



CITY COUNCIL AGENDA

Notice is hereby given that the Draper City Council will hold a **City Council Meeting** on **Tuesday, February 2, 2021, at 6:00 PM**, in the City Council Chambers at 1020 East Pioneer Road, Draper, Utah.

The Agenda will be as follows:

ELECTRONIC MEETING NOTICE

This meeting will be an electronic meeting according to Draper City Municipal Code 2-1-040.

WRITTEN DETERMINATION 2021-02 Pursuant to Utah Code Ann. 52-4-207(4)

I, Mayor Troy Walker, do hereby determine conducting an electronic meeting of the Draper City Council with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location and hereby authorize the Draper City Council to conduct electronic meetings without an anchor location.

The foregoing determination is based on the following facts:

- Federal, state, and local leaders, including the Draper City Mayor and City Council, have all recognized a global pandemic caused by the spread of the COVID-19 virus.
- COVID-19 cases and hospitalizations in Draper continue to fluctuate at high levels, both of which pose a risk of overburdening the local health care system and health care providers.
- It is difficult, if not impossible, to predict the number of attendees at any meeting and to manage issues regarding social distancing in order to comply with state and local health departments' health orders.
- COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents.
- The City has the technological capability to provide means by which the public may hear, or view and hear, the open portions of the meeting and to participate in public hearings.

To participate in this meeting:

- Listen through the Draper City website <https://www.draperutah.gov/95/Agendas-Minutes>
- Email comments to public.comment@draper.ut.us. These will become part of the public record.
- Those wishing to speak during the meeting, send a request for the Zoom meeting ID including your name, address, and phone number which you will be calling from to public.comment@draper.ut.us.

6:00 PM STUDY MEETING

- 1. Report: 2021 Transportation Impact Fees - Fred Philpot**
- 2. Presentation: Semi-annual City Deposit and Investment Report - Bob Wylie**
- 3. Update: Capital Improvement Projects for Parks - Rhett Ogden**
- 4. Discussion: Food Truck Court**
- 5. Council/Manager Reports**

7:00 PM BUSINESS MEETING

- 1. Call to Order**
- 2. Recognition: Corner Canyon High School Varsity and Junior Varsity Cheerleading Teams, 6A State Champions**

The Corner Canyon Cheerleaders won their 4th State Title on January 24, 2021. This makes their first back to back win. They will compete for the National Championships at the end of April.
- 3. Public Comments**

To be considerate of everyone attending the meeting, public comments will be restricted to items that are not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.
- 4. Consent Items**
 - a. Approval of January 12, 2021, and January 19, 2021, City Council Meeting Minutes**
- 5. Public Hearing: Ordinances #1477 and 1478, City Initiated Windsor Mill Zoning Map and Land Use Map Amendment (Legislative Action)**

On the request of Draper City for a Zoning Map Amendment from RA2 to RM1 and a Land Use Map Amendment from Residential Low/Medium Density to Residential Medium/High Density on 0.302 acres of land located generally at 11450 South 820 West. Staff report by Jennifer Jastremsky.
- 6. Public Hearing: Ordinance #1475, City Initiated Chickens for Familial Gain**

Text Amendment (Legislative Action)

On the request of Draper City for a Text Amendment to amend Sections 9-3-040, 9-9-080, 9-10-090, and 9-27-055 of Draper City Municipal Code. This application is known as the City Initiated Chickens for Familial Gain Text Amendment. Staff report by Todd Draper.

7. Public Hearing: Ordinance #1474, City Initiated Land Use Buffer Text Amendment (Legislative Action)

On the request of Draper City for a Text Amendment to amend Sections 9-23-110 and 9-3-040 of Draper City Municipal Code. This application is known as the City Initiated Land Use Buffer Text Amendment. Staff report by Todd Draper.

8. Action Item: Ordinance #1476, adopting a Temporary Land Use Regulation permitting Temporary Mobile COVID-19 Medical Service Clinics (Legislative Action)

A request by Draper City for a temporary land use regulation permitting the use of temporary Mobile COVID-19 Medical Service Clinics. This application is city wide and not associated with a single site. Staff report by Todd Draper.

9. Adjournment

SALT LAKE COUNTY AND UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, certify that copies of the agenda for the **Draper City Council** meeting to be held **February 2, 2021**, were posted on the Draper City Electronic Bulletin Board, Draper City website www.draper.ut.us, the Utah Public Notice website at www.utah.gov/pmn, and sent by email to the *Salt Lake Tribune* and the *Deseret News*.

Date Posted: January 29, 2021



Laura Oscarson, CMC, City Recorder
Draper City, State of Utah



In compliance with the Americans with Disabilities Act, any individuals needing special accommodations or services during this meeting shall notify Laura Oscarson, City Recorder at (801) 576-6502 or laura.oscarson@draper.ut.us, at least 24 hours prior to the meeting.

2021 TRANSPORTATION IMPACT FEES

DRAPER, UTAH

PRELIMINARY IMPACT FEE REVIEW
FEBRUARY 2021



DRAPER CITY HALL
1020 EAST PIONEER

INTRODUCTION

2

- Before imposing an impact fee, each local political subdivision or private entity shall prepare:



IMPACT FEE FACILITIES PLAN (IFFP)

Identifies the demands placed upon existing facilities by future development and evaluates how these demands will be met. Outlines the improvements which are intended to be funded by impact fees.

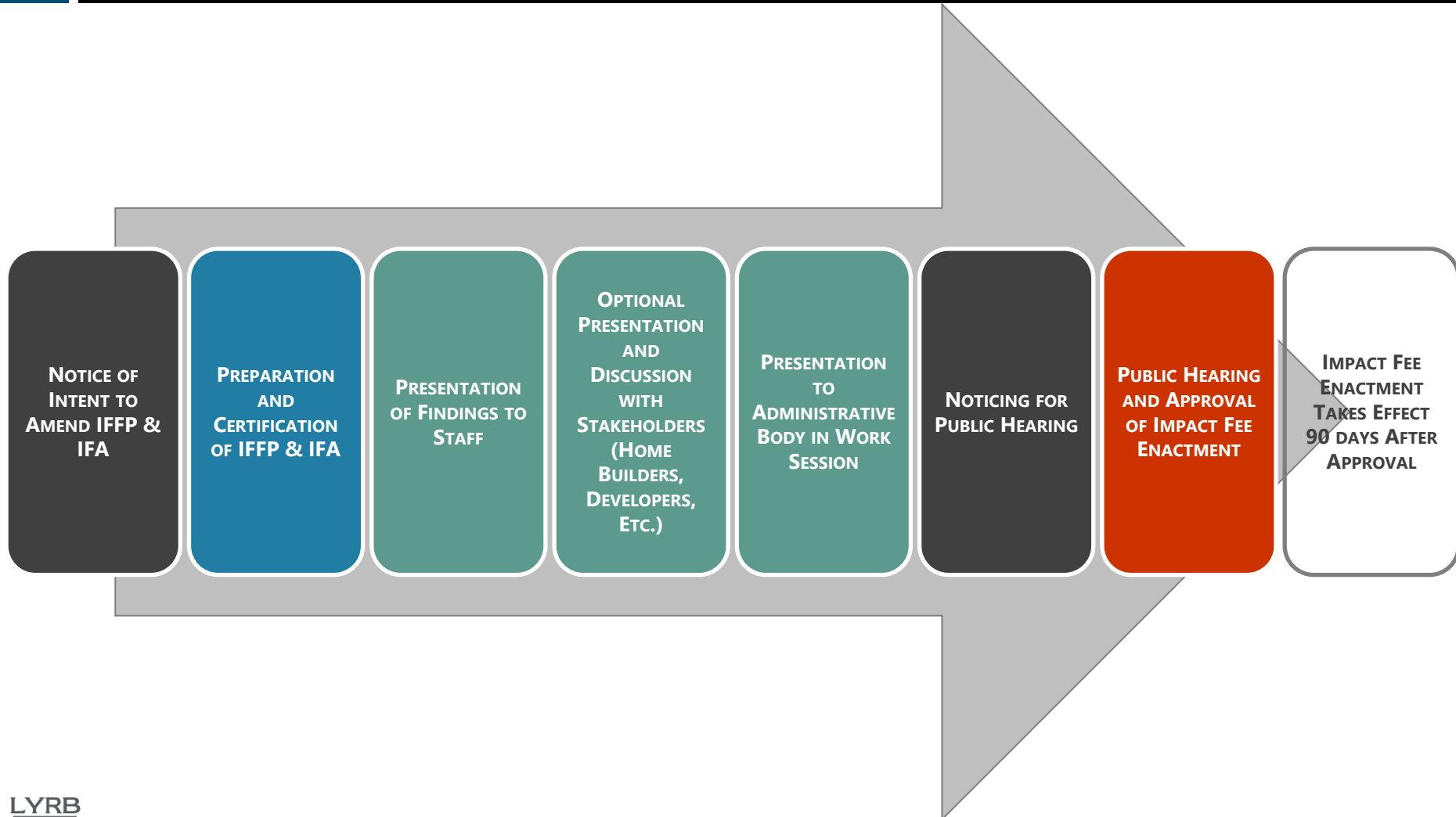


IMPACT FEE ANALYSIS (IFA)

Proportionately allocates the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered.

IMPACT FEE PROCESS

3



IFFP AND IFA ASSUMPTIONS

4

1. Determine Existing & Future Demand within the Service Area
 - Service Area = City-Wide, Demand = Trips
2. Provide Inventory of Existing Facilities & Excess Capacity
 - \$57M of Existing Assets Included in Analysis, with \$8M to New Growth
3. Establish Existing & Proposed Level of Service
 - LOS is to provide adequate lane-mile and intersection capacity to maintain LOS D
4. Impact Fee Revenue and General Fund Revenues Needed to Fund CIP, No New Debt Included in IFA

FUTURE CAPITAL IMPROVEMENTS

5

Roadway	From	To	Project Cost	IFFP Eligible Cost
13400 South	Fort St	1300 East	\$5,175,700	\$709,348
Vista Station Blvd	Frontrunner Blvd	12300 South	\$6,202,212	\$3,925,389
12200 South	300 East	700 East	\$3,095,300	\$577,578
Total			\$14,473,212	\$5,212,315
Construction Year Cost			\$18,075,497	\$6,573,172
Source: Parametrix Construction Year Cost Based on 3% Annual Inflation				

PROPORTIONATE SHARE

6

Proportionate Share Analysis

	Total Cost	% to Growth	Impact Fee Funded Cost	Trips	Cost per Trip
Buy-In	\$57,205,835	14%	\$8,084,083	59,655	\$135.51
Future Facilities	\$18,075,497	36%	\$6,573,172	59,655	\$110.19
Professional Expense	\$18,250	100%	\$18,250	59,655	\$0.31
Total	\$75,299,582		\$14,675,505		\$246.01

Impact Fee Summary by Land Use Type

Land Use	Unit	Adjusted Trips	Proposed Fee	Existing Fee	% Change	Existing Fee	% Change
			City-Wide	Area A (Valley)		Area B (Traverse Mtn)	
Single Family Residential	per Unit	4.72	\$1,161	\$1,447	-20%	\$2,050	-43%
Multi-Family Residential	per Unit	3.66	\$900	\$994	-9%	\$1,409	-36%
Hotel	per Room	4.18	\$1,028	\$844	22%	\$1,196	-14%
Commercial	per 1,000 sf	12.46	\$3,065	\$4,848	-37%	\$6,870	-55%
Office	per 1,000 sf	4.87	\$1,198	\$1,929	-38%	\$2,733	-56%
Industrial	per 1,000 sf	2.48	\$610	\$1,055	-42%	\$1,495	-59%
Institutional	per 1,000 sf	7.59	\$1,867	\$2,004	-7%	\$2,840	-34%

NEXT STEPS

7

- Notice Impact Fee Public Hearing
- Hold Public Hearing
- Adopt, Modify or Reject Proposed Impact Fee
- 90 Day Wait Period



MEMO

To: City Council Meeting
From:
CC:
Date: February 2, 2021
Re:

ATTACHMENTS:

Description	Upload Date	Type
Semi-annual Investment Report	1/21/2021	Cover Memo

Name of Entity Draper City
DEPOSITS AND INVESTMENTS *
as of close of business on
December 31, 2020

*List all checking accounts, savings accounts, certificates of deposit, PTIF accounts, and other investments held as of the reporting date. (ON BANK BALANCES, PLEASE LIST \$ AMOUNT OFF BANK STATEMENT). !! Please read instruction sheet for more help.!!

Name of Bank or Issuer (i.e. Wells, Zions, GMAC, US Treasury, etc.)	Type of account or security (i.e. checking, CD, CP, Note, Bond, etc.)	Rate %	Due Date or Maturity Date	Purchase Date	Face amount or dollar amount (Bank Balance)	Held at or S/K Location	Fund that money or investment is assigned to (i.e. General, Endowment, Capital, etc.) Also Broker & Agent if applicable
Wells Fargo Bank	Checking	0.00%	N/A	N/A	\$ 871,709.45	WFB	General
Wells Fargo Bank	Checking	0.00%	N/A	N/A	\$ 128,193.61	WFB	General
Morton Advisors	Investment	1.10%	N/A	N/A	\$ 31,144,116.04	Morton Advisors	General
Utah PTIF	Investment	0.49%	N/A	N/A	\$ 60,700,799.34	UPTIF	General
Utah PTIF	Investment	0.49%	N/A	N/A	\$ 18,701,813.72	UPTIF	RDA
US Bank	Bond Reserve 2011	0.00%	N/A	N/A	\$ 128,176.45	US BANK	Water
US Bank	Bond Fund 2011	0.00%	N/A	N/A	\$ 64,939.64	US BANK	Water
US Bank	Bond Fund 2012 A & B	0.00%	N/A	N/A	\$ 479,624.06	US BANK	General
US Bank	Bond Fund 2012 C	0.00%	N/A	N/A	\$ 479,716.50	US BANK	General
US Bank	Bond Fund 2014	0.00%	N/A	N/A	\$ 36,002.92	US BANK	General
US Bank	Bond Fund 2015	0.00%	N/A	N/A	\$ 290.24	US BANK	RDA
US Bank	Revenue Refunding Bond 2016	0.00%	N/A	N/A	\$ 0.04	US BANK	MBA

Prepared by & title Lourdes Ramos - City Treasurer

Return by December 31, 2020 to: Utah Money Management Council
#E315 State Capitol Complex
PO Box 142315
SLC, Utah 84114-2315

TOTAL= \$ 112,735,382.01

**NOTE: Please provide name and/or address change, if applicable.

lourdes.ramos@draper.ut.us Lourdes Ramos, 1020 E Pioneer Road, Draper, Utah 84



MEMO

To: City Council Meeting
From:
CC:
Date: February 2, 2021
Re:

ATTACHMENTS:

Description	Upload Date	Type
Parks Capital Improvement Projects Update	1/28/2021	Cover Memo



CIP PROJECT UPDATE - DRAPER PARKS AND RECREATION

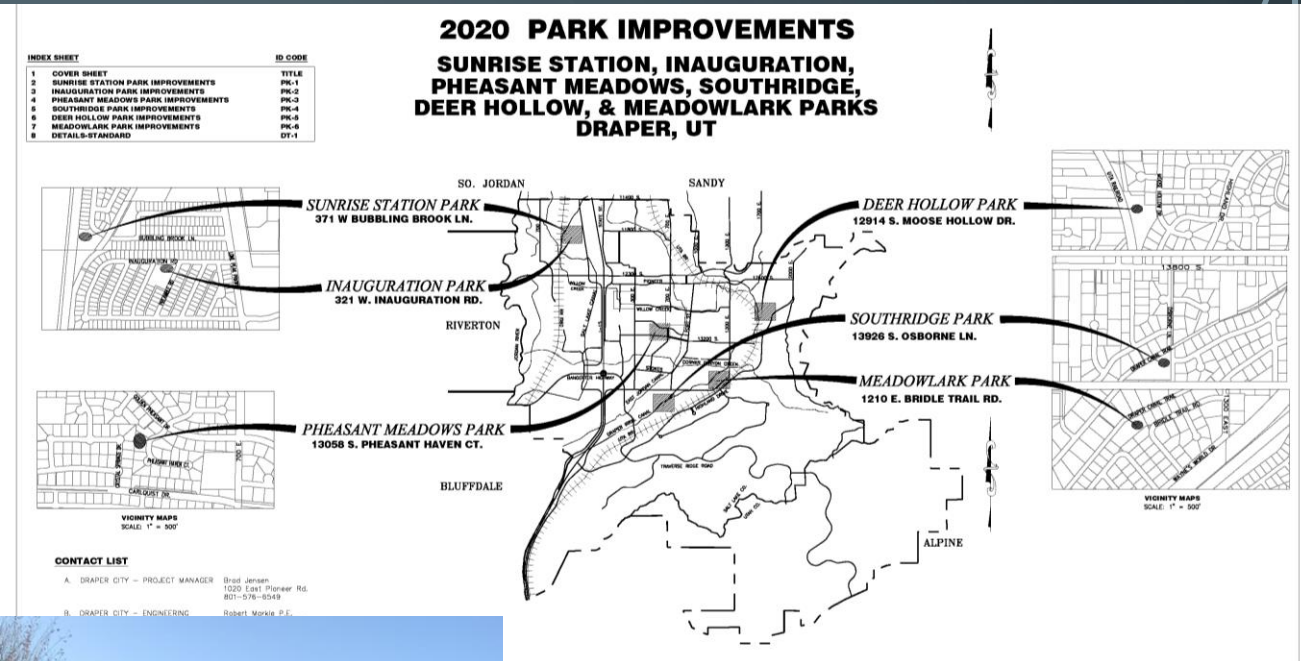
JANUARY 19, 2021

COMPLETED 2020

2020 PARK IMPROVEMENTS

IMPROVEMENTS:

