



Regular City Council Meeting

Tuesday, August 20, 2024

5249 South 400 East

Washington Terrace, UT 84405

801.393.8681

www.washingtonterracecity.com

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1. WORK SESSION 5:00 P.M.

Topics to include, but are not limited to:

- Residential In-fill Ordinance Amendment

2. ROLL CALL 6:00 P.M.

3. PLEDGE OF ALLEGIANCE

4. WELCOME

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA

Any point of order or issue regarding items on the agenda or the order of the agenda need to be addressed here prior to the approval of the agenda

5.2 APPROVAL OF AUGUST 6, 2024, COUNCIL MEETING MINUTES

6. CITIZEN COMMENTS

This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.

7. RECURRING BUSINESS

The items in this section have been presented to the City Council in previous meetings for discussion.

7.1 MOTION/ORDINANCE 24-05: APPROVAL OF AMENDMENT TO CHAPTER 17.10

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

RELATING TO RESIDENTIAL IN-FILL DEVELOPMENT

The Ordinance amends text to the residential in-fill development chapter so that it aligns with the intent and purpose of the in-fill ordinance. The Language clarifies that the intent of the in-fill development policy is for well planned development to certain undeveloped, vacant, and empty parcels identified by the city

8. NEW BUSINESS

8.1 MOTION/RESOLUTION 24-10: A RESOLUTION APPROVING AMENDMENT NUMBER 1 TO THE INTERLOCAL AGREEMENT WITH WEBER BASIN WATER CONSERVANCY DISTRICT FOR METERING TECHNOLOGY SUPPORT SERVICES

An amendment to the interlocal agreement for support services for the City AMI metering system which was approved June 6, 2023. The amendment adds the customer portal component to the agreement.

8.2 PRESENTATION: WEBER COUNTY SHERIFF QUARTERLY REPORT

A report on activity occurring during April-June 2024.

9. COUNCIL COMMUNICATION WITH STAFF

This is a discussion item only. No final action will be taken.

10. ADMINISTRATION REPORTS

This is an opportunity for staff to address the Council pertaining to administrative items.

11. UPCOMING EVENTS

Aug 29th: Planning Commission Meeting 6:00 p.m.
Sept. 2nd : City Offices closed for Labor Day Holiday
Sept. 3rd: City Council Meeting 6:00p.m.
Sept. 4-5: ULCT Annual Conference Salt Lake City
Sept. 17th: City Council Meeting 6:00 p.m.
Sept. 26th : Planning Commission Meeting (tentative)

12. ADJOURN THE MEETING

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

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City of Washington Terrace

Minutes of a Regular City Council meeting

Held on August 6, 2024

City Hall, 5249 South 400 East, Washington Terrace City, Utah

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member Jill Christiansen
Council Member Zunayid Z. Zishan
Council Member Cheryl Parkinson – By Phone
Council Member Jeff West
Council Member Michael Thomas
General Planner/Building Tyler Seaman
City Recorder Amy Rodriguez
City Manager Tom Hanson
City Attorney Bill Morris

Others Present

None

1. WORK SESSION

5:00 P.M.

Topics to include, but are not limited to:

- **Residential In-fill Ordinance Amendment**

Morris stated that the in-fill ordinance was written over a decade ago. He stated that the city is close to build-out and that we are transitioning into in-fill and redevelopment projects. He stated that those are complicated things.

He stated that we have parcels where zoning does not work. He stated that the idea of the ordinance was to make an exception in our existing ordinance to allow parcels to be developed.

Morris stated that some individuals want to bend the rules. He stated that some are using commercial properties to establish density. He stated that commercial aspect was never part of the intent of the program.

Morris stated that the amendment tightens down the language as to the intent of the city. He stated that the word “in-fill” should be easy to understand that it is vacant land that needs to be filled in. He stated that some people did not understand this part. He stated that the new language makes things more readable.

Morris stated that the ordinance makes it clear that in-fill development is a legislative action of the city and puts the ball in Council’s court. Morris stated that the state legislature has taken away the power of subdivisions and other land use powers from the Council and given it solely to the Planning Commission. Morris stated that the Planning Commission will be the recommending body for in-fill properties and the

45 Council will be able to amend the recommendation, accept the recommendation, or overturn the
46 recommendation.
47

48 Morris explained the application process to the Council.
49 He explained that an owner with an odd-shaped parcel that doesn't fit with zoning or setback requirements
50 may come in and ask if they are able to develop the property if they fall under the overlay map. Council
51 Member Christiansen stated that she is concerned with the way the ordinance is written, as apartments are
52 in the area and are considered commercial. Morris stated that apartments are not considered commercial
53 for these purposes. He stated that apartment density is taken into account in the calculations, noting that
54 commercial properties that are businesses (such as Maverik) are not taken into the calculation
55 considerations. Seaman stated that occupancy is not taken into consideration, only unit numbers. Morris
56 stated that most of the in-fill is located in an R-1-6 zone.
57

58 Morris stated that this ordinance puts the onus on the Council as the developments can sometimes be
59 contentious.
60

61 Morris explained the application content.
62

63 Morris stated that there is language to allow the city attorney to write up a deed and coordinate issues that
64 arise, such as an easement, or a private road that has been subdivided. He stated that there are
65 circumstances that are unforeseen and unique. The language in the ordinance may seem vague, but it
66 allows situations that may have inhibited development before, to be dealt with appropriately.
67

68 Morris stated that residents can still come in to request to be on the overlay map.. He stated that he took
69 out the sentence concerning owners requesting to be put on the overlay map because he didn't want
70 Council to be inundated with random requests to be put on the overlay map. He stated that the idea is to
71 vest the overlay idea as a legislative function. He stated that he wants residents to know that it is a
72 legislative function and Council will decide what can be put on the overlay, not owners. Council Member
73 Zishan asked if residents can request to be on the in-fill map. Morris stated that anyone can come in and
74 request to be put on the map, however. a parcel does not meet the requirements of the in-fill map if there is
75 property on the land it is not considered vacant. Council Member Zishan clarified that the major change to
76 the ordinance is that the parcel has to be vacant. Morris stated that it always had to be vacant, however,
77 some people did not understand that in-fill meant to "fill in vacant land". Morris stated that owners who
78 want to build on parcels with existing properties on them would be considered re-development and not in-
79 fill. Morris stated moving forward, the Council needs to consider in-fill development and re-development.
80 Morris stated that the properties that were given permission to re-build as in-fill will be grandfathered in.
81 He stated that there may have been an oversight in allowing some of the developments to be completed
82 when the program first started. He stated that moving forward the only properties considered in-fill will be
83 vacant properties.

