

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, March 20, 2019, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Kaylene Ames, Councilmen Gary Bates, Carl Leatham, and Perry Maughan. City Manager/Recorder Scott Wells and City Planner Jay Nielson were also present. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on March 15, 2019. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman	Bryan Sealy	Brent Parker
Jeff Child	Scott Thompson	Scott Leishman
Garrett Johnson	Julie Johnson	Mark Thompson
Lisa Thompson	Jake Powell	JayDee Gunnell
Karma Leatham	Art Smith	Chris Breinholt

Opening Ceremony: Kaylene Ames

The Council reviewed the agenda. Gary Bates made a motion, seconded by Kaylene Ames, to approve the agenda as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
Gary Bates	
Carl Leatham	
Perry Maughan	

Councilwoman Denise Lindsay arrived at the meeting at 6:03 p.m.

The Council reviewed the minutes of the March 6, 2019 regular City Council meeting. After discussion, Denise Lindsay made a motion, seconded by Carl Leatham, to approve the minutes of the March 6, 2019 regular City Council meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>	<u>ABSTAIN 1</u>
Kaylene Ames		Perry Maughan
Gary Bates		
Carl Leatham		
Denise Lindsay		

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes aren't in numerical order from City Council meeting to City Council meeting as the City uses the same checking account for payroll and accounts payable. After review and discussion, Perry Maughan made a motion, seconded by Denise Lindsay, to approve the City's account payables bills for payment, represented by check number 23157 through 23182.

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Gary Bates	
Carl Leatham	
Denise Lindsay	
Perry Maughan	

There was no one in attendance for citizen input.

Beginning at 6:10 p.m., conduct the following 2 public hearings in order:

First, receive public input, then consider for approval the concept plan for the Annette Smith Subdivision consisting of 2 lots (1 additional building lot) located at 120 West 400 South, Tax ID#10-029-0024. Bryan Sealy met with the City Council. Mr. Sealy stated that he would like to build a home on the northwest

corner of the property. Mayor Thomas G. Bailey stated that this is a public hearing. There was no comment from the public.

At 6:12 p.m., the public hearing was closed.

Carl Leatham stated that the Planning Commission approved the concept plan with the condition that the comments from City Engineer Chris Breinholt are followed and corrected. After discussion, Carl Leatham made a motion, seconded by Denise Lindsay, to approve the concept plan for the Annette Smith Subdivision consisting of 2 lots (1 additional building lot) located at 120 West 400 South, Tax ID#10-029-0024.

YEA 4

Kaylene Ames
Gary Bates
Carl Leatham
Denise Lindsay

NAY 1

Perry Maughan

Second, receive public input, then consider for approval a request from Mark Thompson to waive the 40-foot setback requirement and change it to a 20-foot setback along proposed property located at 4300 South US Highway 89/91, Tax ID#11-091-0010, 11-091-0011, and 11-091-0012. Brent Parker reviewed the history of this property with the City Council. Mr. Parker stated that for years, there has been a 150-foot setback, and Wellsville City still has it today. Mr. Parker stated that Amazon has changed the dynamics of business, and Wellsville City needs to adjust their mindset to what is going to attract businesses. Mr. Parker stated that he feels that 20 feet is a maximum for a setback. Mr. Parker stated that they are looking to amend the ordinance. City Manager Scott Wells stated that this public hearing is not to amend the ordinance, but to modify the setback for this property only. Mr. Parker stated that if the setback can't be modified to 20 feet, they will lose the project. Mr. Parker stated that the intersection must be modified to a 90-degree access, and they are hoping that Utah State University will participate. Mr. Parker stated that he is hoping they can get past this setback challenge. Mr. Parker stated that Utah State University owns a section of property in the heart of the business district. Mr. Parker stated that Utah State University is not willing to now, but maybe in the future, sell or trade for other property. Denise Lindsay asked what happens if Utah State University doesn't participate in the intersection modification. Mr. Parker stated that hopefully Wellsville City and other property owners will participate. Perry Maughan asked if UDOT and CMPO are on board with this project. Mr. Maughan stated that Wellsville City has been a floormat to Logan. Mr. Parker stated yes, UDOT is aware that this will be a future lighted intersection. Mr. Parker stated that it is a good opportunity to catch tax dollars. Jeff Child, owner of Castle Country RV, stated that he owns 2 different properties. Mr. Child stated that the property in Price has no setback. The property line is to the asphalt. Mr. Child has no problem with the building being 150 feet back, but landscaping is expensive. Mr. Child stated that his other properties have trailers parked on the property line. Mr. Child stated that his business needs the space. Mr. Parker asked what the options are for Mr. Child if he doesn't get the modification to a 20-foot setback. Mr. Child responded and stated that he would purchase land in North Logan where the setback is 10 feet. Scott Leishman, president of the Eastfield Irrigation Company, stated that his concern is not for or against this business. Mr. Leishman asked that Mr. Child please be aware that there are irrigation ditches on 3 sides of this property. Mr. Leishman would like an agreement between the property/business owners and the Eastfield Irrigation Company. Mr. Leishman stated that all water on this property, irrigation and storm water, runs north northwest. There is a gathering ditch, which runs under Highway 89/91, and the American West Heritage Center uses the water. Mr. Leishman stated that these ditches can't be erased, but they can be piped. Carl Leatham stated that there is a ditch that runs parallel to Highway 89/91 that is used for runoff. This ditch goes to the American West Heritage Center and other properties. Mr. Leishman stated that when property is developed, they must contain the storm water. Mr. Wells stated that asphalt absorbs water different than hayfields. Mr. Wells stated that storm water may run into the ditch, but it will go in at a different pace.