- Picnic Shelter Installations at 6 neighborhood parks
- Sidewalk Improvements at Meadowlark Park

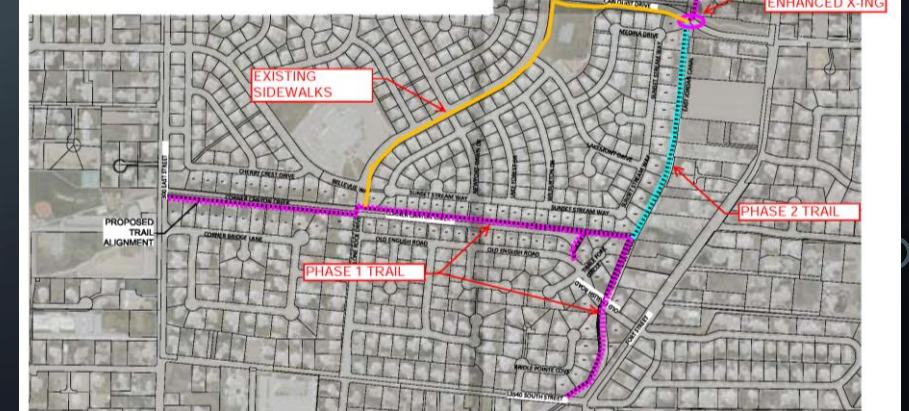
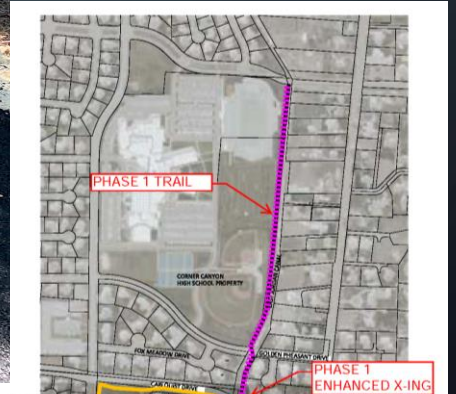
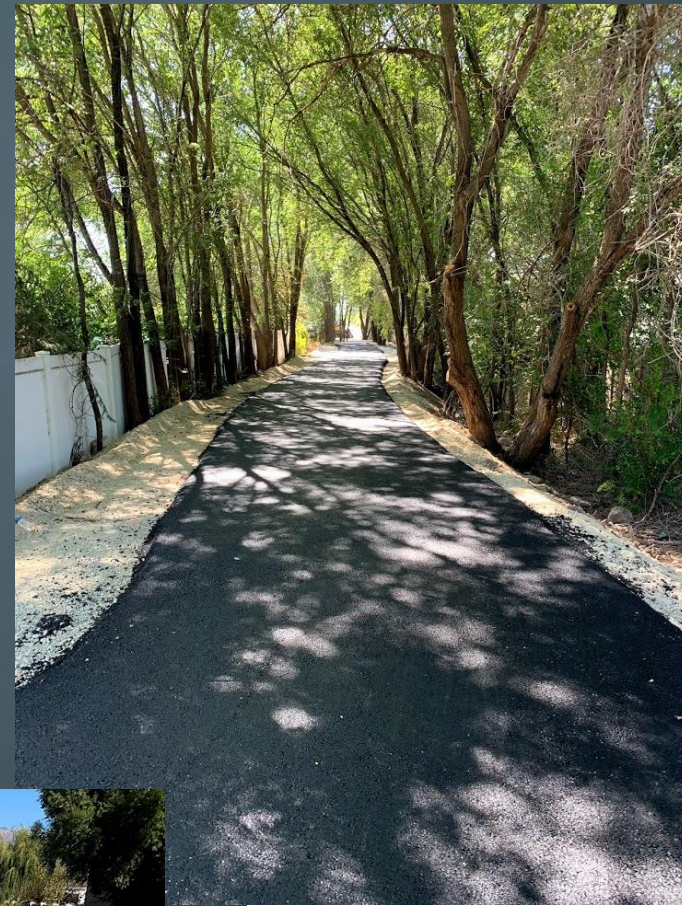


COMPLETED 2020

PHEBE & EBENEZER BROWN TRAILS

IMPROVEMENTS:

- 0.67 Mile of Paved Trail along Corner Canyon Creek from Smith Fields Park to East Jordan Canal
- 0.56 Mile of Paved Trail along East Jordan Canal from Stokes Ave to Ebenezer Brown Trail & from Carlquist Dr. to Willow Creek Trail
- Final Section between Carlquist Dr. & Golden Pheasant Dr. to be paved in Spring



COMPLETED 2020

GALENA HILLS DOG PARK

IMPROVEMENTS:

- 3 acres Fenced Natural Area
- 4,500 SF Fenced Grass Area
- 2 Picnic Shelters
- Dog Exercise/Play Equipment
- Improved Loop Path & Connection to Jordan River Parkway Trail



COMPLETED 2020

PEAK VIEW TRAILHEAD

IMPROVEMENTS:

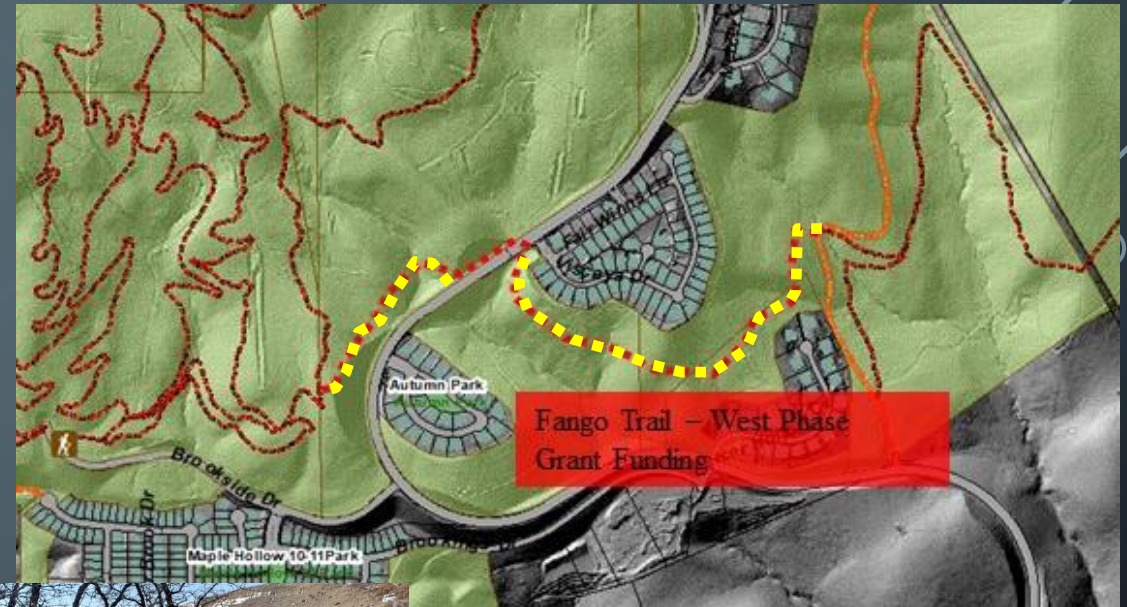
- 61 Paved Parking Stalls
- 7 Equestrian Parking Stalls
- 4 Stall Restroom
- 3 Picnic Shelters
- Loop Path & Concrete Assembly Pad
- Storage Shed
- Interpretive Signage planned for Summer 2021



COMPLETED 2020

FANGO TRAIL –WEST PHASE WOODS HOLLOW ACCESS TRAIL

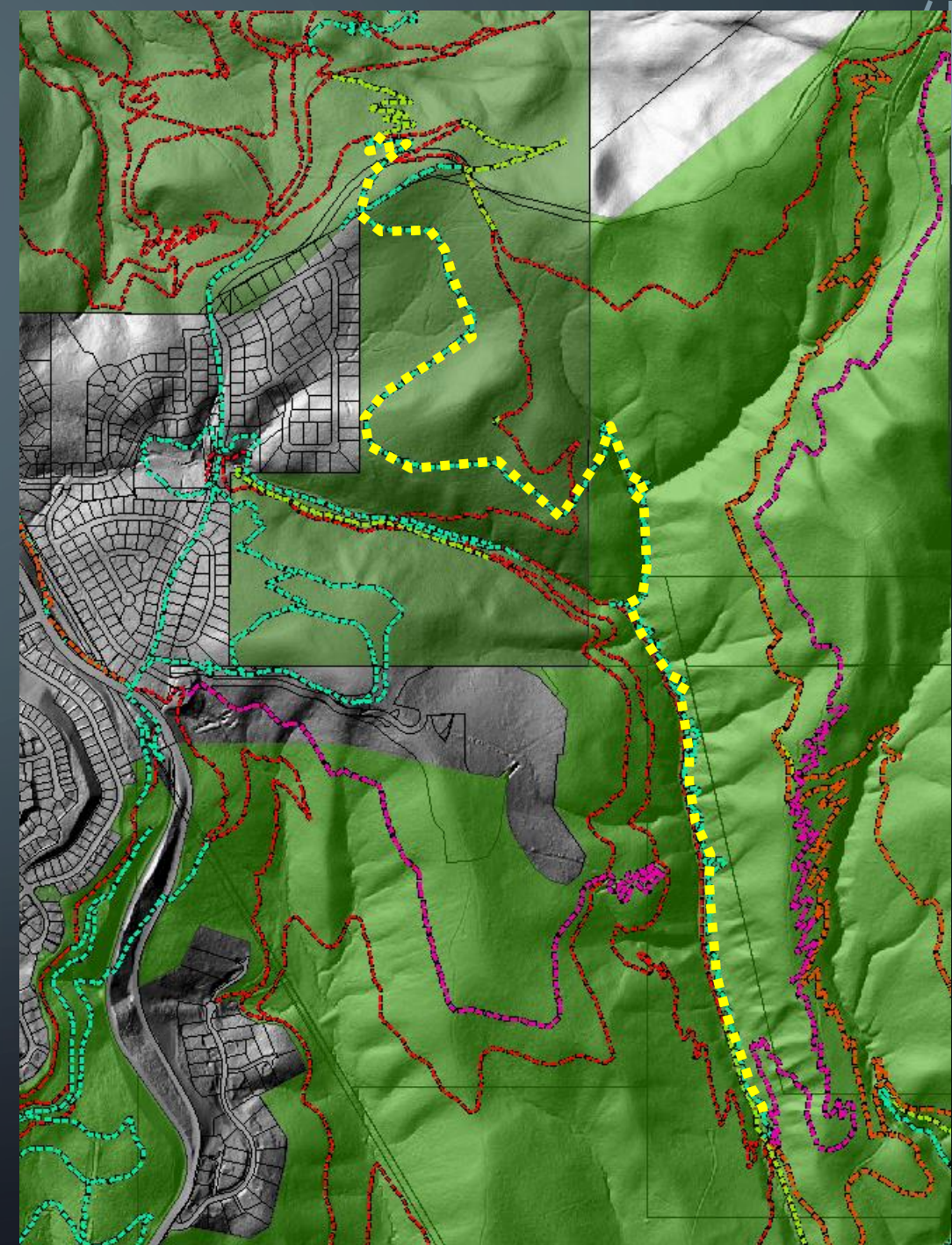
- 1 mile multi-use trail from Mercer Hollow to Woods Hollow Trail.
- Interpretive Signage
- Project funded in part by Utah Outdoor Grant for firebreak construction.



COMPLETED 2020

HOOF N' BOOT PEAK VIEW TRAIL TO HOG HOLLOW

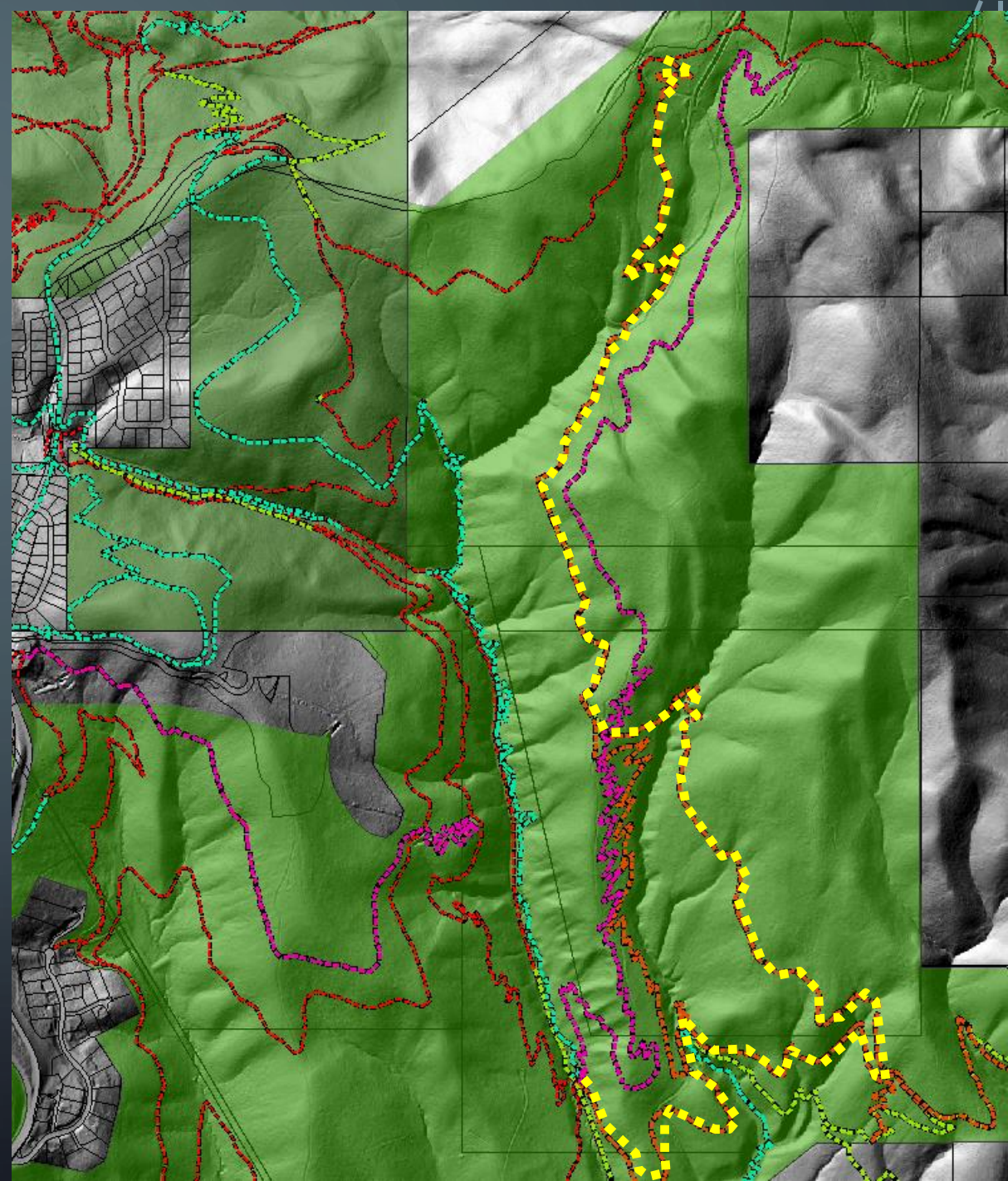
- 2.5 miles of foot only trail
- Constructed by city trail crew and volunteers



COMPLETED 2020

LONGVIEW TRAIL PEAK VIEW TRAIL TO HOG HOLLOW

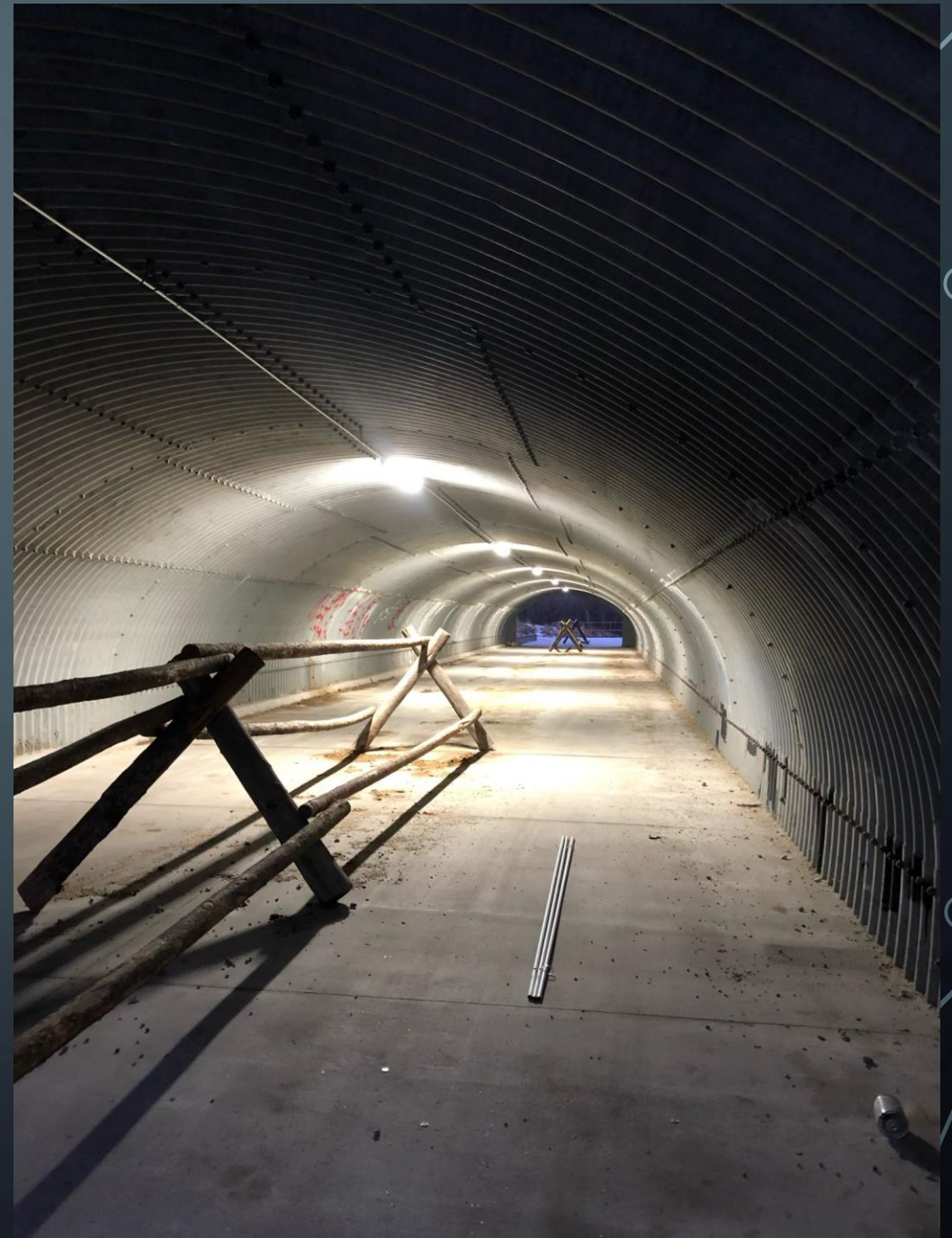
- 3 miles multi-use trail completed
- 0.8 mile multi-use trail to be completed in spring
- Funded by Corner Canyon Trails Foundation