84 Mayor Allen stated that the amended ordinance is covering the loopholes and giving people a better
85 understanding of what in-fill actually is. Council Member Zishan stated that he wants to make sure we are
86 fair to everyone. Morris stated that if Council wants to allow someone to tear down their property and
87 build something different, Council should look at a re-development ordinance, not the in-fill development.
88 He stated that this would be a legislative decision.

89 Morris stated that we do not currently have a re-development ordinance. Morris stated that when the

90 ordinance was first constructed, there may have been some cases that were let through. He stated that this
91 amendment will clear up any confusion down the road.

92
93 Hanson stated that there have been two residents who have twisted the intent of the ordinance.

94 Morris stated that the program has been running successfully for ten years, and within the last 18 months
95 there have been a lot of people trying to twist the ordinance and take advantage of the system.

96 Morris stated that there are no pending litigation or notice of claims at this time. Morris stated that we
97 were very specific with the attorney who was representing a resident. Morris stated that once a threat is
98 made of litigation, Council and staff are not to talk anymore to the resident or about the situation.

99
100 Morris stated that we wanted to clear up the language in the ordinance to make it clear that we are using
101 unit numbers and not occupancy numbers to calculate density. Morris stated that if a home is burnt down,
102 or damaged by weather events, or dilapidated, the owner can rebuild within one year. He stated that they
103 are protected by state law. He stated that the owner would have to re-build what they had before. They
104 could not rebuild to something that they didn't have before. Morris stated that many of the residents have
105 been grandfathered-in as a duplex, where now it is a single-family zone. A resident would be able to
106 rebuild as a duplex, even though the zone does not allow it at this time.

107 Morris stated that we would need a Master Development Agreement which writes its own zoning for that
108 site, as it would be different than anything in the neighborhood.

109
110 Seaman stated that we have an applicant that currently has a legal non-conforming duplex. He wants it on
111 the in-fill overlay map so that if something happens to his property, he can rebuild and add another unit on
112 the lot. Seaman stated that having the property on the overlay map is a first step, however, the process still
113 needs to be followed according to the ordinance.

114
115 Council Member Christiansen asked how we justify in-fill as moderate income housing, as it is for single
116 family and town homes. Morris stated that someone may be able to qualify for one of the smaller houses.
117 He stated that home ownership is the goal of Gov. Cox. He stated that allowing smaller developments in
118 certain zones may be a tool to get there.

119
120 Morris stated that the city does not have a re-development ordinance. He stated that the residents are trying
121 to bootstrap off of the in-fill ordinance for their density. He stated that a re-development ordinance allows
122 someone to take a parcel with a structure on it and demolish the structure to build something new and
123 modern. Morris stated that residential realm has not been done in the city. He stated that the Golden West
124 Building is a perfect example of re-development in commercial properties.

125
126 Hanson stated that the intent of the ordinance was to fill in vacant properties because we had many
127 problems with run down lots and weeds.

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129 Morris stated that our resources are being stretched by people coming into the state.

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131 Morris suggested that we clarify the ordinance and bring it back at the next meeting.

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MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member Jill Christiansen
Council Member Zunayid Z. Zishan
Council Member Cheryl Parkinson
Council Member Jeff West
Council Member Michael Thomas
Public Works Director Jake Meibos
Fire Chief Clay Peterson
General Planner Tyler Seaman
City Recorder Amy Rodriguez
City Manager Tom Hanson

Others Present

Amy Miller, Ulis Gardiner, Paul Klema, Parker Meacham, Amy Walker

2. ROLL CALL

6:00 P.M.

3. PLEDGE OF ALLEGIANCE

4. WELCOME

Mayor Allen asked the audience to read the intellectual property permission notice on their agenda, as the meeting will be streamed live on You Tube.

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA

Mayor Allen stated that item 7.3 will be brought back at a future meeting, after clerical changes are made.

5.2 APPROVAL OF JULY 16, 2024, COUNCIL MEETING MINUTES

Items 5.1 and 5.2 were approved by general consent.

6. CITIZEN COMMENTS

Amy Miller, representing the United Methodist Church, stated that they finished their school supply event and are distributing the supplies to the children and schools. She stated that there will be a community wide blessing of the backpacks after services this upcoming Sunday. She stated that there will be a community back to school barbeque and invited everyone to attend. It will be held on the last Sunday of

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the month.

Paul Klema stated that a worker told him that 300 West road construction would be done this Saturday. He stated that if it is not, then the city does not tell the truth.

Parker Meacham stated that he is working on a project within the city. He stated that he wanted to thank Council and City staff for taking the time to consider the project.

Amy Walker, Council for Mr. Meacham, stated her concerns about restrictions on the in-fill ordinance, stating that they seem as though they are targeting his properties, noting that the change doesn't seem like it is a widely applicable change. She stated that it is unclear as to why the 10-year restriction is in place. She stated that she and Meacham came to speak about the item concerning the ordinance change, as his properties are specifically affected. Mayor Allen stated that the item they came to discuss has been taken off the agenda. He stated that the work session was devoted to that item. He stated that the Council was not ready to vote tonight on the item.

Hanson stated that communication with Mr. Meacham is allowed until a threat of litigation is given. He stated that once there is a threat of a lawsuit, Council and staff cannot discuss the matter with Mr. Meacham any further.

