here because it is a great program, but if it is due to the fee, that is not fair to the residents.

Mayor Vincent stated a question was asked earlier how much say does the City have in the water fee increase and Mr. Harvey stated the City has none. The only way is to start a program on their own. Council Member Petersen asked when the last fee increase was done and Mr. Harvey stated 2011. Mr. Laws stated it is important to note that D&W is a non-profit organization and do have restrictions on how much can be collected and they have come to the meetings and explained that the secondary water metering mandate they have and the time restrictions they have to have every home on a meter and outlined what their needs are and where the fee is coming. He stated if any resident or public member would like more information on that to contact Rick Smith with Davis and Weber Canal to learn more.

**a. Public Hearing**

Ken Whitaker – 379 N 3500 W: Mr. Whitaker stated that his issue is that this “was just thrown at us without having a say.” He doesn’t know who does and doesn’t have a meter, but doesn’t think that it is fair because he doesn’t water like other people do, but yet the whole city is being punished even though some are trying to do the right thing.

Council Member Petersen motioned to close the public hearing

Council Member Chatterton seconded the motion

The Council unanimously agreed.

**b. Action**

Council Member Petersen stated he appreciated Mr. Whitaker’s comment and it is very frustrating to be in compliance and see neighbors not. He would still encourage Mr. Whitaker to talk to Mr. Smith at D&W Canal. He knows as he talks to him each time, he always learns something new. Council Member Petersen stated he is now on a meter and has been for about 5 years. He was not happy to get a meter as he did not want to be watched on his usage. In reality, he is actually happy to be metered because he can now see how much he is using and has the ability to know what he is doing to help conserve water and do the right thing and make an impact. He is hoping more people find that as they get the information and have the ability to track it. In that regards, meters are a good thing. He is also very well aware that in the end, they might change the fee schedule to a metered schedule and you pay for what you use and he hopes that does happen, but that may not happen for several years.

Mayor Vincent stated when Mr. Smith did attend the meetings and presented the increase, all five Council Members did question him and have the same statement as Mr. Whitaker. They have all vetted out this process in different ways and try to find a more efficient way to go about it. But the answer is tied because of state law. Again, an increase has not happened since 2011. They did not have a choice to place meters out here. He has heard the comment several times that this area only waters certain times of the year so why are they paying for the whole year. Mayor Vincent stated D&W’s answer on that is their fee is covering the infrastructure that they are constantly maintaining and building for delivering of secondary water and the man power it takes to do that.


Council Member Chatterton stated when Mr. Smith was here, he asked him why do they not have a system that stated here is how much you use each month and if you use less, you get a discount. Mr. Smith stated that would be nice in Fairytale land but the legislature will probably be mandating that in 2030 for those that do not use that much. They do give an allotment on the meter statements and his property was down 82% of what he was allotted. He of course was going something different to get that but it means a lot to him.

Council Member Petersen motioned to approve Resolution No. 03-07-2023D, Amending the West Point City Fee Schedule  
Council Member Chatterton seconded the motion  
The Council unanimously agreed

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

Council Member Petersen motioned to adjourn  
Council Member Chatterton seconded the motion  
The Council unanimously agreed.

APPROVED THIS 17 DAY OF October, 2023:

  
BRIAN VINCENT, MAYOR

  
CASEY ARNOLD, CITY RECORDER