COMPLETED 2020

HIGHLAND DRIVE TRAIL TUNNEL LIGHTING

- Lights installed to help address safety concern from trail users entering dark tunnel from daylight.
- Funded in part by city with labor donated by Summerhays Landscaping



CURRENT

PARK PLAYGROUND REPLACEMENT PROGRAM

- **PLANS:** Replacement of dated playground equipment throughout the city. Current and next fiscal year plans include replacement of the large north playground in Draper City Park with consideration to upgrade the playground to one of the city most premier playgrounds
- **BUDGET:** TBD (Current \$268,000)
- **STATUS:** Concept planning
- **TIMELINE**
 - Design – Winter 2021
 - Construction - TBD



ALL ABILITIES PLAYGROUND

- **PLANS:** Construct an all abilities playground at Wheadon Farm Park (Salt Lake County Park). \$550,000 in grant funds has been cancelled by the County.
- **BUDGET** - \$500,000 (City) + \$550,000 (Grant)
- **STATUS:** On hold
- **TIMELINE**
 - Summer 2020 – On hold



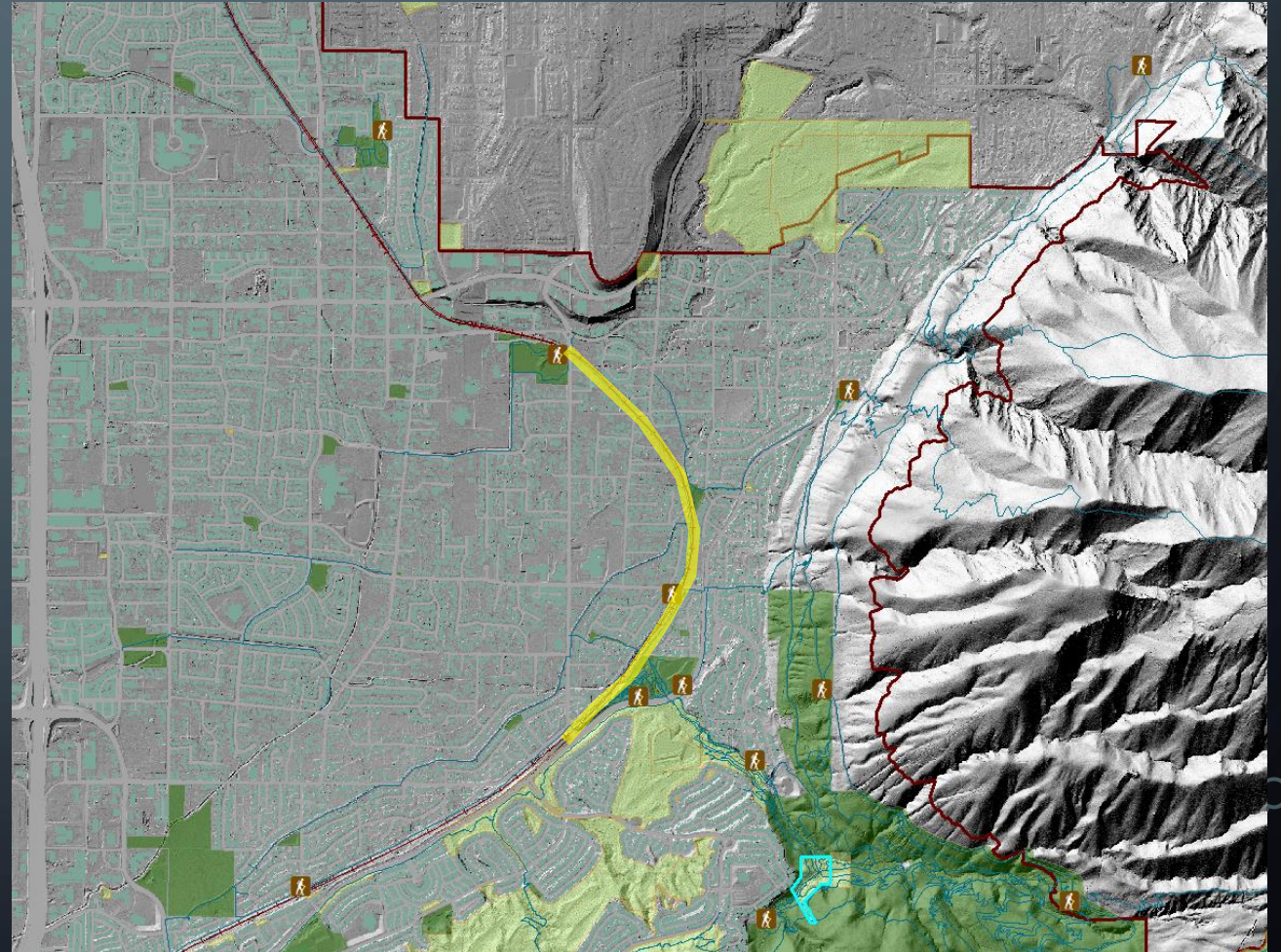
CURRENT

PARKS & TRAILS PAVEMENT MAINTENANCE PROGRAM

PLANS: Crack Seal, Slurry Seal, Spot Repairs in various Park Parking Lots. Current fiscal year plans include pavement repair and surface treatment to Porter Rockwell Trail from Draper City Park to South Mountain Bridge, and Draper Canal from Porter Rockwell Trail.

STATUS: Preparing Bid Documents

- BUDGET - \$200,000
- TIMELINE
 - Winter 2021 – Bid
 - Spring 2021 - Construction



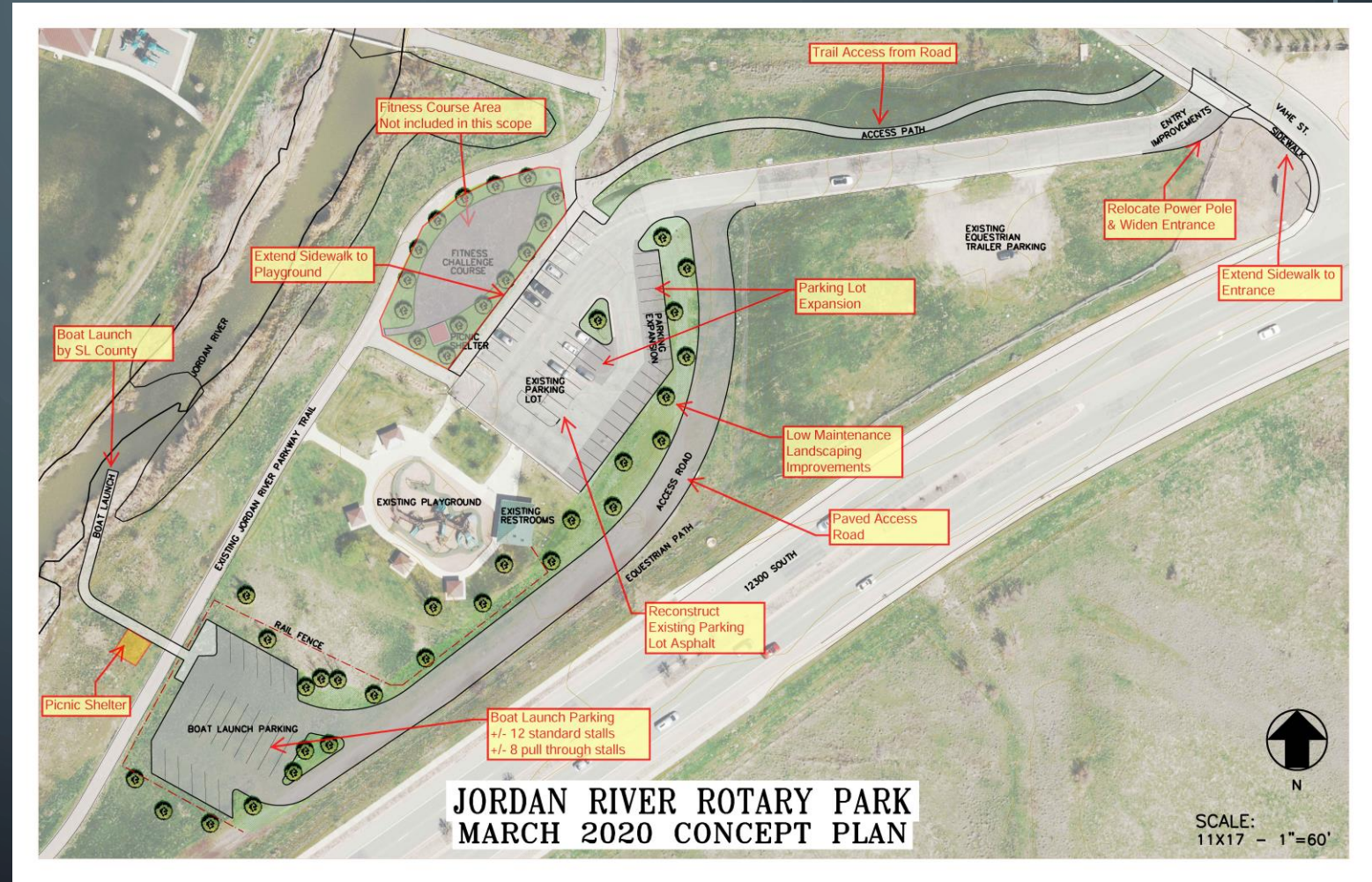
CURRENT

JORDAN RIVER ROTARY PARK 2021 IMPROVEMENTS

PLANS: County to install boat launch at Jordan River Rotary Park. City project to include boat launch parking area, expanding existing parking lot, entrance improvements, and park amenities (picnic shelter, landscaping).

STATUS: Design

- BUDGET - \$408,500
- TIMELINE
 - Fall 2020 – Design
 - Winter 2021 – Bid
 - Spring/Summer 2021 - Construction



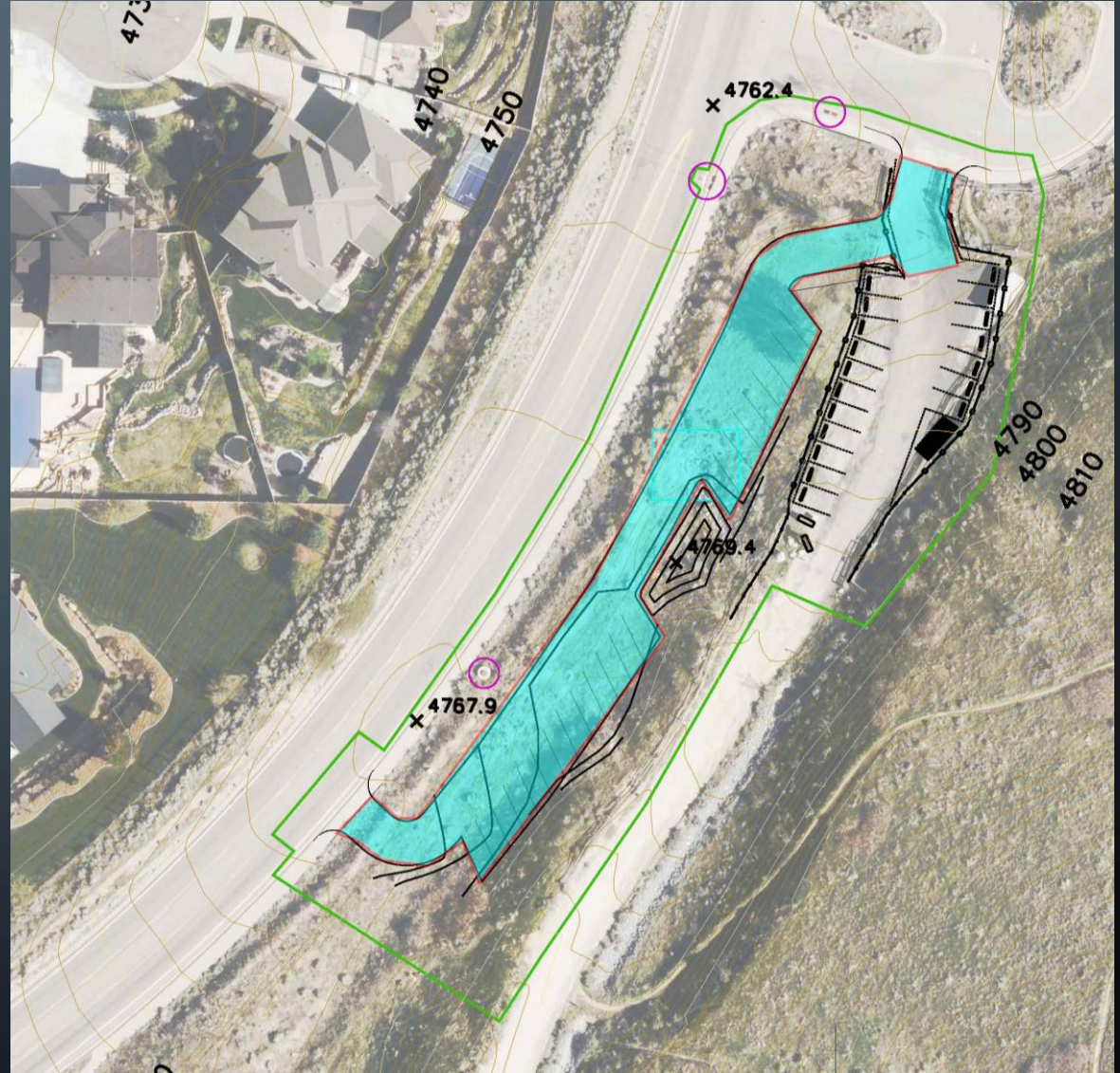
CURRENT

ORSON SMITH TRAILHEAD PARKING LOT EXPANSION

PLANS: Installation of approximately 20 stall paved parking lot south of the existing trailhead parking.