Hanson stated that Mr. Meacham can reach out to individual Council Members. He stated that any promises by individual Council Members should not be considered a promise by the Council.

7. NEW BUSINESS

7.1 MOTION: APPROVAL OF HEAVY EQUIPMENT PURCHASES

Meibos stated that a Heavy Equipment Plan was established in 2021. He stated that we are now in phase two of the plan. Meibos listed the three items that are to be replaced: Case Backhoe, Tymco Street Sweeper, and the 2015 550 Dodge Dump Truck.

Meibos stated that the case backhoe is around 15 years old and is \$40,000 in a trade. He stated that it is used for water leaks, storm water systems, and other projects around the city. He stated that it is an essential part of our fleet and is relied on heavily every day.

Meibos explained that the Tymco Sweeper has many maintenance issues and is on its way out. He stated that the parts for the cab and chassis are obsolete. He stated that we may receive money for the motor. Council Member Zishan asked if it was possible to rent a sweeper. Meibos stated that he did an analysis, and it would cost the same to own the sweeper as it would cost to rent one and have someone come out and sweep. He stated that owning the sweeper would be beneficial to the city as we would be able to use it at our convenience. He stated that we could use it for emergencies, extra projects, construction cleanup projects, noting that it is sometimes difficult to rent a sweeper due to demand. Meibos stated that at the end of the life of the equipment, we would still have monetary value. Meibos stated that the cost is spread out over the 20 year span. Meibos stated that it takes around 2 weeks to sweep the city and we sweep 3-4 times a year. He stated that the sweeper is also used before the parade. Meibos stated that extra uses were not factored into his analysis.

Meibos stated that the 2015 Dodge truck is used as one of our fleet vehicles. He stated that it is also used as one of our dump trucks. He stated that it is also a vehicle in our snow removal fleet. He stated that there

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is still value in the vehicle, however, the price of a new one will increase. He stated that the financial impact has been broken down in the staff report.

Meibos stated that this vehicle will not have a spreader. He stated that there is not a need for a spreader, and more of a need to have the dump bed to haul water and equipment in the winter. He stated that it hauls asphalt and concrete and new materials for water leaks.

Meibos stated that the request is for brand new replacement equipment. He stated that the budget for the plan was started 4-5 years ago. He noted that the items are within our budget plan for this year. Meibos stated that it has been discussed with the finance director.

Council Member Zishan asked for staff to notify residents before they sweep the streets so that they can move their vehicles off of the street. Meibos stated that we tried to notify residents this spring through the newsletter, facebook posts, and website. He stated that they keep an eye out for streets that may have been missed. Meibos stated that it is hard to pinpoint an area on a specific day because of staffing and projects that may pop up daily. Meibos stated that they will try to plan for an area and let them know which week the area will be scheduled to be swept. Council Member Zishan suggested that we utilize facebook and other media avenues as much as possible to spread the word.

Motion by Council Member Christiansen

Seconded by Council Member Thomas

To approve the purchase of heavy equipment

As outlined in the staff report to

Include the case backhoe, the street sweeper, and the heavy duty truck

And also to dispose of vehicles in the best interest in city

Approved unanimously (5-0)

**7.2 DISCUSSION/MOTION: AWARD CONSTRUCTION CONTRACT FOR THE 2024
COMMUNITY DEVELOPMENT BLOCK GRANT ROHMER PARK
IMPROVEMENTS- PARKING LOT PROJECT**

Meibos stated that the Rohmer Park Baseball Parking Lot Reconstruction Project was put out to bid in June, however, we were not able to award the contract until authorization from the State regarding our CDBG grant. He stated that the construction covers the baseball parking lot and a section of the north entrance.

Meibos stated that there were five bids for the project. He stated that the lowest qualified bid was from Asphalt Construction and Excavation for \$296,000.

He stated that CDBG will fund \$182,088, and the city match will be 38.5 percent of the total project cost, which is calculated at \$113,990.

Meibos stated that we are anticipating that the project will start the 19th of this month. He stated that it should be finished quickly.

Motion by Council Member West

Seconded by Council Member Christiansen

To approve the funding for the Rohmer Park Lot Reconstruction

Using the CDBG monies and the

city match as described

271 Approved unanimously (5-0)
272

273
274 **7.3 MOTION/ORDINANCE 24-05: APPROVAL OF AMENDMENT TO CHAPTER 17.10**
275 **RELATING TO RESIDENTIAL IN-FILL DEVELOPMENT**

276 Item 7.3 has been removed from the agenda.
277

278 **7.4 MOTION/ORDINANCE 24-06: APPROVAL OF AMENDMENT TO CHAPTER 17.76**
279 **TO CONFORM TO CHAPTER 2.14 OF THE MUNICIPAL CODE RELATING TO**
280 **THE APPEAL AUTHORITY**

281 Rodriguez stated that the amendment repeals an invalid code reference in the zoning section of municipal
282 code. The amendment will re-enact the zoning chapter to conform to state law, as well as our
283 Administration Code that was enacted in 2010 when state law changed allowing city managers to appoint
284 the appeal authority rather than an Appeal Authority Committee.
285

286 **Motion by Council Member West**
287 **Seconded by Council Member Thomas**
288 **To approve the changes for Ordinance 24-06**
289 **To update the language to be in line with our**
290 **Existing code in other sections**
291 **Approved unanimously (5-0)**
292 **Roll Call Vote**
293

294 **7.5 MOTION/ RESOLUTION 24-09: RESOLUTION RATIFYING THE “LETTER OF**
295 **INTENT TO MEET CONDITIONS” AND THE “REQUEST FOR OBLIGATIONS OF**
296 **FUNDS” FOR THE WASHINGTON TERRACE FY24 CDS FIRE ENGINE**
297

298 Hanson stated that the Council may ratify the letter of intent to meet conditions and the request for funds,
299 obligating the city to meet our match. Hanson stated that the funds for the fire engine is budgeted. Hanson
300 stated that we are anticipating that the funds are encumbered and will be moved over to the correct GL
301 fund once the grant is approved officially. Hanson stated that we will purchase the fire engine and submit
302 yearly reports and follow the rules of the grant. Hanson stated that the government will hold a lien on the
303 vehicle to the percentage that they are funding.
304

305 Chief Peterson stated that we have a vehicle on hold until the grant can be formally approved. He stated
306 that it is 27 feet long and is compact and will get around very easily in the city. He stated that it is rated a
307 type 1 fire and type 3 brush. Chief Peterson stated that it is a 2023 demo unit with not many miles.