At 6:28 p.m., the public hearing was closed.

Kaylene Ames stated that there are two different businesses in Nibley. One business has a chain-link fence around it with a lot of garbage. Another business has a large retention pond in front. Ms. Ames asked if there would be a fence around the business or if it would be more open. Jeff Child stated that he would have a black-coated chain-link fence around his business. Gary Bates stated that the City Council could issue conditions on the business, such as the type of fencing, type of shrubbery, and swales. Brent Parker stated that the concerns with the irrigation ditches will be addressed. Mr. Bates asked if this proposal is approved, and the setback is reduced to 20 feet, is the 20-foot setback limited to this business or is it forever part of the property. City Planner Jay Nielson stated that the 20-foot setback runs with the land. Mayor Thomas G. Bailey asked that if the property is vacant for so long, the setback would revert to 150 feet. Mr. Nielson stated that is correct if the property is vacant for one year. Mr. Bates stated that this is something to think about as the City Council considers conditions. Mayor Bailey asked if this is a conditional use. Mr. Nielson stated that it is allowed by right. Mr. Nielson stated that there is a design review process conducted by the Planning Commission. Mayor Bailey stated that there would be new conditions with a new business. Mr. Nielson stated that it needs to be written in the code. Mr. Bates stated that it could be construed as a taking, so Wellsville City needs to be careful. Perry Maughan asked to review as to why Wellsville City is driving business away. Mr. Parker stated that it is because of the setback. Mr. Maughan stated that part of it may be the setback and asked about infrastructure and landscaping. Mr. Leatham stated that the Planning Commission had a lengthy discussion concerning this issue. There were three options listed by City Planner Jay Nielson. Mr. Leatham stated that there has been a lot of talk about the 150-foot setback, which is a moot point because the setback has been reduced to 40 feet at a lighted intersection. That change was made over a year ago. Mr. Leatham stated that Utah State University did attend the Planning Commission meeting. Their concerns were traffic flow, students coming off and getting on Highway 89/91, and site lines down Highway 89/91. Mr. Leatham stated that the Planning Commission reviewed the options, and there was a split vote of 3 to 2 approving option 3. Mr. Leatham reviewed the statement made by Mark Thompson on the back of the application. Mr. Leatham stated that water retention must happen somewhere on the property and wondered if it could be integrated in the 20-foot setback. Mr. Leatham stated that Mr. Thompson states that he will deed 45 feet for the road right-of-way. Mr. Leatham stated that Mr. Thompson is required to deed 49 ½ for the road right-of-way, and not just deed, but develop the road. Mr. Leatham stated that there is also a 30-foot setback requirement from the interior roads. Mr. Leatham suggested a 30-foot setback along Highway 89/91 and reduce the interior road setback requirement to 20 feet. Mr. Leatham stated that he hasn't discussed this option with the rest of the City Council but feels this is something that would be very doable. Mr. Maughan asked what the landscaping requirement would be in the 20-foot setback. Mr. Leatham stated that double landscaping would be required in the 20-foot setback. Mr. Maughan asked what the landscaping requirement would be in the 30-foot setback. Mr. Leatham stated that there would be no additional landscape requirement for the 30-foot setback. Mayor Bailey asked if Mr. Child had any problem building his building no closer than 40 feet to Highway 89/91. Mr. Child stated that it is absolutely no problem. Mayor Bailey asked if the 30-foot setback is an option. Mr. Child stated no. Mr. Child stated that he wants a 20-foot setback along Highway 89/91 and a 10-foot setback along the interior roads. Mr. Nielson stated that a 10-foot setback along the interior roads is not an option because the code states there is a 30-foot setback requirement along interior roads. Mr. Parker asked about the double landscaping. Mr. Nielson stated that the landscaping is based on 25% of open space, and then it is grouped together. Denise Lindsay stated that she is all for this project. Ms. Lindsay stated that she understands that the property/business owner wants a 20-foot setback. Ms. Lindsay discussed Maverik and how their site plan shows the retention pond along Highway 89/91. Ms. Lindsay stated that their retention pond holds a lot of water. Ms. Lindsay asked what Mr. Child will do when the setback is further than 20 feet because the 20-foot setback is the retention pond. Mr. Child stated that he will dig the retention pond deeper. Mr. Maughan stated that it isn't possible because of the high water table in the area. Mr. Bates stated that an engineering study on the property needs to be completed. Mr. Bates asked about the 30-foot setback around interior roads. Mr. Bates thought that was for subdivisions, and that it has been carried over into the commercial code. Mr. Bates believes that a 30-foot setback around the interior roads is excessive. Mr. Leatham stated that the 30-foot setback around the interior roads could be reviewed. Mr. Maughan asked if an engineer has looked at the storm water on the property. Mr. Child stated no. Mr. Bates stated that the storm water is taking a beating. Mr. Bates stated that they need to come to an agreement concerning the setback and then move onto engineering the property. Mayor Bailey asked if Mr. Child has seen the landscaping document. Mr. Child stated yes. Mayor Bailey asked if Mr. Child has any problem with it. Mr. Child stated that it is expensive to install and maintain landscaping, but he thinks he can make it work.