STATUS: Design

- BUDGET - \$150,000
- TIMELINE
 - Winter 2021 – Design/Bid
 - Spring/Summer 2021 - Construction

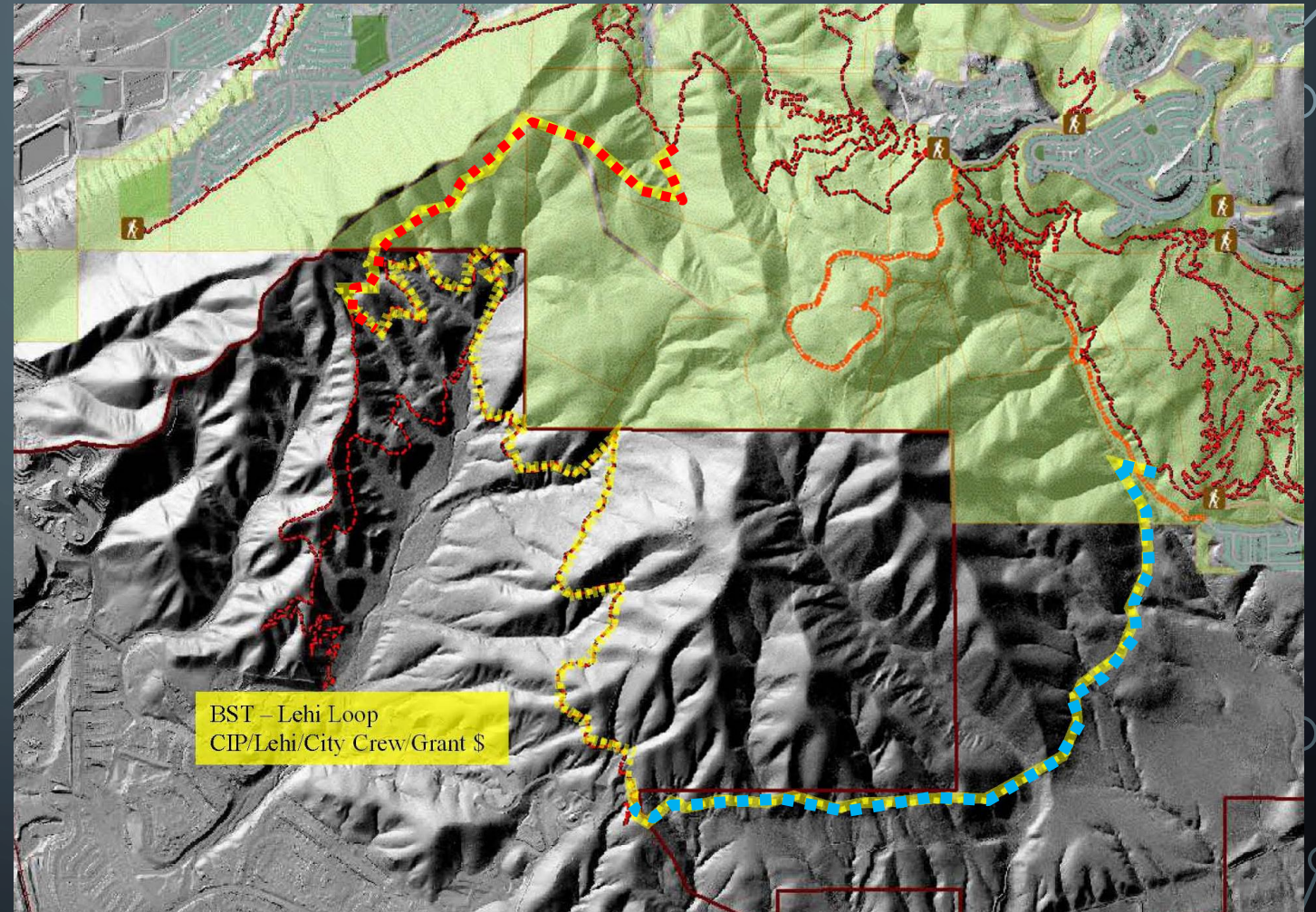


CURRENT

BONNEVILLE SHORELINE TRAIL – LEHI LOOP

PLANS: 6 miles of new constructed multi-use trail, along with utilizing existing trails in Lehi City, which will create a 10-mile trail loop from Ann's Trail/BST through Lehi City open space, then back into Draper City to Maple Hollow and Brookside Trailhead. Funded with state grant with match from donations, Lehi City and Draper City (in-kind construction).

- BUDGET - \$120,000 Value (Grant & Outside Funding with Draper City in-kind match)
- TIMELINE
 - Fall 2020 – North Section (Traverse Traverse Trail) Completed
 - Summer 2021 – Construction of South & East Sections



CURRENT

EDELWEISS TRAIL

PLANS: Edelweiss Trail – 1.7 mile multi-use trail from top of Mercer Hollow to Ann's Trail through the Edelweiss Development.

- BUDGET - \$30,600
- TIMELINE
 - Winter 2021 – Bid
 - Spring/Summer 2021 - Construction



CURRENT

CARPE DIEM BACKCOUNTRY TRAIL

PLANS: approximately 3.5 miles of backcountry style (rake and ride) trail from Lower Hog Hollow to Three Falls Trail. Project to be funded by donations through the Corner Canyon Trails Foundation.

- BUDGET - \$0 – funded by donations
- TIMELINE
 - Summer 2020 – Summer 2021 - Construction



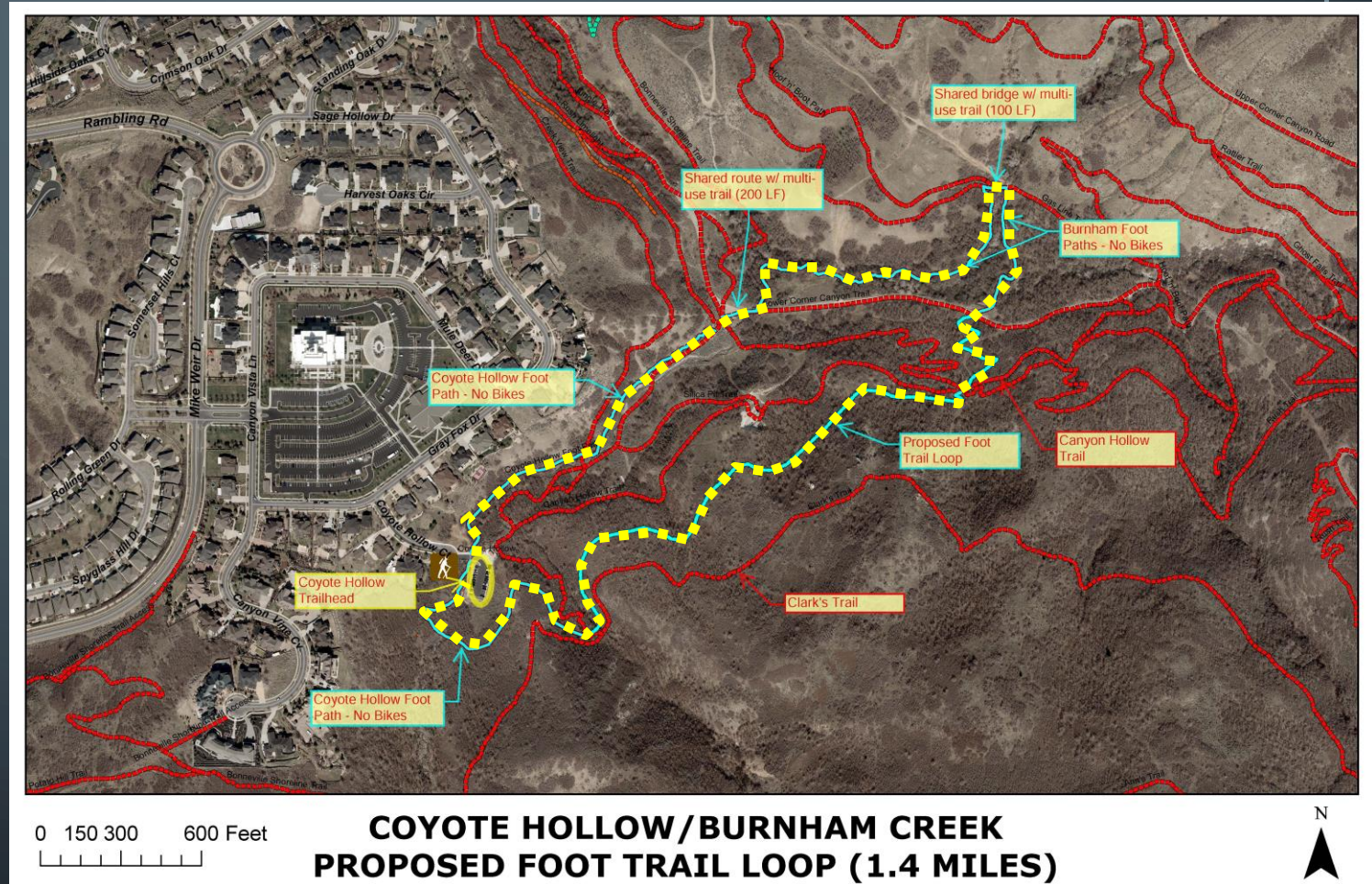
CURRENT

COYOTE HOLLOW/BURNHAM FOOT TRAIL LOOP

PLANS: approximately 0.5 mile of new trail to create a 1.4 mile foot only trail loop from Coyote Hollow Trailhead.

Project to be constructed in-house by city trails crew.

- BUDGET - \$0 – In-house construction
- TIMELINE
 - Spring 2021 – Summer 2021 - Construction



CURRENT

MAPLE HOLLOW/TELEGRAPH FOOT TRAIL LOOP

PLANS: approximately 2.8 mile of new trail to create a 4 mile foot only trail loop from the Maple Hollow Trailhead at the end of Deer Ridge Road in Suncrest. Project to be bid out and constructed by trail contractor

- BUDGET - \$70,000
- TIMELINE
 - Winter 2021 - Bid
 - Spring 2021 – Summer 2021 - Construction

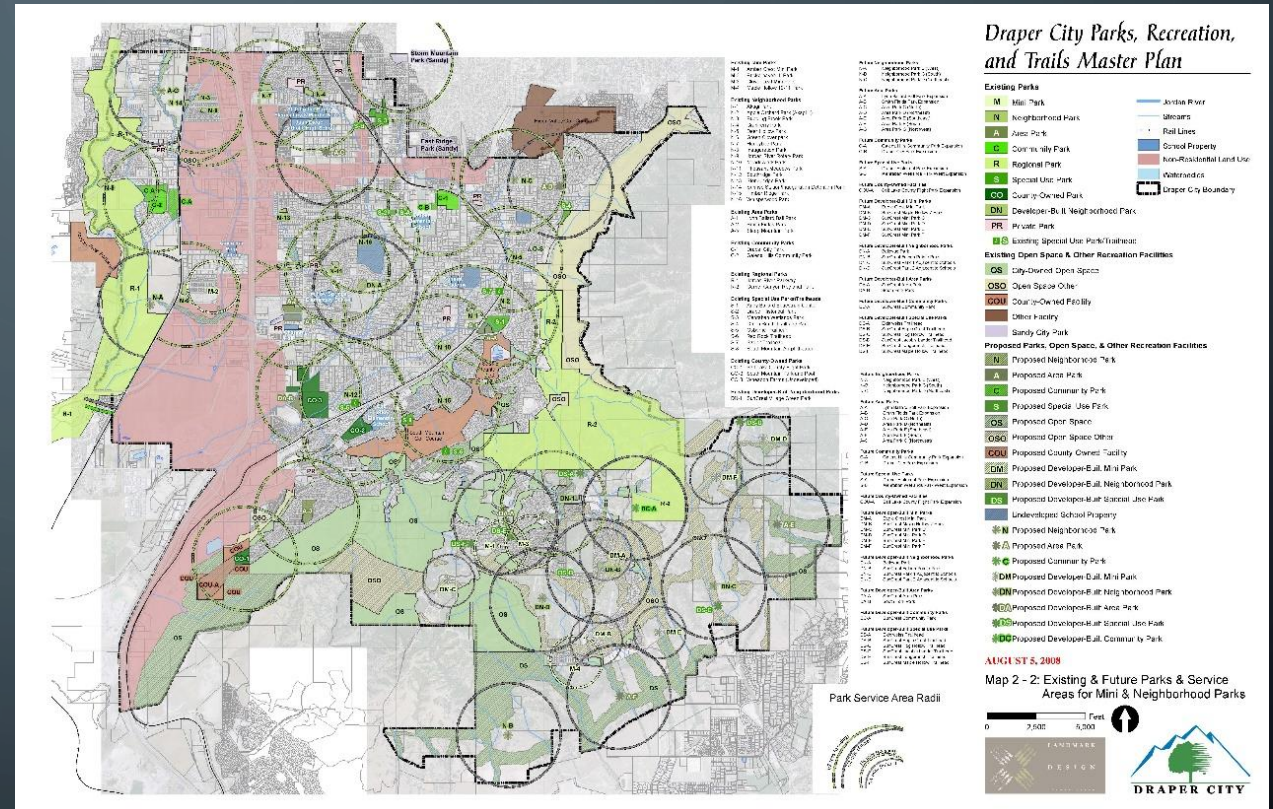


PARKS, TRAILS, AND RECREATION MASTER PLAN

PLANS: Develop new Parks, Trails, and Recreation Master Plan to replace the current plan that was adopted in 2008. Received 6 proposals from consultants.

STATUS: Awarded project to Landmark Design, but currently on hold

- BUDGET - \$100,000
- TIMELINE
 - March 2020 – Award Contract
 - Summer 2021 – Public Meetings
 - Fall 2021 – Completion

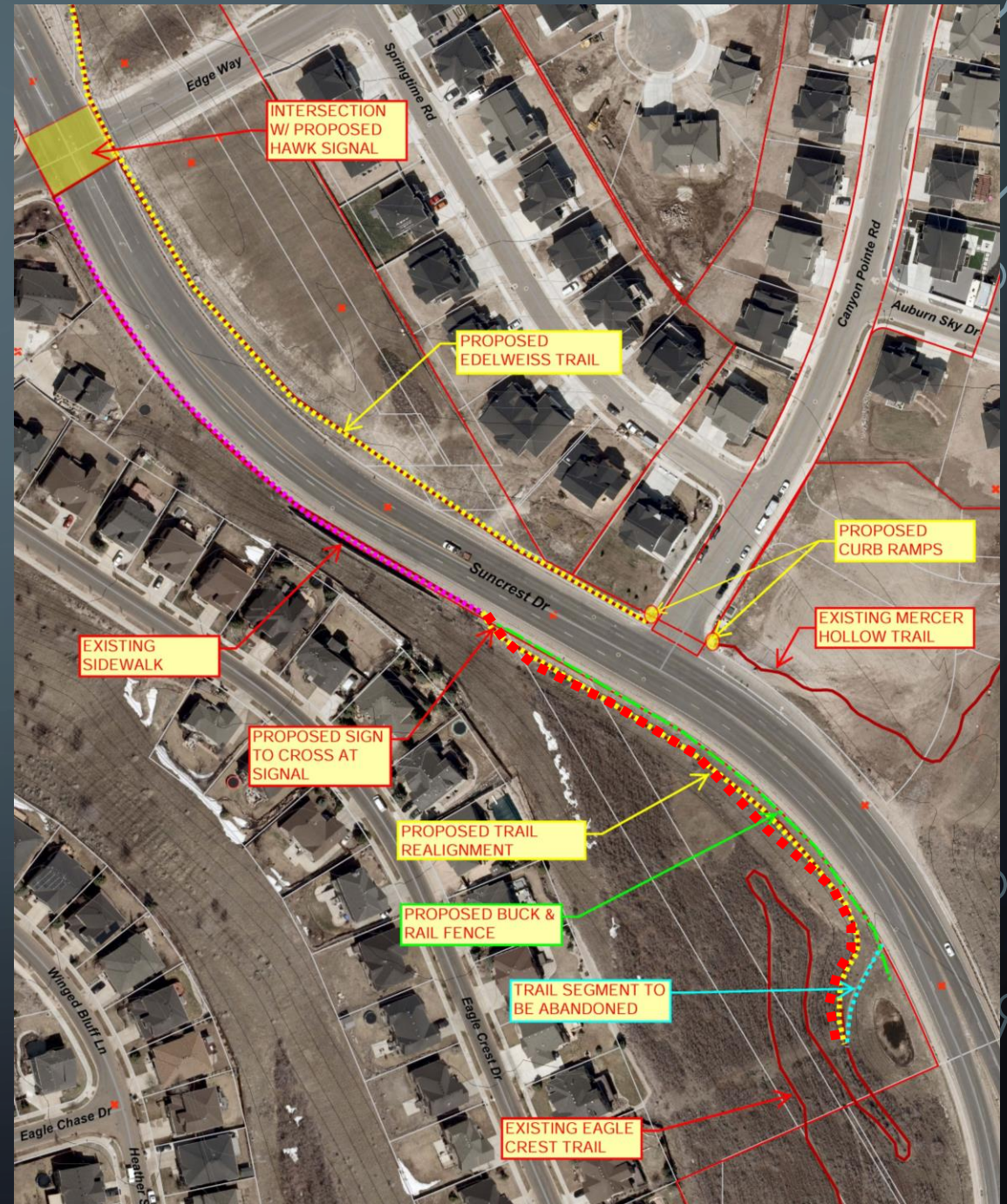


PROPOSAL

EAGLE CREST TRAIL REALIGNMENT AT SUNCRET DRIVE

PLANS: Realign a segment of Eagle Crest Trail and install buck and rail fencing to encourage trail users to cross Suncrest Drive at proposed HAWK signal location.