308 Hanson stated that the state had the authorization to sign the grant last Friday. Hanson noted that we have
309 been proactive on checking the box on everything they have asked us to do and that all requirements have
310 been met.

311 Chief Peterson stated that the vehicle is in Oregon. He stated that it is on hold, however, if it is needed to
312 fight the fires in Oregon and they cannot hold it for us, we should be able to find another vehicle for our
313 city.
314

315
316 **Motion by Council Member Christiansen**

Seconded by Council Member Zishan
To approve Resolution 24-09
Ratifying the Letter of Intent to Meet Conditions and
The Request for Obligations of Funds for the
Washington Terrace FY 24 CDS Fire Engine
Approved unanimously (5-0)
Roll Call Vote

8. COUNCIL COMMUNICATION WITH STAFF

Council Member Christiansen stated that she is curious if there was any follow up with Susie Witt from Habitat for Humanity concerning low income housing for families. Hason stated that he reached out and has a meeting set up with Witt.

Council Member Thomas stated that several citizens reached out to him after they read an article in the Standard and stated that they were grateful that we are not raising property taxes like other neighboring cities.

Council Member Thomas stated that there are houses with dead trees which are leaving leaves and pine needles on people's rooftops. He stated that people are worried about fires jumping from house to house. He would like this issue to be directed to Code Enforcement. He stated that the area in concern is on 300 East and 5000 South working it's way north. Hanson stated that we can see what we can do to comply with the hazard. Mayor Allen stated that residents can use the non-emergency report program on our website to submit concerns. Hanson stated that concerns will be prioritized by the nature of the situation.

Council Member Thomas stated that citizens are grateful for the new port-a-potties at the parks.

Council Member West stated that he spoke with a citizen who was concerned about the placement of the port-a-potty. He stated that he told them that they need to be in the open due to vandalism.

Council Member Parkinson stated that the Fire Department did an amazing job at the house fire this past week and she is very pleased with their efforts.

Mayor Allen asked Hanson to take a look at the Communities that Care email to see if it is a grant opportunity for the city.

9. ADMINISTRATION REPORTS

Hanson stated that we are anticipating that the asphalt should be completed on 4400 South to 4900 South on the 300 West Project by the end of next week. The Asphalt is expected to be poured April 15-17th and the project is anticipated to be wrapped up on time. Hanson stated that after that section is completed, they will work on the intersection, noting that signage and other measures will let residents know that the businesses will remain open.

Hanson stated that staff is working with the schools and the sheriff's office on a crossing guard media blitz to let residents and drivers remember to be aware of crossing guards and the children crossing when school is back in session.

Hanson stated that the Planning Commission will hold a public hearing this month to discuss the backyard

chicken proposed ordinance.

Hanson stated that the Weber School District has offered \$5,000 for a lit crossing sign. They would like three lighted crossing signs within the city. Hanson stated that the signs are \$6,000 each. He stated that he has reached out to them to let them know that if they would like to donate the \$5,000, we can install one this year and pay the \$1,000 difference. He stated that next year the City can try to obtain "Safe Route to School" grants to pay for the additional two signs that they would like. Hanson stated that the city would maintain the lighted signs.

Meibos stated that the District would like lighted signs at the following crossings: 5000 S and 150 E, 4800 South, across from the High School, and at 4700 S and 200 E. He stated that their priority will be installed first at 4700 S. 200 E.

10. UPCOMING EVENTS

Aug. 20th City Council work session (5:00p.m.) and Council Meeting (6:00 p.m.)

Aug 29th: Planning Commission Meeting 6:00 p.m.

Sept. 2nd : City Offices closed for Labor Day Holiday

Sept. 3rd: City Council Meeting 6:00p.m.

Sept. 4-5: ULCT Annual Conference Salt Lake City

Sept. 17th: City Council Meeting 6:00 p.m.

Sept. 26th : Planning Commission Meeting (tentative)

11. ADJOURN THE MEETING

**Motion by Council Member West
Seconded by Council Member Thomas
To adjourn the Meeting
Approved unanimously (5-0)
Time: 7:02 p.m.**

The Council adjourned into a Redevelopment Agency Meeting immediately following the regular meeting.

Date Approved

City Recorder

**CITY OF WASHINGTON TERRACE
ORDINANCE 24-05**

IN-FILL RESIDENTIAL DEVELOPMENT AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, AMENDING
CHAPTER 17.10 RELATING TO IN-FILL RESIDENTIAL DEVELOPMENT;
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84, 1953 as amended, grants municipalities broad authority to provide for safety and preserve health, and promote prosperity, improve morals, peace and good order, comfort, convenience, and for the protection of property;

WHEREAS, *Utah Code Annotated* §10-8-60, 1953 as amended, grants municipalities broad authority to declare what shall be a nuisance, abate the same, and to impose fines for the such nuisances;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on July 25, 2024, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, 2024, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace as follows:

Section 1: Repealer.

Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment.