Mr. Bates stated in order to address an appropriate interior road setback, he suggested looking at what other cities do. Mr. Maughan stated that he is all in favor of the 20-foot setback. Mr. Maughan stated that he likes Mr. Leatham's idea of a 30-foot setback along Highway 89/91 and a 20-foot setback along the interior roads. Mr. Maughan stated that he like Mr. Bates' idea of having the engineers sit down and discuss this property. Mr. Maughan wants to be sure that Wellsville City hasn't gone against their own code. Mr. Maughan asked what Mr. Child thought about option 3. Mr. Child stated that he hadn't seen the different options. City Manager Scott Wells read option 3. Mr. Bates stated that he would add that the interior road setbacks are to be determined based on more studies completed. Mr. Parker read 10-36-050 from the new code. Mr. Nielson stated that a straight row of trees is not naturalistic. Mr. Nielson stated that there is physical limitation to the proposal as it stands. Mr. Nielson stated that if they detain the storm water on this property along Highway 89/91, it will end up looking like a mote that is in front of Camp Saver in Nibley. Mr. Nielson stated that it will not be compatible with landscaping and trees. Mr. Nielson stated that he is trying to get the City Council to understand so that their expectations are not destroyed in a year from now and have a complete retention pond in the 20-foot setback with very little landscaping. Mr. Nielson stated that he is saying this so that everyone understands what they are going to be dealing with on this property. Mr. Nielson stated that it is up to the Planning Commission to work with their design team on how to accomplish storm water retention and landscaping. Mr. Nielson handed out a paper to the City Council with a finding to justify the modification of the setback. Mr. Nielson stated that the paragraph needs to be part of the motion that is made. City Engineer Chris Breinholt stated that the grade of the property needs to be reviewed so that they know where to place the retention pond. Art Smith stated that this issue is that Wellsville City wants the business so do what needs to be done to get the business here. Mayor Bailey reviewed the issues that have been discussed. Mayor Bailey stated that Mr. Child is willing to keep the building back at least 40 feet, 30-foot setback along the east and north roads, 20-foot setback along Highway 89/91, and infrastructure, such as water lines and sewer lines. Mr. Child stated that he wants a 20-foot setback along Highway 89/91 and 0-foot setback along the other roads. Mr. Maughan reminded Mr. Child of the agreement with the irrigation company. Mr. Bates asked Mayor Bailey what to do about the 30-foot setback along the interior roads. Mayor Bailey stated that the 30-foot setback remains now. Mr. Bates thinks that Wellsville City should leave the door open on the 30-foot setback along the interior roads so that it can be reviewed. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to accept option 3 as recommended by the Planning Commission with the following changes: the City may decide to waive the 40-foot setback requirement to reduce the setback to 20 feet. This option is what is proposed in the application. The City would make a finding if it waived this setback requirement that in order to justify the reduction, the landscape requirement would be doubled wherever there was a 20-foot setback. The interior setback is to remain at 20 feet.