- BUDGET – Use of existing operating funds
 - Trail and fencing to be installed by City Trails crew
 - Curb ramps to be installed by Public Works crew
- TIMELINE
 - Summer 2021 - Construction

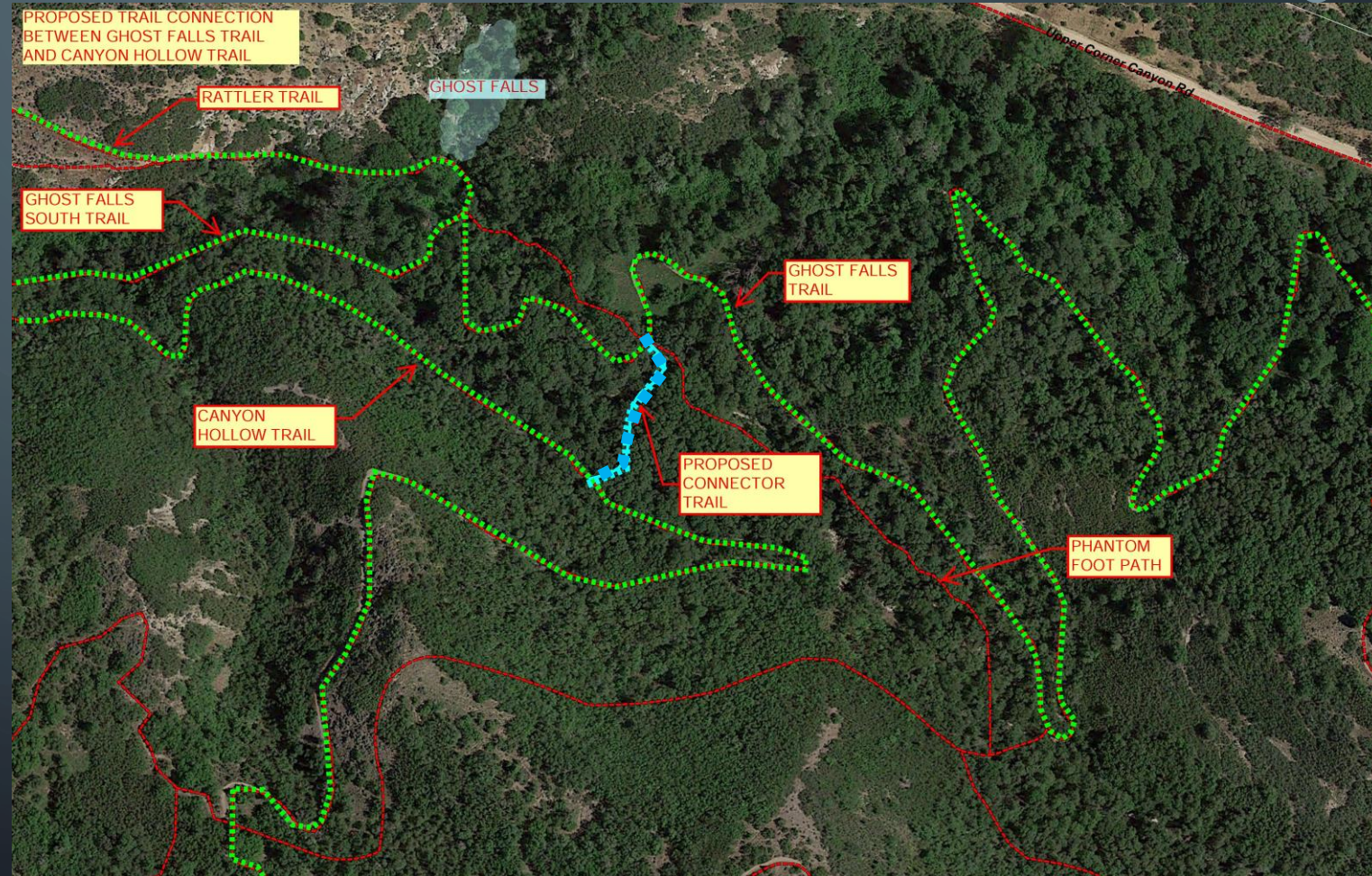


PROPOSAL

NEW CONNECTOR TRAIL FROM GHOST FALLS TRAIL TO CANYON HOLLOW TRAIL

PLANS: Install 200 LF of new multi- use trail to provide better connection between Ghost Falls Trail to Canyon Hollow Trail, and to better encourage bikers to connect to Canyon Hollow from Rattler Trail, instead of using Ghost Falls Trail.

- BUDGET – No city funds – funded by Corner Canyon Trails Foundation
- TIMELINE
 - Summer 2021 - Construction



The background is a dark blue gradient. On the left side, there are white circuit-like lines with small circles at various points, resembling a printed circuit board. In the center and right, there are several faint, concentric circles of varying sizes, creating a subtle ripple effect.

ANY QUESTIONS?



MEMO

To: City Council Meeting
From: Laura Oscarson
CC:
Date: February 2, 2021
Re:

Comments:

The draft minutes of the January 12, 2021, and January 19, 2021, City Council Meetings are attached for review before approval.

ATTACHMENTS:

Description	Upload Date	Type
CC 1.12 Minutes	1/28/2021	Cover Memo
CC 1.19 Minutes	1/29/2021	Cover Memo

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2021, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Tasha Lowery, Fred Lowry, Cal Roberts, and Marsha Vawdrey

EXCUSED:

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Laura Oscarson, City Recorder; Scott Cooley, City Engineer; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Rhett Ogden, Recreation Director; Christina Oliver, Community Development Director; Clint Smith, Fire Chief; Britnee Johnston, Communications Director; and Bob Wylie, Finance Director

This meeting was held electronically.

This meeting will be an electronic meeting according to Draper City Municipal Code 2- 1-040.

Determination 2020-25, pursuant to Utah Code Annotated 52-4-207(4)

I, Mayor Troy K. Walker, do hereby determine conducting an electronic meeting of the Draper City Council with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location and hereby authorize the Draper City Council to conduct electronic meetings without an anchor location.

The foregoing determination is based on the following facts:

- Federal, state, and local leaders, including the Draper City Mayor and City Council, have all recognized a global pandemic caused by the spread of the COVID-19 virus.
- COVID-19 cases and hospitalizations in Draper continue to fluctuate at high levels, both of which pose a risk of overburdening the local health care system and health care providers.
- It is difficult, if not impossible, to predict the number of attendees at any meeting and to manage issues regarding social distancing in order to comply with state and local health departments' health orders.
- COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents.
- The City has the technological capability to provide means by which the public may hear, or view and hear, the open portions of the meeting and to participate in public hearings.

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Study Session

1.0 **Presentation: Utah Transit Authority Micro Transit Pilot Program and 5-year Service Plan – Carlton Christensen**

- 1.1 Carlton Christensen, Utah Transit Authority (UTA), said that from the beginning both Draper and Mayor Walker had been strong advocates for the micro-transit service that UTA was test piloting. Mr. Christensen explained that Jaron Robertson, a member of the Innovative Mobility Group, would first update the Council on the pilot's progress. UTA was also in the process of updating its Five-Year Service Plan and currently was receiving public comment on it. Mr. Christensen said that the plan will guide UTA on modifications and new elements to the transit service. Laura Hanson, UTA Director of Planning, would talk about the plan.
- 1.2 Mr. Robertson thanked the Mayor and Council. He reminded the Council that the pilot program started in November of 2019 and had just passed its one-year mark. The pilot was a public-private partnership with a company called Via. Via specialized in providing on-demand transit service. The goals of the pilot program centered on improved mobility. They include: (a) coverage-based transit; (b) provide first and last-mile connections to UTA rail stations; (c) improved customer experience and (d) improved operating efficiencies.

Mr. Robertson noted the impact that COVID-19 had on the pilot program. He explained that during the first months UTA saw pretty significant growth in ridership and use of the service. However, in response to COVID, there was a decrease in ridership. UTA was able to implement improved cleaning and safety procedures and to make quick adjustments to the service.

Mr. Robertson then highlighted some trends that emerged during the pilot. From November until March UTA's on-demand service saw strong growth in use. By mid-March, the program approached about 500 trips per day, exceeding initial targets for the service. When COVID hit there was a 22.8% decrease in the service's use. From April to September, people did return to service at an average of 16%. This was interrupted in October when there was a resurgence of COVID.

Apart from usage, one of the highlights of the service was the Wheelchair Accessible Vehicles (WAV). This increased mobility of community members who were otherwise restricted. Whereas in November of 2019, the on-demand service had just 3 riders, by September 2020 there were 180 WAV riders. Another goal of the program was to increase the number of shared rides such that 30% of all trips were shared rides. The data indicated that they were on track to hit that by February. However, because of COVID, UTA self-imposed some limits as safety measures. This limited shared rides to three people per ride.

He explained that until the agency decides to take away the limits on shared rides, they will continue to hover from 9-15%.

Lastly, Mr. Robertson talked about the first mile/last mile (FMLM) connections. These are trips that start or end at a rail station. Before COVID half of the trips started or ended with UTA rail. This suggested that people were using the service as a connection for transit. He displayed a visual of the UTA service area compared to a plot of one day's service data. This revealed how mobility changed from a fixed route service; trips covered the entire service area and created clusters around rail stations. The top two locations were the Draper Front Runner Station and the TRAX Daybreak Station.

Regarding the next steps, UTA plans to extend the pilot through August 2021. UTA also intends to look at the flex routes operating in the service area. During the first course of the pilot, the on-demand service and flex route services were run side-by-side. This led to a drop in ridership on the flex routes. One of the flex routes was already suspended in response to COVID. UTA is going to investigate suspending the rest of the routes to be able to evaluate the pilot as a stand-alone service. Currently, they have an April 2021 change day scheduled. Some additional features UTA hopes to add to the pilot are integration with the transit app and UTA electronic fare media. Also, UTA is looking to provide first and last-mile connections through its paratransit service. If there were paratransit customers in the service area, they would be able to use the on-demand service to help improve mobility for people with disabilities. Finally, UTA was doing some evaluation of how micro-transit can serve other communities by connecting to other transit networks.

- 1.3 Laura Hanson said that she was there to share with the Council a draft copy of UTA's Five-Year Service Plan. She explained that the Local Advisory Council and the Board of Trustees would be considering the adoption of the plan in February. Currently, they were collecting public input from different stakeholders and partners.

To begin, Ms. Hanson outlined what the five-year plan was and was not. UTA viewed the five-year plan as a vision and as a guide for what UTA thinks they will be doing in the next five years in terms of service changes. She stated that the plan was certain to change because there was a lot that was unknown about financial resources and new travel patterns. That said, the three goals of the plan were to (a) increase ridership and gain back riders that might have been lost during the pandemic; (b) strengthen customer confidence and (c) align services with resources to strengthen financial stability. UTA is thinking about 2021 as the time to stabilize its labor, workforce, and financial systems. Because of this, UTA is not thinking about implementation until 2022.

Before diving into the plan. Ms. Hanson provided an overview of UTA's planning process. Phase one consisted of strategic planning. This was the work of the regional metropolitan planning organization. The strategic plan is updated every four years and looks 30 years into the future about transit needs. However, the strategic plan does not look at the local level and certainly not at the micro-transit level. Because of this, the Five-Year Service Plan, or phase two, was necessary. It is at this level that planners look at the 30-year overall

structure and ask how local services fit within that vision. The Five-Year Service Plan is organized as five rolling years and outlines what changes UTA anticipates making in each of those time frames. In phase 3, operations planning, UTA takes the ideas suggested in the Five-Year Service Plan and considers them for actual implementation. She noted that the first step in operational planning was to meet with affected local governments. If UTA has a service with a possibility of change, they make sure to ask local governments if the change meets their vision as a community and then adjusts as necessary based on the feedback received. Also, UTA goes through a public hearing process and a Title XI analysis regarding the Civil Rights Act to ensure that changes are not disproportionately impacting minority or low-income populations. The board has to approve the plan before moving towards stage four, implementation.

Ms. Hanson explained that the Five-Year Service Plan was organized around a series of guiding frameworks or principles. The first of these frameworks is service choices where UTA reaches out to the community. UTA asked the public questions such as if they felt UTA should focus on increasing ridership or coverage. Other elements of the plan include system-wide planning. Ms. Hanson said that this was one of the first times that UTA had pooled all of its resources into a single pot to think about how the service network was working as a whole. As a result, some resources had been shifted from one mode to another. UTA also talked about implementing a core route network. The idea behind this was to have a series of bus routes of the best service, operating early in the morning and late at night, seven days a week. Another change in the plan is a move towards all-day service. The pandemic had caused a shift in ridership from peak periods to a steady all-day demand stream. The service plan also explores new technologies.

Some of the highlights included in the plan related to Salt Lake County include:

1. Improve service on the west side of Salt Lake County with new connections to the airport and Inland Port via 3600 West, 5600 West, and 3100 South.
2. Improve frequency and hours of service on many routes.
3. Implement a network of high-frequency core routes.
4. Adjust local bus routes to prepare for future Midvalley Connector, 5600 West, and South Davis Bus Rapid Transit service.
5. Improved connections to Rose Park and Glendale as part of the Salt Lake City Transit Master Plan.
6. Improved connections from the FrontRunner to the University of Utah and Research Park
7. Consider continued innovative mobility solutions like micro-transit in Herriman, Riverton, South Jordan, Bluffdale, and Draper in south Salt Lake County.
8. Construct a new transit hub on the west side of Salt Lake City.
9. Improve all-day service on many routes.

Ms. Hanson also expressed that UTA was planning for the future with expanded rail and bus services, a cleaner fleet, and continued studies on transit patterns.

Regarding the timeline, UTA expects that the Local Advisory Council and Board of Trustees will adopt the Five-Year Service Plan in February. Following this, UTA intends to reach out to different transit leaders, municipalities, and city staff to better understand community needs and what areas are growing. Information from the Five-Year Service Plan will inform upcoming operational plans and future implementation.

** Councilmember Green joined the meeting at 5:53 p.m.

1.4 Councilmember Roberts asked if UTA had a sense of how many of the micro-transit rides were repeat users. He was interested to know if people were using it as one-off transportation or if there was a core group of users who were using it a lot.

Mr. Robertson said that he did not have specific data offhand, but that they do see a lot of repeat users. He said that especially during the pandemic most riders were consistent users.

Councilmember Roberts asked if the right way to think about the micro-transit program was as the last mile/first mile public Uber. He wondered how to put the performance of the program in context.

Mr. Robertson said that for UTA what they want to test is another mode of public transit. He said that they did put a big emphasis on the first and last mile connections, but they also want to make sure that they provide local and community service. If someone wanted to connect to a home to a library to a doctor's office to a grocery store, that was an element that UTA wanted to be able to provide from a public transit perspective. That was the reason why UTA emphasized shared rides as opposed to going door to door unless someone required a wheelchair accessible vehicle.

Mr. Christensen added that a couple of places that he would label as successes from the perspective of the board was the number of requests that were for wheelchair accessible vans. He said that one of the primary locations that people used the micro-transit to commute to was Walmart. The service supported a lot of folks in getting groceries. Also, it allowed many who were aging in place to still have mobility. He said that while UTA always loves high ridership numbers, giving folks mobility to access basic needs was a positive outcome.

2.0 Legislative Update: Representative Jeff Stenquist

2.1 Representative Stenquist said that he wanted Draper to know that he was available and that it was an honor for him to represent Draper again at the legislative session. He said that it was an interesting year all around. The legislative session was going to look a little different. Representatives would be COVID tested twice a week and would have social distancing measures in place changing normal public access. One of the silver linings was that there would be increased opportunities for people to participate remotely. The public would be able to join committee hearings and provide testimony. In the past, the public was able to listen to audio in conjunction with hearings and watch a video of floor time, but there was not a way for the public to participate.

Representative Stenquist said that one never knows what will pop up during a legislative session. He did not know what the big controversial items would be this year. He did know that there would be a discussion about the separation of powers between the executive and legislative branches, particularly during times of pandemics. He said that he did not think that the conversation would have a major impact on the current pandemic. He said that by the time it is voted on, passed, and signed by the Governor, he anticipates that they would be coming out of the pandemic. He said that one of the good things to note was that last year after the budget was set, they came back in a special session and wiped the budget out to the bare bones, and cut \$850 million out of the budget. That included several bills that had been funded and some that were not funded. As the pandemic has unfolded, the revenue numbers did not end up being as bad as it was feared they would be. Because of this, it looks like a lot of funding will be restored, and that there is a pretty healthy budget surplus that has led to talk of a targeted tax cut that might happen.

In particular, there was a huge compromise, which was perhaps forgotten in everything that happened in 2020, on Constitutional Amendment G to provide a more stable mechanism for funding education. A lot of that money had to be pulled in the special session. It was anticipated that it would take a few years to restore that funding. The funding included a six percent increase in Weighted Pupil Units (WPU) and other money that was promised for items such as raises for state employees. The six percent WPU was a big commitment on the part of the legislature to fund education. Even though it was initially thought that it would take a couple of years to restore, the legislature will be able to do all of that in 2021, plus a \$1500 per teacher bonus. He said there was a real commitment to making sure that education funding was their top priority.

From a municipal standpoint, Representative Stenquist said that he did not know the big things that would happen from a local government standpoint. He said that he was running a couple of bills that have ties to local government. One of those bills was one where he was working with the Governor's Office of Economic Development to create a revolving loan fund that municipalities could tap into for large regional infrastructure projects that would be beyond their bonding capacity. He said that he did not know if there were proposed projects in Draper that rose to the level to take advantage of that type of fund.

Another bill that he was working on was one for Ranked Choice Voting. It would force Salt Lake County to support Ranked Choice Voting. Cities in Salt Lake County would not have to go outside of the county to run their elections. He said that he knew that Ranked Choice Voting was something that Draper had discussed. He said that Draper could go with either Salt Lake or Utah County, but that he wanted Draper to know that cities in Salt Lake County had the option. He said that as he has spoken with people, there weren't technological barriers to run Ranked Choice Voting elections. He said that regardless of if someone liked that method of voting or not, it should be an option and not something the county refused to do.

Finally, Representative Stenquist asked the Council if there was anything, they wanted him to look out for regarding how to benefit shared constituents.

- 2.2 Councilmember F. Lowry said that he hoped that Representative Stenquist continued to pursue the Ranked Choice Voting. He said that he also had concerns about the separation of powers and how it could impact a similar dynamic between the powers of the state and cities. He said that he hoped that Draper would be able to maintain its rights within the city regarding zoning because cities needed to be able to have a local voice.

Representative Stenquist said Councilmember F. Lowry's concern had been a topic of conversation for forever. He said that this year there was added pressure because of the skyrocketing cost of housing in the state. There was a lot of discussion around affordable housing and how to address the affordable housing issue. He said that it was true that one way, perhaps the primary way, to address affordable housing would be to build more units. However, it was cities, local governments, and zoning laws that had control over density and height. The state could either sprawl out or build up. He said that he thought that as land prices continued to get more expensive, there would be a push to go vertical and build higher density. Those decisions tend to come with a lot of push back, mainly from residents. He said that he felt that Draper could say that they had done their part in terms of providing adequate housing and doing so in a smart way in terms of where high-density housing was allowed to be developed; near transit and transportation corridors.

Representative Stenquist highlighted his experience with local governments and that this was known by his colleagues. He also noted that several of the new representatives had local government experience and had served on City Councils. He said that he had hopes of being able to come up with solutions that prevented continued sprawl that put additional pressures on transportation and air quality. Overall, he felt they just needed to be smarter about development.