Chapter 17.10 of the *Washington Terrace Municipal Code* is hereby adopted to read as follows:

Chapter 17.10

Single Family In-fill Residential Development

Sections:

17.10.010 Purpose And Intent.

17.10.020 Application Process.

- 17.10.030 Application Contents.**
- 17.10.040 Development Agreement.**
- 17.10.050 Eligibility And Guidelines.**
- 17.10.060 Administration.**

17.10.010 Purpose and Intent.

The City Council finds that standard zoning practices are inadequate to address the development of certain undeveloped, vacant, and empty residential in-fill parcels identified by the City to ensure that these developments such parcels can be developed as single-family or townhome residential development in manner that is are well-planned, sensitive to adjoining properties, and accommodates the needs of the City. This Chapter is intended to address challenges presented by in-fill parcel, configuration, ~~phasing projects~~, and other challenges presented by in-fill development. The City recognizes that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner. It is also acknowledged in-fill development is a legislative function that include a zoning map amendment and accompanying zoning map amendment to the “In-fill Overlay Zone” and adoption of a Master Development Agreement that includes to the site plan, land use regulations for the overlay zone, and applicable setback within the overlay zone ~~that regulations be enforced and assured in accordance with a development agreement.~~ This Chapter ~~is to~~ creates the enabling provisions for adopting a ~~specialized said~~ overlay zone for in-fill residential development and applying them to particular properties, this Chapter is not intended or to be interpreted to provide for redevelopment and is limited to residential.

Option 1: Provide a clause that allows the Planning Commission and City Council to consider multi-family residential for a proposed in-fill development that is solely priced within the range of and marketed for exclusively moderate-income households as determined by data provided from the U.S. Department of Housing and Urban Development for the City’s metropolitan statistical area.

17.10.020 Application Process.

In order to be eligible to file an application under this Section, the parcel owner, or the owner’s authorized agent, of an eligible property must be identified on the “In-fill Development Overlay Map” that is adopted by ordinance as part of the City’s General Plan. If a parcel is identified on said In-fill Overlay Map, then a property owner may petition the City to create an individual “In-fill Development Overlay Zone” (IDOZ) which is a sub-overlay zone and applies to a particular property. The application shall include the elements listed in this Chapter. The Planning Commission shall consider the application and make a recommendation to the City Council in the same manner as the City considers any other zoning text and mapping petitions at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the sub-overlay zone, map it to the property and approve the Master Development Agreement required in this Chapter. The application for a sub-overlay zone creates no rights in the property owner until any such sub-overlay and the Master Development are approved by the City Council and recorded on the applicable against the property.

17.10.030 Application Contents.

1. Compliance. Compliance with the eligibility requirements and guidelines.

2. Application. Any application under this Chapter for a ~~sub-overlay~~ zone shall include the following:
 - a. A fee equal to the anticipated costs incurred by the City.
 - b. An engineered plat map of the property proposed for the sub-overlay zone including the proposed development and/or subdivision of the property within the requirement of the subdivision ordinance and municipal code, improvement drawings, and topographical information at 2' contours or more detailed.
 - c. The proposed ~~sub-overlay~~ zone text specifying the permitted, conditional, and accessory uses to be more fully detailed in the Master Development Agreement.
 - d. A proposed Master Development Agreement.

17.10.040 Master Development Agreement.

1. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering or may make any modification to a Master Development Agreement that the City Council deems appropriate and in applying the Master Development Agreement to the property as a part of the creation and mapping of the ~~sub-overlay~~ zone.
2. Required elements in the Master Development Agreement include but are not limited to:
 - a. Plant of the entire project showing residential layout that complies to the subdivision ordinance and municipal code to the greatest extent possible, and indicates where exceptions are requested.
 - b. The approximate location of major infrastructure such as main public roads, water tanks, utility lines.
 - c. Proposed development standards for residential including lot areas, dimensions, and setbacks.
 - d. Proposed design standards addressing building height, massing and orientation, common and private open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.
 - e. Proposed process for implementing, administering, enforcing, and making modifications to the proposed project.
 - f. A provision ensuring that the City cannot be held liable for any damages arising out of the project and the Development Agreement.
 - g. Construction and escrow.
 - h. Any other items that the City Attorney deems appropriate.

17.10.050 Eligibility And Guidelines.

1. Eligible Parcels. The In-fill ~~Development~~ Overlay Map set forth in Exhibit "A" adopted as part of the City's General Plan and incorporated herein by this reference specifies the eligible parcels that may be used for in-fill development subject to the requirements of this title. ~~Parcels not identified on the In-fill Development Overlay Map are not eligible. The Owner of any parcel not identified on the In-fill Development Overlay Map may request to be added to said Map by Ordinance if the size and configuration meet the purpose and intent of this Chapter.~~
2. Requirements. The existing zoning and General Plan shall be residential zoned where the property includes empty and vacant parcels that have been undeveloped for a period of more than ten (10) year without any structures.
3. Guidelines. The following guideline apply:

- a. Size and Access. Meet the size and access criteria as follows:
 - i. Be a single-family residential dwelling unit or townhouse design, Being and accessed from a public street.
 - ii. Be of sufficient size for egress without interfering with adjoining properties and be of sufficient size for a residential use without reduction of residential setbacks for the zone by more than twenty-five (25%).
 - iii. Be of sufficient size for fire access in accordance with the specifications of the Fire Marshall and the applicable code.
 - iv. Be capable of being serviced by utilities and infrastructure.
 - v. Be no more than two (2) stories above ground. Basements are permitted, however, underground parking is prohibited.
- b. Architecture and Design. Meet the architecture and design criteria as follows:
 - i. Each unit shall have a minimum two (2) car attached garage, private driveway parking in the front set-back area equivalent to one (1) vehicle, and off-street guest parking located in the overall development site plan equal to one (1) additional vehicle for each unit.
 - ii. Provide for the following architectural features:
 1. Minimum sixty (60) percent of the front exterior of the residential structure shall be brick, stone, or cultured stone material. Remainder of the exterior structure shall consist of: cement board, architectural shingles, heavy timber, or stucco. No vinyl or metal siding is permitted.
 2. Color schemes, such as earth-tones, that promote curb appeal.
 3. Varied rooflines that include: decorative dormers, gabled or hipped pitched roofs, and parapets or cornices.
 4. Front porches shall include decorative exterior lighting.
- c. Density. The density of lots in any in-fill development shall be calculated based upon the average density of the single-family or townhome residential uses immediately adjoining to, and across the street from, the property seeking in-fill development under this Chapter on a per acre basis as determined and calculated by the Building Official. No commercial, multi-family or similar zoning shall be used in any calculation, in-fill development shall only be use to add additional single-family or townhouse dwelling units to a parcel that is odd shaped or otherwise cannot meet the single-family development standards.