YEA 4

Kaylene Ames
Gary Bates
Denise Lindsay
Perry Maughan

NAY 1

Carl Leatham

The City Council discussed the finding submitted by City Planner Jay Nielson. After discussion, Perry Maughan made a motion, seconded by Denise Lindsay, to add the finding as part of these minutes as Exhibit "A" and to add the landscaping map as Exhibit "B".

YEA 5

Kaylene Ames
Gary Bates
Carl Leatham
Denise Lindsay
Perry Maughan

NAY 0

Garrett Johnson met with the City Council to discuss options of a new design for the Wellsville City flag. Garrett Johnson stated that one of his hobbies is to design flags. Mr. Johnson stated that he couldn't find a flag for Wellsville City. Mr. Johnson stated that he asked City Councilman Carl Leatham if Wellsville City had a flag. Mr. Johnson stated that Mr. Leatham told him that Wellsville City did have a flag, but they didn't like it. Mr. Johnson stated that he would like to update the Wellsville City flag. Mr. Johnson stated that he would like to use this project as his Eagle Scout project. Mr. Johnson stated that he understands that he must have other people involved and asked if submitting three designs and having people vote through a Facebook page would count as having others involved. Gary Bates asked if the flag could be used as a city symbol also. Carl Leatham stated that the City Council should see what he submits first. Mr. Johnson showed the City Council three different layouts for a new Wellsville City flag. Perry Maughan suggested that the mountains should be more realistic and the tabernacle smaller. Mr. Leatham suggested larger mountains, smaller tabernacle in the blue area, and script at the bottom that says, 'Wellsville City'. Denise Lindsay suggested just the spires of the tabernacle. Mr. Bates stated that a flag shouldn't have any text on it. Mr. Maughan stated that he liked the text on the flag. Mr. Johnson stated that he will design a few layouts and submit them. Mr. Bates suggested mountains with snow caps, smaller tabernacle, and the text 'Wellsville City'. Mayor Thomas G. Bailey stated that the NRCS newsletter uses a picture of the Wellsville mountains that may work. Mr. Maughan stated that he would like to see the original steeple of the tabernacle. Mr. Johnson thanked the City Council for their time and input.