Representative Stenquist noted that he had some new committee assignments. These included the vice-chair of the Economic Development and Workforce Services Committee, the Transportation Committee, and the Infrastructure and General Government Appropriations Committee. He explained that the Infrastructure and General Government Committee set the budget for transportation. Because he also served on the Transportation Standing Committee that addresses policy, he felt he was well-positioned to do a lot with transportation and look out for Draper's interests. He said that he was also committed to continuing to focus on outdoor recreation. He reminded the Council that the Outdoor Recreation Committee passed a bill last year that was supposed to come up with a strategic plan and vision for outdoor recreation in Utah. This was one of the bills stopped due to COVID. However, Representative Stenquist was still the chair of that committee despite it not having any funding. He hoped that the funding would be restored this year. Also, he had recently spoken with Deidre Henderson about the Governor's budget proposal. Although his budget proposal was more of a recommendation, he was trying to push for greater recreation infrastructure and grants that Draper City could take advantage of.

3.0 Discussion: Ranked Choice Voting

- 3.1 David Dobbins, City Manager, explained that the item had been added to the agenda to get a feel for if the current council wanted to pursue Ranked Choice Voting for the November election.
- 3.2 Laura Oscarson, City Recorder, said that the recorders from cities in Salt Lake County, as well as Salt Lake County Clerk's office and the Utah County Clerk's office, met yesterday with Kory Holdaway with Ranked Choice Voting Utah. Sherrie Swensen was present and said that Salt Lake County just signed the contract to get their new machines on December 31, 2020. She was not sure when they would arrive and once they do, she will want to run tests to make sure that the software works and there are not any glitches. Because of this, Ms. Swensen was not able to indicate if Salt Lake County would be able to run a Ranked Choice Voting election in November.

Mayor Walker asked if Ms. Swensen was able to provide any sort of timeline.

Ms. Oscarson said no she didn't. She furthered that as a city, Draper has until April 15th to declare that they want to participate using Ranked Choice Voting. The city would send a Letter of Intent to the Lieutenant Governor's Office. She said that she was hopeful that Ms. Swenson would have an idea by March but that she came away from the meeting a little discouraged. Ms. Swensen was given funding for new machines last November by the County. These machines are capable of running an election using Ranked Choice Voting. Then the County decided that they wanted to have their IT people look at different machines which delayed the process by a month or more.

Mayor Walker asked about the Utah County clerk. He said that it was his understanding that Utah County was willing to run an election by Ranked Choice Voting.

Ms. Oscarson said that they keep getting different information from Utah County. What she heard was that Utah County was encouraging cities in Salt Lake County to form a co-op and the County would help that co-op run a Ranked Choice Voting election. It did not sound like they were willing to do the election. That information she was still not sure about.

Mayor Walker asked if the Council wanted to talk about the concept of Ranked Choice Voting.

- 3.3 Councilmember Green said that he would like to do it.
- 3.4 Councilmember T. Lowery said that she felt as though the concept of Ranked Choice Voting was positive for Draper. She said that she was having increasing concerns about whether Salt Lake County would be in a position to execute the election and if Utah County would be willing to take on Draper.
- 3.5 David Dobbins, City Manager, said that if the Council wanted staff to pursue it, they could have those discussions with Utah County to nail down if they really can facilitate the

election. He said that he felt that staff had been a little hesitant to go that far because they did not want to get too far ahead of the Council.

- 3.6 Councilmember Roberts said that he was supportive. He asked if the issue with the machines was that they were set up a certain way and Salt Lake County did not have the right machines.
- 3.7 Mr. Dobbins said that the county had already purchased new machines but that there was a software that went with the machines that the county had to verify was programed and safe against fraud.
- 3.8 Mayor Walker asked if there was anyone who wanted to talk about the concept of Ranked Choice Voting: what it means or if there were concerns about the change in the process.
- 3.9 Mr. Dobbins said that what he would recommend unless the Council felt otherwise, was that the Council add the item to their agenda and adopt a formal resolution to state officially that was the Council's position.
- 3.10 Councilmember F. Lowry said that the Council needed to adopt a resolution to help Salt Lake County feel the pressure to move forward and get the system tested. He said that if they could get other communities to follow suit that would make a big difference.

Councilmember T. Lowery said that Riverton had already moved forward and adopted a resolution. She felt that if Draper also did so, they might see a lot more communities join in to help get the ball moving.

Councilmember Vawdrey said that she felt that education about Ranked Choice Voting would be huge, too. She felt that Draper needed to have a plan on how to inform constituents.

Councilmember Green said that he liked the concept of not having a primary election. He said that during the last two election cycles, people get really tired. He said that they were coming off of an awful four-year cycle that was contentious. To bring another election, it would be nice to give people a break until August where they do not have to see any political signs or rhetoric. He said that he felt that the community needed calmness for the next eight months.

Councilmember F. Lowry noted the financial savings for the city and candidates.

Councilmember T. Lowery said she felt these were both good points. Ranked Choice Voting made elections less contentious, encouraged people to be more positive towards one another and build relationships, and it did have a cost savings effect.

Mayor Walker asked if the Council would like to put Ranked Choice Voting on the next agenda as a formal resolution. Councilmember Green said yes, please. The rest of the Council also said yes.

4.0 Discussion: Bond Payoff and Defeasance – Bob Wylie

- 4.1 Bob Wylie, Finance Director, said that he wanted to present to the Council an opportunity that Draper had to defease two bonds.

The first bond eligible was the Sales Tax Revenue Bond was issued in October 2012 to refund the Bangerter Parkway 2004 bond and the bond for City Hall from 2002. The outstanding principal and interest amount are \$3,170,400. With the Bangerter Parkway refunding included in the Series 2012 B, a portion of the defeasance would be paid for by the Draper City Redevelopment Agency (RDA) (approximately 35.3%). The remainder of the funding would come from the General Fund.

The second bond eligible was the Municipal Lease Revenue Refunding Bond, Series 2016. The original Municipal Building Authority (MBA) Lease Revenue Bond was issued for SunCrest Fire Station. The outstanding principal and interest on the bond are \$1,584,528. The funding for the defeasance would be appropriated from the General Fund.

Mr. Wylie went over the financial impact the defeasance of the bonds would have on the city. The defeasance of the Series 2012B bond would result in an \$84,865 savings in interest from now until the bond matured. The Series 2016 bond would have an \$82,273 savings. He said that those two savings amounts were not that much of a savings. But what he looks into is the future budgeting process of Draper City. The city was starting the Fiscal Year 2022 (FY22) budget process. If the bonds were not defeased, he would need to budget \$747,803 in the General Fund for the bond payments and \$286,400 in the RDA, almost a million dollars budgeted for debt service. Those budget items would extend until the bonds were paid off. If the bonds were defeased this year, then the \$747,803 would remain in the General Fund for operational budgeting and that \$286,400 would also be in the RDA. The RDA project area entailed the West Bangerter project area. That would mean that in the next several years, Draper would have a new source of revenue for General Fund operational expenses that they would be able to budget for versus just having it in General Fund balance.

Mr. Wylie then provided a snapshot of Draper's outstanding bonds. At the end of FY21, Draper had seven outstanding bonds, totaling \$19,691,000. If the two bonds were defeased the outstanding bond liability would drop to \$16,170,000. In the next five or six years, the remaining bonds would also be paid off.

If the Council approved to defease the bonds, Mr. Wylie would bring forward a resolution at the next council meeting to get official authorization for the city to act. The city would have to give 30 days' notice to the bondholders and then look at closing the accounts around the end of February. He said that this was just one recommendation to use the General Fund and RDA balances to free up some of that cash for the operational budget going forward.

- 4.2 Councilmember Roberts asked what some of the uses would be for the new operating cash that would be made available by paying off the bonds. Mr. Wylie said that would be up to the Council.

Councilmember Roberts asked if the advantage were that instead of having one-time funds that could only be spent on one-time projects, the city would gain operating cash flow to use for recurring expenses. Mr. Wylie said yes, that would work.

Mr. Dobbins said that the money could be used for ongoing expenses. He said that there had been discussion about the Fire Department and Public Safety pay scales. Those were ongoing expenses. He said that staff had not yet identified what the use would be, but that there were one-time funds now that would give the Council more flexibility to use the money.

Councilmember F. Lowry asked if it would allow them to use one-time funds to finance the all-abilities park. Mr. Dobbins said that there would essentially be \$750,000 of funds that could be used next year towards either one-time use or recurring expenses. He said that what he would recommend would be that since the amount dropped down to a quarter-million in three years that some of that money be dedicated to ongoing uses, but the rest go towards one-time uses such as capital projects or to save up for the all-abilities park.

Councilmember Vawdrey asked if the Aquarium had been able to keep up with their bond payment through COVID. Mr. Wylie said that they had. He said that this month they had returned to making their full payment.

Mayor Walker asked what the rate was that bondholders were getting. Mr. Wylie said about three percent. For the 2012B bond, the city would buy State and Local Government Series (SLGS) Securities and the CPA firm would verify how much would be needed to be dropped in there. The 2016 series was a callable bond. The city could just pay it off. Both mechanisms would allow the bonds to be taken off the city's books and the bondholders would get paid the amounts through the callable period without a pre-payment penalty.

Councilmember T. Lowery said that she thought this was a very proactive measure to take. The rest of the Council agreed and requested that Mr. Wylie bring the resolution before the Council next week.

5.0 Update: Engineering Projects – Scott Cooley

- 5.1 Scott Cooley, City Engineer, presented the projects that were completed in 2020 and the proposed projects for 2021.

1. The first project completed in 2020 was the Highland Drive Widening from Bangarter Parkway to just east of Minuteman Drive. The stretch of road was widened from three to five lanes and a bike lane was added.
2. The second project was Bangarter Parkway and Traverse Ridge Road improvements between Highland Drive and 13800 South. The project was milled

and overlayed, was widened from three to five lanes, and was re-striped. Also, a new traffic signal was added at 14000 South and there were safety upgrades under the railroad bridge. Just east of Highland Drive there were access management improvements in the form of a raised median.

3. The city completed its first full-depth reclamation with the 300 East reconstruction from 11400 South to 11800 South. Mr. Cooley said it went well. He encouraged the Council to drive that stretch of road because the project went so well that staff plan on using the technique in places that it was practical and feasible throughout the city. He said that some of the advantages of the process were that from the beginning of construction from the milling of the pavement to when it was completed was only eight days. He said that normally it would be a two to three-month project. He said that was a significant impact on residents and those who needed access to the roads. Normally during a construction project, staff receive tons of complaints. However, with this reclamation project, they received a lot of praise from residents who were amazed at the speed of the project.
4. Because the 300 East reconstruction projects went so well, staff implemented the same process with the Oak Vista Waterline Replacement and Roadway Reconstruction project.
5. The fifth project completed, although a bit controversial, was the Traverse Ridge Road Storm Drain improvements. A detention basin was constructed off Traverse Ridge Road. The design required the city to design to a ten-year storm. There had been significant flooding issues that affected downstream properties. Staff looked at the opportunity to use the area as a detention pond to make the road compatible with the 100-year storm than a ten-year storm. The project will provide additional safety to an area that was located on a huge landslide. Mr. Cooley stated that Traverse Ridge Road and its utilities, particularly the waterline, were his biggest concern in the city. He added that there had been discussions about what the project would look like and explained that the area had been seeded and would grow grass to look more native.
6. The next project completed was the widening of Lone Peak Parkway. Two sections were widened from three lanes to five with the addition of curbs and a sidewalk. One section was widened from three lanes to four because the city was not able to secure the right of way on the east side from the landowner at the time of the project. However, there were ongoing negotiations with the Harberts. The project, however, was finished.
7. A traffic signal was installed at 13490 South and Vista Station Boulevard. Increased new development made traffic flow an issue. Mr. Cooley said that the staff was seeing more problems like this throughout the city.

Proposed projects for 2021 outlined by Mr. Cooley included:

1. The first proposed project would occur at the intersection of 900 East and Draper Parkway. It is proposed to reconstruct the Draper Parkway pavement, complete the 900 East frontage improvements (curb, gutter, and sidewalk, and upgrade the traffic signal. It is an RDA funded project.

2. It was also proposed to widen 12200 South and add a curb, gutter, and sidewalk on the north side of the street.
3. A signal would be installed on 450 East by UDOT. For them to do that the city needed to widen the south leg of the street. Mr. Cooley said that this would be a critical element for businesses and the new homes just north of 12300 South.
4. Next, there would be some intersection improvements at the intersection of Highland Drive and Vestry Road. A new traffic signal would be added. Also, Highland Drive would be widened with a curb, gutter, and sidewalk installed to accommodate turn lanes.
5. The next item, a HAWK (High-Intensity Activated Cross Walk beacon) signal at SunCrest Drive and Eagle Stone Way, was a project that Mr. Cooley wanted to talk about with the Council. He explained that it was a needed traffic control device. The staff did a study to determine if a full traffic signal was needed. The study determined that the HAWK signal would be best. A HAWK signal essentially allowed pedestrians to stop traffic with the push of a button. Instead of being a flashing light that warns, it stops traffic. Mr. Cooley said that the traffic committee had discussed the pros and cons of different traffic devices. Because of the high speeds on SunCrest Drive and there was a bus stop on the east side of the road that kids on the west side have to cross the street to get access to, the committee felt a more aggressive signal was necessary. The staff knows that some residents will not be happy about the change. He wanted to let the Council know in advance that there might be some push back from residents. Mr. Cooley said that they were also going to extend a trail so that people would cross SunCrest at the signal. He believed that Parks and Trails intended to extend the trail after crossing at the signal on the other side of the road.

Mr. Dobbins asked if the Council was okay with staff proceeding with the signal. He asked if they wanted staff to go to residents first to get their feedback. Councilmember Roberts said that the signal was needed. He said that obviously, people did not like to have flashing lights in their homes, but he felt that the signal did a good job of mitigating the problem. He said that it was a needed signal for an area that was super dangerous.

Councilmember T. Lowery said that residents had been asking for something at the intersection for a long time.

Mr. Dobbins said that one element of the signal that he thought was nice was that the lights were only activated when there was a pedestrian present. In the middle of the night, the lights would not be seen.

6. Addressing the roundabout at 1300 East was also proposed. The project entailed adding a second lane in both the northbound and southbound directions and both east and westbound right turn lanes.

Councilmember F. Lowry said that last time he had heard about the 1300 East intersection the plan was to remove the roundabout and install a traffic signal. He wondered if this improvement was something that staff wanted to try first.

Mr. Cooley said that what was perpetuating the possibility of putting in a signal was if in the future tracks came in and extended the tracks line across the intersection. If that occurred, then the roundabout would probably fail. Because there was a high probability that the tracks would not extend as anticipated, staff were recommending this as a long-term solution.

Councilmember F. Lowry asked if Mr. Cooley felt that the roundabout would be as effective as a signal.

Mr. Cooley said that that it would be as effective, if not more effective. He said that the roundabout would be preferable for non-peak hours. He said that it was possible to go to a metered roundabout that controlled the amount of traffic that could enter to be able to clear out some lanes that were getting congested.

7. The Deer Ridge Road reconstruction would be ongoing during 2021 as well.
8. Staff had begun outlining a pavement maintenance program for the coming year. The treatments would include slurry seal, mastic seal, crack seal, and spot repairs. The city had done a good job at treating its roads lately. He said that some of the roads highlighted would be treated for the second time since Mr. Cooley had been with the city. This indicated that the city was doing a good job at keeping up with road repairs delaying the need for full road reconstruction. He said that the road treatments would cost in the order of \$2 million.
9. There was also a road reconstruction planned for 13200 South from 1500 East and Minuteman.
10. Two additional traffic signals would be added. One would be added at Bangerter Parkway and Vestry Road to address an expected increase in traffic due to residential growth and Pluralsight. The second signal would be added at 12200 South and Lone Peak Parkway due to business development in the area.
11. A pedestrian refuge island was proposed at Traverse Ridge Road and Oak Summit Drive. There was a sight visibility issue at the intersection in addition to some vehicles traveling a lot faster than the posted speed limit. With the presence of the new SunCrest Park, the island would help pedestrians to be able to cross the road safely.
12. Improvements would be done at the 300 East Carlquist Road roundabout. A light would be installed in the center of the roundabout. Both the crosswalks across the southbound and eastbound traffic patterns would be moved back to meet

compliance. A crash barrier would also be installed between the southbound and westbound points to protect walls that keep getting hit.

Councilmember F. Lowry asked how many times the walls had come down. He thought that it had happened at least three times in the last couple of years.

Councilmember F. Lowry stated that it was unique to have accidents like that happen so many times in the same place. He asked if any commonalities had been determined.

Mr. Cooley said that the biggest commonality was drunk driving. The last accident was a novice mistake: someone hitting the gas pedal when they should have hit the brake. He said he was not even sure if the driver had their license or if they only had their permit. Mr. Cooley said that it was unfortunate because he felt the intersection was pretty safe. However, to be on the precautionous side, they were going to install the improvements.

13. A possible project that might not happen because the design was only in its initial phases and not completed, in addition to the right of way acquisition negotiations, was the widening of the 300 East and 12300 South intersections. Staff received a lot of complaints about the area. The project would widen both legs to add a turn lane, making dual turn lanes in both the north and south directions. The north leg of 300 East would be widened to extend the right run lane. The pavement on 300 East would be reconstructed. These improvements would greatly improve traffic flow.

6.0 Discussion: Residential Zones – Chickens – Christina Oliver

- 6.1 Todd Draper, planner, said that staff was preparing to bring an ordinance before the Council based on comments, they had received about the chickens for familial gain ordinance. Some of the things staff considered were to respect Draper City's historical ties to the raising and keeping of chickens. Also, staff analyzed ordinances of 16 nearby cities and Salt Lake County. They found a wide variation in regulations between jurisdictions allowing between two and 250 chickens on residential lots (up to an acre of land).