17.10.060 Administration.

1. Administrative Function. It is policy that after the legislative adoption of the In-fill ~~Development Sub-zone (In-fill SZ)~~ Overlay Zone and accompanying Master Development Agreement, that implementation shall be an administrative function and not legislative.
2. Maintenance. Unless otherwise provided in the Master Development Agreement, all infrastructure in the ~~sub-overlay~~ zone shall be maintained and operated by an owner association established for that purpose.
3. Covenants. Any covenants, conditions, and restriction shall be approved by the City as part of the Master Development Agreement.
4. Escrow. As part of the Master Development Agreement, the applicant shall enter into an Escrow Agreement. The escrow funds shall be deposit in escrow account with a federally insured financial institution approved by the City and be in the amount equal to the cost of the improvements not yet installed and as estimated or approved by the City Engineer. The City shall

be authorized to draw upon the funds to complete any improvement, and the escrow amount shall additionally include costs incurred by the City for approval of the development, and ten percent of the total costs of improvements as determined by the City Engineer as a contingency warrant amount.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 20__.

Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 20__.

PUBLISHED OR POSTED this ____ day of _____, 20__.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1) _____, 2) _____, and 3) _____ on the above referenced dates.

City Recorder

DATE: _____

City Council Staff Report



Author: Jake Meibos

Subject: Amendment #1 to the Metering Technology Support Services

Date: 8/20/2024

Type of Item: Discussion/ Approval

Summary Recommendation: Approval of Amendment #1 to the Metering Technology Support Services between Weber Basin Conservancy District and Washington Terrace City.

Description:

- A. **Topic:** To add Amendment #1 to the Metering Technology Support Service between Weber Basin Conservancy District and Washington Terrace City.
- B. **Background:** Amendment #1 is to add the Customer Portal Programing and Setup Project. Weber Basin has developed a customer portal for their customers within their district. Weber has offered to program and setup the customer portal for Washington Terrace
- C. **Analysis:** The Customer Portal can be used by each resident that creates an account. The portal will offer residents the chance to monitor and track their water usage, set alarms for over usage and constant flows in case of a leaking or broken pipe. The City Utility Billing department can also set the same notifications for each resident. We can also notify residents by text message or email of their usage
- D. **Fiscal Impact:**

• web hosting, SSL certificate, web application firewall services	\$1,500
• <u>programing services, updates to customer portal, minor configuration</u>	<u>\$3,000</u>
Annual cost	\$4,500

The annual cost has been approved in the current budget.

E. Department Review: Public Works, Finance, City Manager, Legal

Alternatives:

- A. **Approve the Request:** Staff recommends council to approve Amendment #1 to the Agreement for Metering Technology Support Services.
- B. **Deny The Request:** Deny the request will impact installing the customer portal for the AMI water metering service.
- C. **Continue the Item/Impact:** Continuing the item will delay the installation of the customer portal.

**CITY OF WASHINGTON TERRACE
RESOLUTION 24-10**

**A RESOLUTION OF THE CITY OF WASHINGTON TERRACE, UTAH,
APPROVING AMENDMENT NO.1 TO THE INTERLOCAL AGREEMENT
BETWEEN WASHINGTON TERRACE CITY AND WEBER BASIN WATER
CONSERVANCY DISTRICT**

WHEREAS, the City of Washington Terrace (“City”) is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 3, Utah Code Annotated, 1953 as amended, permits governmental units to enter into agreements with one another for the purpose of exercising on a joint and cooperative basis powers and privileges that will benefit their citizens and make the most efficient use of their resources;

WHEREAS, Title 11, Chapter 13, Section 5 of the Utah Code Annotated, 1953 as amended, requires that governing bodies of governmental units adopt resolutions approving an interlocal agreement before such agreements may become effective;

WHEREAS, the City (“City”) and Weber Basin Water Conservancy District (“Weber Basin”) have entered into an Interlocal Agreement on June 6, 2023 for Metering Technology Support; and

WHEREAS, the City (“City”) and Weber Basin Water Conservancy District (“Weber Basin”) have negotiated the attached “Amendment No.1” to the Interlocal Agreement set forth in Exhibit “A” attached hereto and incorporated herein by this reference for the purposes provided therein;

WHEREAS, the City and Weber Basin find mutual benefit under this Agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Washington Terrace that the Amendment No. 1 to the Interlocal Agreement set forth in Exhibit “A” is entered with Weber Basin for the purposes authorized in the Interlocal Agreement, is hereby approved and incorporated by this reference. The Council hereby authorizes and directs the Mayor to execute the Addendum to the Interlocal Agreement for and on behalf of City. This Resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council this ____ day of _____, 2024.

MARK ALLEN, Mayor

ATTEST:

City Recorder

Roll Call Vote
Council Member Christiansen
Council Member Zishan
Council Member Parkinson
Council Member West
Council Member Thomas

**AMENDMENT NO. 1 TO THE
AGREEMENT FOR
METERING TECHNOLOGY SUPPORT SERVICES**

BETWEEN

WEBER BASIN WATER CONSERVANCY DISTRICT

AND

WASHINGTON TERRACE CITY

FOR THE

CUSTOMER PORTAL PROGRAMMING AND SETUP PROJECT

THIS AMENDMENT TO THE METERING TECHNOLOGY SUPPORT SERVICES AGREEMENT (this “AMENDMENT”) is made and entered into this ____ day of _____, 2024 by and between WEBER BASIN WATER CONSERVANCY DISTRICT, a water conservancy district organized and existing pursuant to the provisions of §17B-2a-1001 *et seq.*, Utah Code Annotated, 1953, as amended (the “District”), and WASHINGTON TERRACE CITY (the “City”), a municipal corporation of the State of Utah. The District and City being herein sometimes referred to individually as a “Party” and collectively as the “Parties”