Mark and Lisa Thompson met with the City Council to discuss options for the sewer at their home located at approximately 335 South 200 East, Tax ID#10-028-0025. Mark Thompson stated that he is looking for approval to install a septic system on the lot that he has purchased to build a home on. Perry Maughan stated that he recommends running a service line to the main trunk line. Mr. Maughan stated that Mr. Thompson needs to follow Wellsville City specifications. Mr. Maughan suggested running the line on top of the river. Mr. Thompson stated that there is an easement for cleaning out the irrigation ditch and he concerned that the sewer line would freeze. Mr. Maughan stated that the sewer line won't freeze. Mr. Maughan suggested putting a casing around the sewer line. City Engineer Chris Breinholt stated that a septic system doesn't fit within the Wellsville City code. Mr. Breinholt stated that if the property line is within 300 feet of the sewer line, the sewer line must be run. Mr. Breinholt stated that he believes the sewer line would freeze in a casing. Mr. Breinholt suggested a lift station. Mr. Thompson stated that the lift station would be below the flood plain. Mr. Breinholt suggested that the lift station be located up by the home. Mr. Breinholt stated that Bear River Health Department wouldn't approve of a septic system. Mr. Thompson stated that the Bear River Health Department has already approved a septic system on the lot. Mr. Breinholt stated that a septic system doesn't fit the Wellsville City code. Mr. Breinholt stated that he would feel better about a lift station instead of a septic system. City Manager Scott Wells stated that some type of approval is needed. Mr. Thompson stated that they would like to try to avoid the river all together. Lisa Thompson asked why the City Council is against a septic system. Mr. Maughan stated that the Wellsville City code states that if the property line is within 300 feet of a sewer line, the developer is required to connect to the sewer unless it is a hardship. Carl Leatham stated that there may be a concern going to the west because of disturbing the slope. Denise Lindsay asked if Mr. and Mrs. Thompson would prefer a septic tank. Mrs. Thompson stated yes. Ms. Lindsay asked if Mr. and Mrs. Thompson are asking for a septic tank. Mrs. Thompson stated yes. Mr. Breinholt stated that septic tanks contaminate surface and ground water. Mr. Breinholt stated that the State of Utah doesn't want septic systems. Mr. Maughan stated that he would like to see Mr. and Mrs. Thompson connect to the sewer system be either using a lift station or running a line across the river. After discussion, Perry Maughan made a motion, seconded by Gary Bates, that Mark and Lisa Thompson connect to the Wellsville City sewer system.

YEA 4

Kaylene Ames
Gary Bates
Carl Leatham
Perry Maughan

NAY 1

Denise Lindsay

Department Reports:

Gary Bates – 1) Water turn off police – forgiveness period – Scott is waiting for a light agenda to discuss this issue.
2) Asked if Wellsville City would be looking for a third Public Works person – yes – two from Hyde Park looking for a job.

Jake Powell met with the City Council to discuss the tree study that is being performed for Wellsville City. Jake Powell stated that he has been working on the tree study for Wellsville City. Mr. Powell prepared a slide presentation. Mr. Powell gave some background information concerning the project. Mr. Powell stated that this will be a community-wide tree inventory. This project will be completed with volunteers. During the pilot period, they used the City Square. Mr. Powell stated that the tree inventory was conducted October 2018. There were 117 trees inventoried and assessed. A model framework for volunteers was established and piloted. Data for the City Square was gathered, analyzed, and reported. Mr. Powell showed pictures of Wellsville City. Other slides to follow were entitled Spreadsheet of Trees, Results Graph, Species Diversity, Age Class, Health by Species, Health by Age, Maintenance Recommendation Matrix, Maintenance Recommendations, Maintenance Phases. The Recommended Next Steps are as follows: 1) Continue & Complete Community Tree Inventory, Shade Tree & Beautification Committee – April 2019, 2) Plan & Implement Critical Tree Maintenance, 3) Plan for the Inevitable, Preserving the character of the park, 4) Begin Planting Trees in Strategic Locations within the Park, Appropriate Species, Unity versus Diversity. Mayor Thomas G. Bailey asked if Mr. Thompson has any suggestions for tall trees. Mr. Powell stated yes. JayDee Gunnell suggested that Wellsville City go away from the ash trees. Mr. Gunnell suggested Kentucky Coffee, London Plane, Burr Oak, Elm Hybrid, Lacebark Elm, Box Elder, and Lindon. Mr. Powell stated that he will give Wellsville City a copy of the draft report. Mr. Powell thanked the City Council for their time. Mayor Bailey thanked Mr. Powell and Mr. Gunnell for their time.

Councilman Gary Bates left the meeting at 8:30 p.m.

City Manager Scott Wells met with the City Council to discuss pay raises for City employees. Mr. Wells stated that he is preparing for next year's budget. Mr. Wells stated that last year, the City Council approved a 3% pay raise for full-time employees only. Mr. Wells stated that this year, he would like to give a 3% raise to all employees. Carl Leatham asked if Wellsville City could afford it. Mr. Wells stated that the City employees are a priority. Mr. Leatham asked again if Wellsville City could afford it. Mr. Wells stated yes. Mr. Wells stated that there is an individual that is on the road crew that is acting more of a supervisor and has asked for \$5 more per hour. Kaylene Ames asked if the individual is worth it. Mr. Wells stated yes. Mr. Wells stated that Wellsville City had very few complaints concerning the road project last year. After discussion, Carl Leatham made a motion, seconded by Kaylene Ames, to approve a 3% pay raise for all employees and a \$5 per hour raise for the road crew supervisor.