The current ordinance (9-27-005) allows for a maximum of six chickens, without consideration to lot size, in all residential zones. They are allowed for familial gain only, meaning that no sale or income from chickens is permitted. Roosters are not permitted. There are currently setbacks and sanitary standards for pens, coops, and run areas.

The proposal that staff intended to bring forward would result in a reduction in the number of chickens allowed to five for smaller lots eight-thousand square feet ($8,000\text{ ft}^2$). The new ordinance would allow for an increase of one chicken for each additional two thousand square feet ($2,000\text{ ft}^2$) in property size above ten thousand square feet ($10,000\text{ ft}^2$). This would provide for a maximum of 20 chickens. Regulations would be added allowing chicks and juvenile chickens (pullets) equal to 40% of allotment. Finally, the new

ordinance would clarify the specific zones where the keeping of chickens is allowed: RA1, RA2, RH, R3, R4, A5, and A2).

Mr. Draper displayed a chart of the number of chickens allowed regardless of lot size in nearby cities. They ranged from 50 chickens in Millcreek to just five chickens in West Jordan. He also showed examples of cities with a gradual increase based on lot size. Most cities were in the four to six number of chickens range. Holladay City allowed for 25-250+, but Mr. Draper did not think that they had updated their ordinance in a while.

- 6.2 Councilmember F. Lowry asked where 20 chickens came from.
- 6.3 Mr. Draper said that one aspect that he reviewed in writing the ordinance were some of the best practices. The best practice for raising free-range chickens was set at about 50 chickens per acre. Mr. Draper said that if the chickens were for familial gain, then a home would already be on the property, at least half of the property would be taken up by the building itself. The remaining undeveloped property would allow for about 25 chickens to stay within husbandry best practices. That number was reduced a little to account for the setbacks for the coops and property lines.
- 6.4 Councilmember Vawdrey asked if Mr. Draper could show the Council the proposal again.
- 6.5 Councilmember F. Lowry asked why the Council was considering the proposal. He said that he recalled that Councilmember Vawdrey had asked that the item be addressed.

Councilmember Vawdrey said that she had a resident reach out to her and say that the limit to the number of chickens was a hardship. In the meantime, she had spoken with a friend who worked at IFA who shared that they were going nuts to try and get enough chicken feed. She felt that chickens were something that people needed and wanted. The resident who spoke with Councilmember Vawdrey represented that their family needed the chickens as her husband was out of work because of COVID. She felt that Draper just needed to be reasonable.

Councilmember F. Lowry asked if the city had been enforcing the current ordinance. Councilmember Vawdrey said that the resident in question was on a one-acre lot and restricted to six chickens. The resident did not feel that was reasonable. Councilmember Vawdrey said that she did not think that it was reasonable either.

Mr. Dobbins asked if the item was scheduled to go before the Planning Commission on Thursday. Mr. Draper said the item was initially noticed for the Planning Commission, but that it had been pulled off.

Mr. Dobbins clarified that it would go to the Planning Commission and then would come back to the City Council for formal adoption. He asked if the Council had any input now. He said that if the Council felt that it was too lenient or too restrictive, now was the time to give staff direction.

Councilmember F. Lowery clarified that currently no rooster was permitted anywhere in residential zones. Councilmember Vawdrey said that roosters were a problem because they were noisy. Councilmember F. Lowry agreed and added so were hens.

Councilmember T. Lowery asked if there was a point in which chickens became a problem. She asked if any research was done on that aspect. Mr. Draper said that it seemed everyone had a different opinion about chickens generally. He did look into the issue. He said that the question he looked into more was what the purpose of raising the chickens was for. Some city ordinances restrict the use of chickens to eggs only. Draper City's ordinance did not. A lot of eggs could result from 20 chickens. At the same time, some residents with higher numbers might be raising the chickens for poultry.

Councilmember F. Lowry asked that if according to Ms. Oliver the ordinance had been enforced in certain areas, how many of those enforced would exceed the proposed ordinance.

Christina Oliver, Community Development Director, said that the code enforcement officer had been working with a couple of property owners that had roosters. Staff actively pursue anyone who is breaking the current ordinance. She said that she felt that kids and families should be able to have more than six chickens depending on the area of a property. With the setback and sanitary standards included in the code, she felt that 20 chickens for egg production and a family's ability to partake of the entire chicken, was allowed.

Councilmember T. Lowery said that she likes the way that it was stepped to fit the different property sizes. She felt it was a good structure for the ordinance.

Councilmember Vawdrey said that the problem before was that the same number of chickens were allowed for small and large lots.

Councilmember T. Lowery said that was unfair. She felt the ordinance was a good way to address the problem.

7.0 Council/Manager Reports

- 7.1 Britnee Johnston, Communications Director, said that staff wanted a resolution added to next week's agenda to adopt a new logo. She displayed the logo that had the most overall support from the residential and employee survey. She explained that the color version would be the main logo with the black and white and grayscale versions as alternatives based on the application. Once the logo was approved, Ms. Johnston would develop a style guide that would explain when it was appropriate to use a color versus black logo. The style guide would be something that the Council could review as well. The city just needed an approved logo before she could move forward with the style guide. She wanted to bring the item up to make sure that there were not any additional questions or concerns before staff moved forward.

Councilmember F. Lowry told Ms. Johnston that she had done an awesome, amazing, and patient job. He thanked her. He asked if it was necessary to have Utah on the logo. Mayor Walker said the answer was yes.

Ms. Johnston said that she felt that it would be good. For example, outside Utah, people do look at the Draper City website. She felt like Utah could be removed from street signs because it would be so small that the word would not be seen. She said she could see the use/non-use of Utah on a case-by-case basis. She said that would be included in the style guide.

Councilmember Roberts said that he wanted a white t-shirt with the black logo on it. He said that it looked so good. Ms. Johnston agreed.

Mayor Walker said that for all the iterations and input Ms. Johnston got it turned out well. He said Ms. Johnston did a great job. He also thanked her for executing the second round of the Draper Deals and expressed that she did a great job on that, too.

Business Session

1.0 Call to Order: Mayor Troy K. Walker

2.0 Public Comments

3.0 Consent Items

- a. Approval of December 8, 2020, and December 15, 2020, City Council Meeting Minutes**
- b. Approval of Resolution #21-01, appointing Andrea Page to the Draper Youth Council Advisory Board**
- c. Approval of Resolution #21-02, updating the temporary COVID-19 Pandemic Policy**

3.1 Councilmember T. Lowery moved to approve the Consent Items. Councilmember Roberts seconded the motion.

3.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

4.0 Adjournment

4.1 Councilmember Green moved to adjourn the meeting. Councilmember Roberts seconded the motion.

4.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

4.3 The meeting adjourned at 7:14 p.m.

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 19, 2021, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Tasha Lowery, Fred Lowry, Cal Roberts, and Marsha Vawdrey

EXCUSED:

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Laura Oscarson, City Recorder; Scott Cooley, City Engineer; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Rhett Ogden, Recreation Director; Christina Oliver, Community Development Director; Clint Smith, Fire Chief; Britnee Johnston, Communications Director; and Bob Wylie, Finance Director

This meeting was held electronically.

This meeting will be an electronic meeting according to Draper City Municipal Code 2- 1-040.

Determination 2020-25, pursuant to Utah Code Annotated 52-4-207(4)

I, Mayor Troy K. Walker, do hereby determine conducting an electronic meeting of the Draper City Council with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location and hereby authorize the Draper City Council to conduct electronic meetings without an anchor location.

The foregoing determination is based on the following facts:

- Federal, state, and local leaders, including the Draper City Mayor and City Council, have all recognized a global pandemic caused by the spread of the COVID-19 virus.
- COVID-19, causing hospitalizations in Draper, continue to fluctuate at high levels which pose a risk of overburdening the local health care system and health care providers.
- It is difficult, if not impossible, to predict the number of attendees at any meeting and to manage issues regarding social distancing in order to comply with applicable health orders.
- COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents and the public in general.
- The City has the technological capability to provide means by which the public may hear, or view and hear, the open portions of the meeting and to participate in public hearings.

To participate, please see the options below:

- Listen through the Draper City website - <https://www.draper.ut.us/95/Agendas- Minutes>
- Email comments to public.comment@draper.ut.us. These will become part of the public record.
- Those wishing to speak during the meeting, send a request and include your name, address, and phone number which you will be calling from, for the Zoom meeting ID to public.comment@draper.ut.us.

Study Session

4.0 Discussion: UTOPIA Fiber – Roger Timmerman

- 1.1 Roger Timmerman, UTOPIA Fiber, thanked the Council for the opportunity to speak with them. He said that he felt that UTOPIA Fiber was an exciting opportunity and that he hoped that some useful information was provided to the city to help with some of its future planning.

Mr. Timmerman explained that UTOPIA was an interlocal entity of cities. He said that if Draper was interested in a fiber network for its community, UTOPIA was a good partner to make that happen. Draper would essentially be partnering with other cities that were investing in fiber. He was forthcoming about UTOPIA's history. From 2004-2008 several cities had to backpay debt on projects because they didn't get enough customers. However, in 2009, there was a turning point when the Utah Infrastructure Agency (UIA) was created and led to the most successful fiber project in the country. The UIA resulted in \$230 million of fiber projects that have all been paid for completely by subscriber revenues with no cost to the city.

Mr. Timmerman explained that almost all Utah broadband companies use UTOPIA. This works similarly to open access roads: municipalities invest in the infrastructure that becomes a public resource. UTOPIA builds the fiber network and then lets different companies use the fiber network. That is how providers can offer services to different markets.

Utopia charges the end-user \$30 a month for the service for the fiber in addition to the provider options. In the end, you get a 250 Mbps connection for \$65/month, a 1 Gbps for \$78/month, and a 10 Gbps connection (the fastest in the country) for \$200/month.

From a city perspective, the city should see it as its infrastructure. A company is not coming into a city. The city is a facilitator to help build a fiber infrastructure. The city gets to use it and can allow it to do all sorts of smart city applications such as smart irrigation, the PurpleAir air quality sensors, and wildfire sensors.

Mr. Timmerman then outlined what a partnership with UIA would look like for a city. He said that this model had been working. Since 2009 UIA was 10 for 10. All of their projects had been successful in that UIA had taken on the debt and the city had no cost. The catch is that the city is a financing partner with UIA with an associated guarantee. UIA takes on debt, utility locating, repairs, the backbone of interconnectivity, etc. and the city pledges a 40% take rate. If there is a shortfall on subscriptions, the city then loans the amount, which is paid back when UIA gets enough customers. This means that every city that takes on one of these projects is financially responsible for the project they take on. It is a risk management measure. He explained that one of the ways to mitigate a city's risk is that as

they develop more properties they are not taking on rate backing, but those properties account towards the city's revenue.

Mr. Timmerman made that claim that the investment, even at \$40 million was worth it for the city because it lowered everyone's rates through the introduction of new competition, improved property values, and protected net neutrality.

As part of the process, UIA puts a two-year capitalized interest into financing. This means that the city's obligation doesn't start for two years, allowing UIA to build a network and ramp-up. Advanced revenues buffer against a shortfall. This buys UIA five years before they need revenues. He said that with other cities, they have broken even a lot faster than five years. Typically, UIA gets enough revenues before the obligation even begins and doesn't even need to use the buffer. He referenced a \$23 million project with Layton that went well.

UIA looked at the feasibility for Draper to invest in a fiber network. Some of the advantages for Draper included:

- Existing UTOPIA fiber backbone within the city that would allow for faster buildout, revenue coverage, and a lower project cost.
- Significant business revenue potential to offset risk.
- Similar city take-rates all exceed the level Draper would be asked to guarantee.
- Draper's future development lowered the risk to the city over time.

There would be a higher construction cost due to rock. Overall, Mr. Timmerman believed the project would be very low risk. UTOPIA went ahead and designed the whole network, even though that planning would typically result from an expensive feasibility study. UTOPIA designed every connection, box, and neighborhood so that they could come to Draper with a robust and accurate proposal. The result of this planning was a \$39 million project cost. The monthly guarantee comes out to \$195,000. Although this sounds like a lot of money, because UTOPIA charges \$30 a month, Draper would only need 6,500 subscriptions or a 39.2% take rate to cover the obligation. This take rate would be lowered to 36.2% with businesses and city revenue. There would be a 25-year term to pay back any debt beginning after the two-year buffer. If a shortfall in the loan occurred, that money would be paid back to the city when they reached sufficient revenues, or at the end of the bond period, whichever is sooner. UIA was obligated to pay for expansion, additional installations, annexations, upgrades, all repair maintenance, with no guarantee from the city.

Mr. Timmerman outlined the process for moving forward. If the city approved a contract with UIA, they would guarantee project completion in three years, though most projects had been completed in less time. He then provided some options for what Draper could do if they did not feel ready to commit to building a fiber network, but wanted to set themselves up for the future. He said that the city could invest in some routes to public facilities and provide Wi-Fi in the parks. He said that a lot of cities have found that they could take what they were currently paying and move that to UTOPIA who could build

additional fiber routes that UTOPIA gets paid back from the normal revenue. This becomes public infrastructure to offset costs down the road for fiber. Mr. Timmerman also noted that there were opportunities to take advantage of other funding if Draper felt like taking on a 39% take rate was too much risk. He noted that in looking at other cities compared to Draper they were well above that percentage. However, there were ways to offset the cost, and the necessary take-rate, with other opportunities. These included the \$50 million the state recently budgeted for broadband, CARES Act funding and the next stimulus act, and the inclusion of conduit/fiber in other city infrastructure projects.

- 1.2 Councilmember Roberts said that there were a lot of competing broadband technologies. He said that Draper would be on the hook for 25 years to cover any shortfall. He asked what other technologies Mr. Timmerman says are out there could potentially replace fiber optics. He said that one of his concerns was that the technology could become obsolete in 25 years that the city would be required to continue paying for.

Mr. Timmerman said that the devices that are currently connected to the fiber network would probably only be relevant for the next ten years. The fiber itself, however, was good for 50+ years. He said that fiber itself essentially had infinite capacity. They were able to offer 10 Gbps service today that was ten times faster than anything else available on the market. Faster service was still possible. Other technologies were scrambling to keep up where service was lousy. He said that wireless wasn't able to provide service across the entire city. He said that satellite was even worse. He said that he had lots of slides that addressed all of the competing technologies and why they were not long-term viable competitors to fiber. He said that they love those other technologies because UTOPIA can sell to them. He said that nearly all of the wireless providers in Utah use UTOPIA fiber. He said that UTOPIA enabled those services. However, in terms of service to homes, nothing beats fiber, and UTOPIA's costs were lower than other providers. He said that from a long-term perspective fiber was cheaper because it had a longer lifespan.

- 1.3 Councilmember F. Lowry wondered why UIA needed to partner with Draper City to come and start providing the service to residents and businesses. If projects were as successful as they appeared to be, he wanted to know why UIA would need to partner with the city.

Mr. Timmerman said that the demand was there, they knew they would get the customers and knew the infrastructure would pay for itself under the model. He said that the reason why it was profitable and worked under the model was that UIA was able to take advantage of tax-exempt bonds, long-term financing because they are a public entity. If an organization is a public entity, then they rely on public financing. UIA was not motivated by profit, but the collective of cities did not have any motivation to take on a project in another city.

5.0 Presentation: Tree Commission

- 2.1 David Cloward, Chair Tree Commission, said that during the last Tree Commission meeting there was discussion about needing to get on the agenda for a study session

because one of the primary objectives of the commission was to revise the city code related to trees. He said that the codes about trees were decades old.

Mr. Cloward presented the different objects of the Tree Commission. The priority of the commission was zoning and municipal code. Their goals regarding code include to: (a) make the code as simple as possible to understand, implement and enforce; (b) restrict street trees to a few types that fit the requirements of canopy shape and resilience; (c) focus on the requirements of road construction to avoid trees planted in road base, and (d) change the paradigm of parking lot trees.

The second priority of the commission was public engagement. Members had already met with Britnee Johnston, Communications Director, about opportunities to increase communication through the website.

The third priority of the commission was to plant more trees in parks in response to survey results on the Draper General Plan.

Lastly, the commission wanted to invest in city entrance beautification.

Mr. Cloward felt that the Tree Commission should play an advisory role in making modifications to municipal code regarding trees, but they felt that they would need city resources to provide the actual code. He didn't feel that it made sense for the commission itself to draft and restructure the new code.

- 2.2 Councilmember F. Lowry said that the landscaping requirements were in many different areas of the code. The commission was suggesting that those sections be combined so that they appeared in a single area of the code to create greater clarity and help city planners ensure that someone is compliant and for a developer who applied to also be compliant. He asked if Rhett Ogden could show the different areas of relevant code.

Mr. Ogden explained that some of the code about tree ordinances appeared in title 8-3 of Draper City Municipal Code (DCMC), some of it appeared in title 9, and some appeared in section 17-5-060. The proposal was to bring all of those elements of code under a single title so that they were easy to find and identify.

- 2.3 Councilmember Roberts asked if the problem was that developers did not know what the requirements were.

Councilmember F. Lowry said that the separation of the code created confusion because they would find the code in one section and think that a proposal complied and then when it came down later in the process, a developer might discover that there were elements that they were not in compliance with. That was why the commission had proposed to bring them all together in one area.

Mr. Cloward said that David Dobbins, City Manager, had asked the commission to revise the different sections of the code. They felt that the commission could provide the advisory

role on what the content should be and they had thoughts on some changes they would like to make. One change was that diamonds were still used in parking lots. Even with the recent plan for Rotary Park, the city had to be compliant with the code and put in one tree and diamond in the middle of a parking lot which was not practical as it made it difficult for plows for snow removal. Also, the trees don't survive very well. The commission would make recommendations like this on how to amend the code to ensure that the right trees are planted and that the trees will last. He emphasized that moving the code to a single section was just part of the project. There would need to be elements that were revised. However, the commission would need some city resources to make the actual code revisions.