WITNESSETH:

- A. WHEREAS, the District and City entered into a Metering Technology Support Services Agreement (the “Agreement” on June 6, 2023; and
- B. WHEREAS, the services to be provided by the District were detailed in Section 1 of the Agreement; and
- C. WHEREAS, the responsibilities of the City were defined in Section 2 of the Agreement and payment for services defined in Section 3 of the Agreement; and
- D. WHEREAS, the services and responsibilities of the Parties did not contemplate the City’s use of the District’s Customer Portal with associated setup, configuration, installation and maintenance with associated costs and responsibilities of the Parties; and
- E. WHEREAS, the City now desires to amend the Agreement to include they City’s access to and utilization of the District’s Customer Portal; and
- F. WHEREAS, Section 4, paragraph 4 of the Agreement allows for amendments to the Agreement,

1. NOW THEREFORE, in consideration of the mutual and dependent promises and undertakings herein contained, it is agreed between the District and City as follows:

DISTRICT SERVICES The District will provide setup, configuration, installation and maintenance (as expressly outlined herein) of the District's web-based Customer Portal. This will include the configuration and installation of SSL certificates, cloud-based hosting services and a web application firewall. The District will provide programming services for the Customer Portal. These services will include updates and code maintenance on the website which may include items such as security improvements, algorithm changes for alert notifications, and browser compatibility requirements. Only minor customized configuration changes shall be accommodated. These minor configuration changes shall be limited to include items such as branding the Customer Portal to the City's logo and color schemes. The District will provide a data transmission method for the City's meters not on the AMI network to ensure their available monthly read data is available on the Customer Portal. The District has the capacity and will not limit the number of users able to sign up and login to the Customer Portal. The District will provide an administrative login to the Customer Portal that will allow the City's staff to view all customer information located within the Customer Portal.

FEES AND CHARGES: The City agrees to pay the District: (a) a fee of \$1,500 per year, for the web hosting, SSL certificate, and web application firewall services, and (b) \$3,000 per year for all programming services related to the Customer Portal, updates and minor configuration changes as allowed by this Agreement. All fees listed above shall be subject to revision upon the renewal of this Agreement. The Fees and Charges identified in this Amendment shall be in addition to those identified in the Agreement.

PAYMENT OF FEES: The District shall bill the City on an annual basis by submitting an invoice on or around January 31st of each year, whereas historically this invoice has been sent on or around October 31st of each year, for the previous calendar year for all Fees and Charges associated with the Agreement and executed amendments. The City will then make payment on invoices within thirty (30) days of acceptance and approval of the invoice. Any disputes shall be provided in writing to the District within 30 days of receipt of invoice. Both parties shall have 60 days to resolve any disputes. Following the 60-day dispute period a final notice will be sent. If the dispute is not resolved and payment made within 30 day of the final notice the Agreement shall be terminated.

CITY RESPONSIBILITIES. The City agrees to provide the District access to the computers and servers as required for database maintenance, troubleshooting, and updates related to the metering infrastructure and Customer Portal. The District shall work to ensure that each such access made pursuant to these requests is made during normal business hours. The City agrees to provide the District with all meter-related data obtained from any meters connected to the AMI network. The City acknowledges and agrees that the District may use this meter data for studies and informational purposes, including monthly consumption values, hourly interval values, alarm data, firmware information, etc. as reasonably needed by District. The City agrees to maintain their customer information so as to include address, meter and radio number, and all other

information integral to the Sensus AMI network data requirements. The City agrees to be the primary point of contact for all customer interactions regarding meter data and information displayed within the Customer Portal. The District will be a secondary resource to the City for questions relating to meter use but should not have any interactions with the City's customers on a regular basis. The City understands that the quality assurance of the data provided to its customers shall be its responsibility to review, correct, and validate and that the District takes no responsibility for errors or omissions in the data provided to the City's customers via the Customer Portal as a result of incorrect data stored within the City database and which has been provided to the District. The City agrees to provide access to an SMS text messaging account that is compatible with the customer portal for related text messaging and alert notification services. If the City decides to utilize a solution that differs from the District utilized solution, the City agrees to pay additional development costs to the District for the integration and configuration of that solution which shall be addressed through an amendment to the Agreement. The City also agrees to provide credentials for an email account that shall be used on behalf of the portal for all account registration and alert notification services. The City understands that the SMS messaging account shall be funded independently of this agreement by the City and the City is responsible for maintaining a positive balance in the account to ensure message delivery.

1. **DURATION:** This Agreement is effective for the maximum time period for which interlocal agreements are allowed under state law in effect at the time this Agreement was entered or as defined herein.
The City may elect to terminate this Agreement by providing the District written notice of such election at least sixty (60) days in advance of the effective date of termination. If the District discontinues providing a given service for its own operations, the District may, upon at least 60 days' notice to the City, terminate providing such service hereunder. If any Party to this Agreement elects for termination, the agreement as a whole shall be terminated and a new agreement between the Parties shall be required.
2. **OTHER TERMS OF AGREEMENT RATIFIED.** All remaining provisions of the Agreement are hereby ratified and affirmed and remain in full force as originally written.
3. **AUTHORIZED EXECUTION.** The individuals signing below each represent and warrant (i) that they are authorized to execute this Amendment for and on behalf of the Party for whom they are signing; (ii) that such Party shall be bound in all respects hereby; and (iii) that such execution presents no conflict with any other agreement of such Party.
4. **EFFECTIVE UPON ACCEPTANCE AND EXECUTION BY THE DISTRICT AND CITY.** This Amendment shall become the binding obligation of the Parties upon acceptance and execution hereof by the District and City, as evidenced by their respective signatures below.

IN WITNESS THEREOF, the parties hereto have executed this Amendment to the Agreement as of the

last written date below.