YEA 3
Kaylene Ames
Carl Leatham
Denise Lindsay

NAY 0

ABSTAIN 1
Perry Maughan

Department Reports:

Carl Leatham – 1) The plans for the float have fallen apart – will continue with last year's float and unveil the new float at the Founder's Day parade.

Perry Maughan – 1) New subdivision next to McKay Leishman – need to look at getting the sewer there. City Manager Scott Wells stated that the highway is sleeved for a sewer system. There is a manhole at 900 South 200 East. The sewer line can be installed on the west side of 200 East. The canal will need to be bored. Mr. Maughan stated that the developer needs to know that he will need to install the sewer.

Kaylene Ames – 1) The Wellsville City pageant has been postponed. It was scheduled to be held on April 13 and is now scheduled for April 27.

2) Arbor Day will be held on April 25 at 5:30 p.m. at the Wellsville Dam park. They are not honoring anyone this year. They will be replacing 7 trees in the park area.

Denise Lindsay – 1) Craig & Amy Archibald have stepped down as Youth Council Advisors – looking for suggestions.

City Manager/Recorder's Report:

Scott Wells – 1) Received a letter from the State Legislature concerning work place harassment and discrimination policy – handed out copies of it.

2) Road Projects for 2019 – Main Street from Center Street to 200 West and the road from the gravel pit to the Public Works building.

3) Green waste bins will return on Monday, March 25, 2019.

4) Spoke to Ron Case about the property located behind his home – asked if a senior living facility would be a possibility – contract says the family must approve the project – could incorporate a trail system with it.

5) Two groups have contact him about cleaning garbage cans – a church ward and the MC Lacrosse team – could be some debris and smell – consider doing it next to the sewer manhole on the east side of the dam – asked the City Council to ponder this issue.


6) Hyrum Library called – Wellsville City pays a fee to allow citizens to use the library – there are individuals that live in the unincorporated areas of Wellsville City, but claim they are from Wellsville City. Asked if it was possible to provide Hyrum City with a list of citizens and show utility bill.

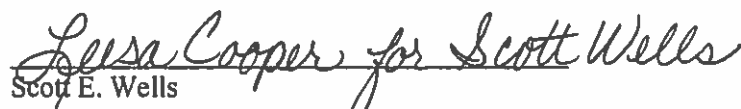
At 9:05 p.m., Perry Maughan made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 4

Kaylene Ames
Carl Leatham
Denise Lindsay
Perry Maughan

NAY 0


Thomas G. Bailey
Mayor


Scott E. Wells
City Manager/Recorder

Landscape requirements for highway frontage as required in the code.

1. 6 foot high landscaped berm along entire highway frontage
2. Assuming 900 (actual closer to 750') feet frontage. One tree required for every 20 feet frontage:
45 trees required plus additional for reduction in setback – total 90 trees
3. All areas of the highway setback required to be landscaped including turf or ground cover and shrubs. Shrubs required in the frontyard setback to be determined ~~on~~ once a firm site plan is submitted for the design review permit.
4. Since the setback has been reduced so significantly, storm water retention/detention shall not be located within the setback.

Findings to justify approval of a waiver of setback requirements:

“ the City finds that it has reduced setbacks from 150' to 40' on certain parcels of land that abut existing and future planned lighted intersections on Highway 89/91. The City also finds that reducing the setbacks to 20' on some of these parcels and not others is arbitrary and is unfair to other property owners. However, the City finds it is necessary to stimulate initial development on one property in its undeveloped commercial zone by reducing setback requirements along Highway 89/91. In order to justify the reduction in setback on only one property ~~that~~ additional requirement ~~are~~ must be imposed to compensate for the loss of setback and to create equity across the zone. Accordingly the City further finds that parcels 11-091-0010, 11-091-0011, 11-091-0012 shall be granted a waiver of the 40' setback to a reduced setback of 20' if the requirements for landscaping in the area of the setbacks is doubled proportional to the loss of setback. Also the City finds that projects located on the property will be required to obtain design review permits which allows the City to ensure that the purposes of the landscape and setback codes will be upheld.