WASHINGTON TERRACE CITY

By: _____

Title: _____

Date _____

WEBER BASIN WATER
CONSERVANCY DISTRICT

By: _____

Scott W. Paxman, General
Manager/CEO

Date _____



COMMUNITY EVENTS

TERRACE DAYS COMMUNITY EVENT



THE WEBER COUNTY SHERIFF'S OFFICE PROVIDED 9 DEPUTIES ALL THROUGHOUT THE DAY AND LATE INTO THE EVENING FOR TERRACE DAYS ACTIVITIES. THERE WERE NO MAJOR INCIDENTS, BUT THERE WAS A MINOR SKIRMISH IN THE PARK WITH SOME JUVENILES.



SHERIFF'S QUARTERLY

Integrity, Initiative, Intelligence

THE CITY OF
Washington Terrace

April-June 2024

DEPARTMENT GOALS & HIGHLIGHTS

STREET CRIMES UNIT

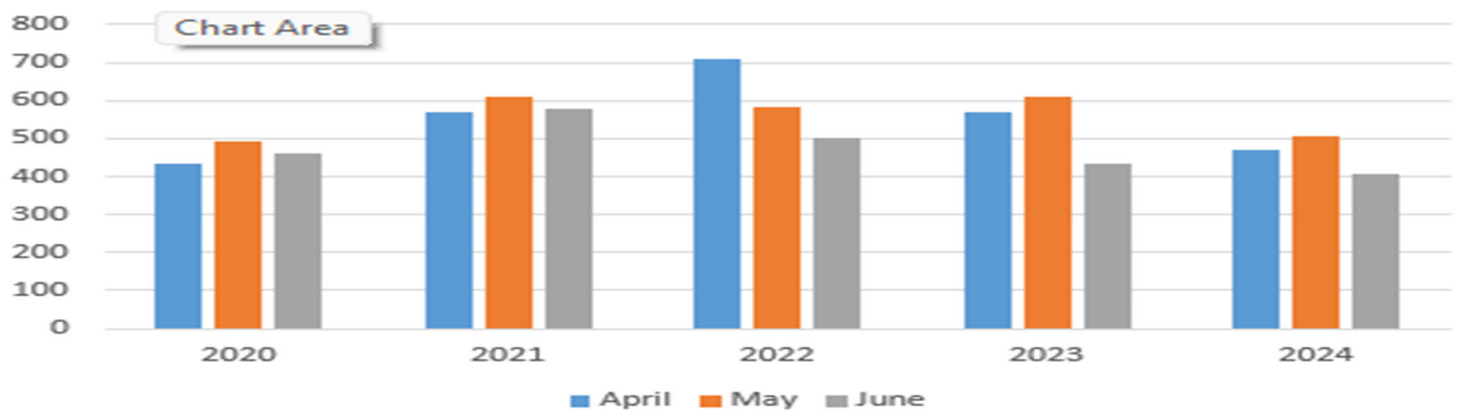
- TEMPORARILY ASSISTING PATROL WHILE WE GET NEW HIRES THROUGH TRAINING (SINCE JUNE 22ND).

WASHINGTON TERRACE CALLS FOR SERVICE INCLUDES TRAFFIC STOPS

	2020	2021	2022	2023	2024
April	433	571	710	569	471
May	491	611	585	609	504
June	460	578	503	432	406
TOTAL	1384	1760	1798	1610	1381

THIS SHOWS A 14.2% DECREASE IN CALLS FOR SERVICE FROM 2023 TO 2024.

5 YEAR COMPARISON CALLS FOR SERVICE



5 YEAR OUTLOOK: 2021 AND 2022 WERE HIGH YEARS. 2020 WAS RELATIVELY THE SAME AS THIS YEAR. THERE WAS A DECLINE FROM 2021 TO 2022 OF 10.5 % LEADING TO THIS YEAR'S DECREASE OF ANOTHER 14.2%. WHICH PUT US BACK TO 2020 LEVELS.

Phone: 801-778-6614

E-mail: gcowley@webercountyutah.gov



Street Crimes Unit

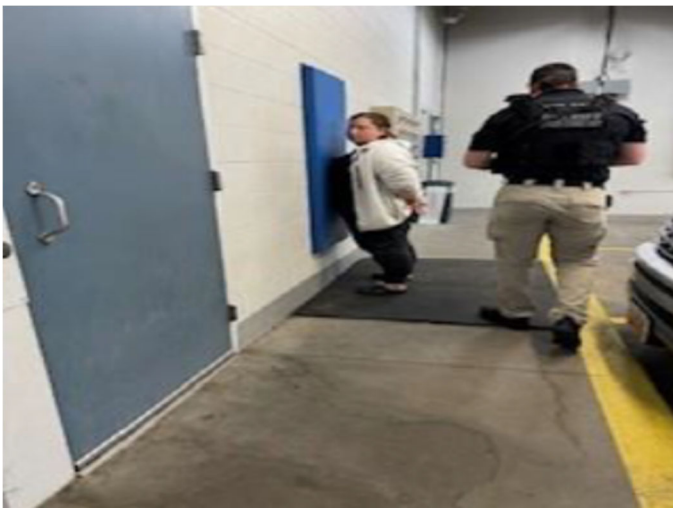
Notable Cases 24WC15683 Washington Terrace

A male that was a wanted fugitive on the run for 9 months was located at Kera Manor in Washington Terrace. A warrant was written for the apartment he was staying in. Fentanyl pills, Meth and paraphernalia were located.



Notable Cases 24WC15100 Washington Terrace

A male and female (Former Ogden Trece Members) were reported to be staying in Washington Terrace. The female had a NO BAIL WARRANT for her arrest for shoplifting. The female was picked up and booked on her Warrant.





SHERIFF'S QUARTERLY

Integrity, Initiative, Intelligence

THE CITY OF
Washington Terrace

April-June 2024

Notable Cases 24WC18781 Washington Terrace

A male and female were stopped after not stopping for the crosswalk and stopping in traffic. K9 Capone was ran around the vehicle and indicated for narcotics. Upon searching the vehicle paraphernalia was located inside the vehicle.