Councilmember F. Lowry said that the bottom line was if the Council could advise staff to work with the Tree Commission to help get the code rewritten so that it would be simpler and then to update some of the code to make it more practical. He highlighted both the landscaping of Rotary Park and the shopping center where Kohl's was located as places where the diamonds in the parking areas were impractical. Although the intention was to create a canopy of trees, because they are planted in the middle of asphalt, the trees aren't able to grow. He said that if the same amount of landscaping investment could have gone to areas on the periphery, then there would be a lot more successful landscaping.

Mr. Cloward said the actual planting was difficult as well because they get planted in the road base. He said that was a problem that had occurred several times recently; the city had invested in projects and the trees got planted in the road base causing the trees not to grow.

Councilmember Roberts said that intuitively it made sense. He said that he would be interested in hearing the staff's opinion.

Mr. Cloward said that the purpose of the evening wasn't even to get approval on what the recommendations were. He said that the commission was happy to work through those recommendations and have the appropriate discussion and debate. However, they just wanted to secure some resources because the task had already been given to the commission to advise the code.

Christina Oliver, Community Development Director, said that she felt that revisiting code to make it cleaner is always a good idea. She asked if the commission or Council wanted the Tree Commission to be weighing in on applications.

Councilmember F. Lowry said that was not at all the request. The commission was simply bringing forward an issue that needed to be addressed while understanding that they did not have the authority to re-write the code. Instead, they were bringing forward a suggestion and were making themselves available to provide input on how the code could be revised. The Tree Commission was not at all asking to view applications.

Mr. Cloward said the opposite was true. The Tree Commission had been asked by staff to re-write the code and felt that they would rather play the advisory road.

Councilmember F. Lowry said that it was recommended by staff for the commission to bring the issue to the Council because staff could not move forward on revising the code without that direction from the Council.

- 2.4 Councilmember Vawdrey asked about the purpose of funding that had been requested by the Tree Commission.

Mr. Cloward said the request for money was not related to the current topic of discussion, but rather related to a different item: city beautification projects based on available funds in the budget.

Councilmember F. Lowry said the financial request was separate from the discussion about the tree code. He explained that if the Council directed the Tree Commission to embark on a beautification project, the commission would want a budget to know what they could do. He repeated that was not the main point of the presentation. Another important point that the Tree Commission wanted the city to look at was making sure that projects are inspected in time to ensure that the landscaping was done properly. He said that the City Historical Park was an example, as well as 13800 South where the landscaping requirement wasn't met because the developer planted trees in the road base. He said that while those trees looked well for a year or two, because they were planted in asphalt they don't grow. In some cases, the city would be better off if the trees had not been planted in the first place. He also cited an assisted living project whose occupancy was held up because the developer had not planted the right trees.

Mr. Cloward clarified that in the instance of the assisted living facility, the lack of compliance had not been noticed by the city. It was the Tree Commission that noticed that trees were being planted that were no longer approved and that were trying to be eradicated from the city.

Mayor Walker asked if the city was holding up occupancy in the middle of the winter over trees. Mr. Cloward said that the issue had been going on for about nine months.

Ms. Oliver said that the site plan outlines the trees specifically, so if the developer deviates from the plan, then yes, occupancy can be held up.

Mayor Walker clarified that the request was to have more tree regulations to catch incompliance sooner. He said that he was not following what was trying to be accomplished.

Ms. Oliver said she thought that staff would revisit the issues of trees and then determine the course of action.

Mayor Walker asked who caught the trees being the wrong trees. Ms. Oliver stated that it was the Tree Commission.

Councilmember F. Lowry said that a members of the commission was driving down the street and recognized they were not the right trees. He told the Mayor that it might sound silly, but the problem was that certain types of trees were almost considered a weed now that caused more damage to an area. That was the reason why certain trees were being designated on plans. He emphasized that especially because Draper was a Tree City USA, they wanted to make sure that the city continued to be developed properly.

Mayor Walker clarified that what was wanted was to get all of the tree stuff in one section of the code and some sort of inspection powers.

Councilmember F. Lowry said the inspection powers would not be for the Tree Commission, but to make sure that all of the site plans and the project was properly inspected through the process.

Mayor Walker asked if the city inspector's job would include looking at the trees. Councilmember F. Lowry said the whole landscape.

Councilmember T. Lowery said that she felt like it was a very reasonable request. She felt that Ms. Oliver could look over the code and come up with some adjustments to bring back to the Tree Commission.

Mayor Walker asked if the inspector would have caught the tree problem. Ms. Oliver said that in theory, yes. However, her inspectors were not arborists. She cannot promise that every tree will be caught. So, staff will need to think about how to ensure that the right trees were planted.

Councilmember T. Lowery said that if it was really clear what trees could go in if it was only two kinds that should make identifying the right trees a lot easier. Ms. Oliver said that the list was short.

Councilmember T. Lowery said that there had been a lot of code that was unclear, inconsistent, and in several different places. She said that the idea of going through it and bringing it back together in one place was a good one and probably needed to happen.

For the sake of time, the Council stated that they were on board to look at the code. Councilmember Roberts said he was supportive of the commission giving advice on the kinds of issues to look at.

3.0 Legislative Update: Representative Suzanne Harrison

- 3.1 Representative Harrison said that she represented House District 32 that included a small portion of Draper for which she was a resident. She said that the day of the meeting marked the first day of the 2021 legislative session. She thanked the mayor, the Council, staff, and first responders for their service in a difficult year.

In terms of legislative priorities and issues, sometimes what representatives think they will be tackling at the beginning changes throughout the 45-day session. From her perspective and the remarks of the Speaker of the House, everyone agreed that the needs of every Utahan need to be addressed and have the opportunity to thrive. There were needs in the school system. She said she was grateful for the Corner Canyon District and the many charter schools in the area that had worked so hard to meet the needs of students through both online and in-person learning. She said she was committed as Draper's state representative to make sure that the state was allocating resources to local schools to meet those needs. Other issues related to COVID were health issues to make sure that people had access to the vaccine as quickly as possible. The demand far outweighs the supply right now. She stated that she appreciated the prioritization of getting vaccines out to the most vulnerable populations: people over the age of 70, first responders, and healthcare workers. Regarding economic challenges, Representative Harrison said that she recognized many small businesses were struggling. She supported getting more resources. She said that she appreciated the federal CARES Act that had infused the state with an estimated \$11.3 billion that translated into about \$450 million in state revenue because of the infusion of economic help.

Another issue that was top of mind was mental health. Representative Harrison said that she recognized that a lot of people were struggling. She felt as though it was important that as a state they were planning for and prioritizing getting communities the mental health support that they needed. She said that as a practicing medical doctor it was an issue that she was passionate about and committed to making sure resources were allocated to.

Representative Harrison was proud to co-sponsor legislation in the past year to eliminate the tax on social security benefits. While the bill did not pass last year, she was glad to say that it was reintroduced in 2021. She was committed to tax relief because many seniors were on a fixed income and struggling with paying rent, mortgage, utilities, and health care bills. She said that she also supports eliminating a tax on retirement benefits for those who have served in the military.

She said they would be tackling many other issues. She encouraged those who lived in House District 32 to reach out. She provided her cell phone number: 801-999-8047. She invited folks to text or email her about issues that matter to them as it helps her best represent her community.

Finally, Representative Harrison said that she looked forward to working with the Mayor and Council to maintain local authority. She felt that those at the level of City Council or School Board were the closest to the people and hear what is on the community's mind the most.

- 3.2 Councilmember T. Lowery had an item that a resident had brought up to her today. The resident was a pre-school teacher at one of the pre-schools in Draper. She said that her pre-school is having difficulty getting vaccinations for its teachers because they fall in a weird gray area where pre-schools are not part of the Corner Canyon School District so they were not able to get vaccinations through the clinic that the District is offering. They

have fallen out of the Salt Lake County vaccination program. Councilmember T. Lowery said that she did contact the county who said there was no direction from the state on vaccinating pre-school teachers.

Representative Harrison said that was a great question. She asked Councilmember T. Lowery if she could ask the resident to send her an email so that the pre-school teacher could be connected with the Department of Health to get an answer of when and how to get looped into that vaccination schedule.

4.0 Update: Jordan Valley Water Conservancy District – Reed Gibby

4.1 Reed Gibby, representative of Jordan Valley Water Conservancy District, thanked the Council for the opportunity to provide an update for the water district. He said that he was very impressed by the organization and professionals of the district. He turned the presentation over to Bart Forsyth, the district’s general manager.

4.2 Bart Forsyth, Jordan Valley Water Conservancy District General Manager, outlined water-related issues that pertained to Draper City. The first item the district wanted to touch on was a summary of some recent board decisions and emerging trends. To begin, Mr. Forsyth showed the cities and municipalities included in the district. He said that the Jordan Valley Water Conservancy mainly provided wholesale drinking water to those in the district. They served a population of about 750,000 people. Two reservoirs–Jordanelle and Deer Creek–store most of Jordan Valley’s annual water supply. Eighty percent (80%) of supplied water is delivered through the Provo River System. The district was governed by a board of nine trustees that represented eight geographical divisions within the service area. Mr. Gibby represented both Draper and Midvale City. The water conservancy district offered three key services: delivering water, managing demand, and developing supply. The water conservancy district has determined that to maintain water supply in the future, significant changes were required in the landscape through new construction moving forward. Additionally, they believed that it was imperative to develop new sources of supply as outlined in their 50-year plan.

Mr. Forsyth outlined some of the parameters of Draper City’s water contract. Currently, Draper’s minimum purchase amount was 3,800 acre-feet (AF) plus a 20% allowance totaling 760 AF, or a total of 4,560 AF. He noted that Draper had stayed within that threshold for some time, but that in 2020 the threshold was exceeded. 2020 was very dry and warmer than average, so there were significant water deliveries made not only to Draper City but to all agencies within the district. The district had met with Draper’s staff and made the suggestion that the city probably needed to think about a purchase contract increase to keep the city’s contract current with demands.

The Jordan Water Conservancy District continues to experience explosive growth and is predicting a 70% population increase from the present day to 2065. To address this, the district has determined that landscaping needed to be completed in a more water-wise fashion. Jordan Valley had already been working with Draper staff on adopting efficiency standards to ensure a reliable water supply in the future. Mr. Forsyth also displayed the

average temperature reading at the Salt Lake International Airport since 1948 to demonstrate the steady increase in temperatures. He described it as an alarming trend because as temperatures increase, plants require more water. This was especially a concern because as the temperature continues to increase, it makes it much harder to achieve water conservation goals. A primary area the district is focusing on is the reduction of turfgrass. The higher temperatures also exacerbate drought conditions. At this point, Mr. Forsyth turned the presentation over to Matt Olsen.

- 4.3 Matthew Olsen, Jordan Valley Water Conservancy District Assistant General Manager, addressed water usage throughout the year. In the graph he displayed, he pointed out the steady use of indoor water use throughout the year, which accounted for 40% of total annual water use. The other 60% of water use accounted for outdoor water use that peaks during June, July, and August. This significant use was why Jordan Valley was focused on outdoor efficiency.

He then talked about why the water district was looking at water development out until 2065. He said that this 50-year assessment brought the Board of Trustees of Jordan Valley to come up with some direction and adoption of policy changes.

Jordan Valley had invested over \$700 million in its water system. One of Jordan Valley's goals was to keep water rate adjustments relatively stable from year to year. One recent development was the creation of a water revenue stabilization fund. The district uses income from last year's operations and puts it into a fund to offset future rate adjustments. The fund was used heavily in 2020 creating a 0% increase in water rates overall.

Another major effort that would help lower the cost of water by deferring really expensive projects and reducing unnecessary complications is the idea of outdoor water efficiency standards. If the district can focus on new construction, where landscaping could be installed the right way at the beginning, the district saves about five times the cost of going out later and ripping out the inefficient landscaping. There were two ways that the standards were being considered. The first way was to require any new annexation that came into the district that was outside of the current service boundaries would be subject to the outdoor water and efficiency standards and a Block 2, or higher water rate.

Jordan Valley has also focused on water purchasing contracts. Beginning on January 1, 2021, any water taken over one hundred twenty percent (120%) of an allotment is subject to a higher Block 2 rate. That Block 2 rates will likely be double the current rate. To avoid that Block 2 rates, a new contract, or newly amended contract could go through and receive Block 1 rates if the entity had adopted the water efficiency standards.

5.0 Presentation: Parks Capital Improvement Projects – Rhett Ogden

- 5.1 Due to time constraints, this item was not heard.

6.0 Closed Session: by Motion, The Draper City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, or the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.

6.1 Councilmember F. Lowry moved to recess into closed session to discuss litigation. Councilmember Vawdrey seconded the motion.

6.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

7.0 Council/Manager Reports

7.1 Councilmember Green said that he wanted to look into if the public could start to return to meetings in groups of ten. He said that he felt that they were to the point that they could start limiting the number of people in attendance with the vaccine.

Councilmember F. Lowry asked what the county was advising on public gatherings. Mayor Walker said that he was sure that the current order was still no gatherings. He asked if Councilmember Green wanted to wait to be in alignment with the county's order or if he wanted to do this in contradiction to the county's order.

Councilmember Green said that he didn't want to violate the county's order. He said that if there was a way to start letting the public participate he would like that. He said that they were going on a year now and he felt that the Council made better decisions when the public was present.

David Dobbins, City Manager, said that staff could check on what the current regulations were and see if there was a way to accomplish Councilmember Green's request.

7.2 Councilmember F. Lowry had a question regarding the Jordan Valley Water Conservancy District report. He asked if the city needed to look into increasing its purchase of shares.

Scott Cooley, City Engineer, said that staff was looking into the issue. He said that a lot of it depends on how much water the city is going to use which was dependent on the temperature.

Councilmember F. Lowry clarified that there was no direction from the Council needed by staff to further the item.

Mr. Cooley said not at this time. Staff needed to analyze the issue and then would come forward with what their recommendation was.

7.3 Councilmember Roberts asked if the Council was planning on a retreat this year. Mayor Walker said that he was up for it if the Council was able to gather.

Mr. Dobbins said that a staff member was looking at Thanksgiving Point so that they could get a little bit of a break from City Hall. He said that if it worked for the Council, they could look into dates for the early part of February. Councilmember T. Lowery said that her family would be gone in the early part of February.

7.4 Councilmember Roberts asked if the Council could get a quick overview of Draper Days.

Mr. Dobbins said that he knew that the Draper Community Foundation was planning as if Draper Days would be as it has always been. However, if the same regulations are in place in the summer as are in place now, the event would not be possible. If Draper Days were to happen, the foundation would need to start booking and making reservations now. But, if Draper Days did not happen, money could be lost. Some of this money comes from fundraising by the foundation, but a good portion comes from taxpayers. Given this, Mr. Dobbins wanted to know the Council's recommendation on how far the foundation should plan, not knowing the COVID-19 situation in the future. Or did they want to assume the worst-case scenario now and start planning alternative events? He said that at this point, even if the vaccine has been effectively rolled out, it seems that the county will not allow mass gatherings.

Councilmember T. Lowery said that she would like to look at planning Draper Days that would be viable and that they know they would be able to have. She said that she felt as though people were starved for some sort of community activity. She felt that they had already been creative and proactive in finding ways of meeting the guidelines and still be safe. She said that Mr. Ogden had already done some of them like the drive-in movie theaters and the one where there was a movie on the lawn with the chalk circles. She said that people enjoyed those events. She said that she felt that they could do something very similar with outdoor concerts. She felt that they might just have to reimagine Draper Days this year, but that it could be very possible.

Councilmember F. Lowry suggested that Draper Days be expanded to multiple locations. Councilmember T. Lowery talked about the possibility of doing Draper Days in various neighborhood parks throughout the city. Essentially, Draper Days would be brought to the people instead of having them come for a single weekend and a mass gathering.

Councilmember T. Lowery said Draper Days would have to be done like last summer where attendance would be limited, and folks would be socially distanced.

Councilmember Roberts asked for a summary of the current regulations and any outlook for what they would potentially be in seven months.

Mr. Ogden said that he did not know offhand what the number was as it seemed to change all the time. However, right now, the county was not issuing mass gathering permits at all. The report he had received was that they don't plan to soon. To be able to do events with the circles, staff have had to plan around the requirements of a mass gathering, meaning that it was less than 500 people and less than two hours. If events were held in local parks

and had less than 500 people, it wouldn't require a mass gathering permit. Events could not go on all night like a typical Draper Days event.

Councilmember Vawdrey said that she felt that they had another month or so before they needed to say. She said that she also felt that the city was going to need to proactively reach out to the foundation and help them or collaborate with them to make it happen. She feared that the foundation will wait and wait and wait and then it will be too late to do something inventive. She felt they could do something and she didn't want to be too late and not have some kind of event. She felt like they could also make the concerts in Historic Park in June work.

Mr. Ogden said that everyone has to register because the county wants to be able to do contact tracing. For all of the events they had done, they were either ticketed or by reservation. He said that it was possible, just a lot of work.

Councilmember Vawdrey pointed out that there were volunteers and other committees that were not able to work right now. All of those resources should be taken advantage of.

Councilmember T. Lowery said that summer was going to come and people were going to want to get out and do these sorts of things. She felt as though if they could make it work, people would appreciate it.

Councilmember Roberts posed the question of how they would have 499 people socially distanced. He was clarifying that 499 people could gather, unmasked, as long as they, on scout's honor, stayed six feet apart.

Mr. Ogden said that the county mass gathering permit was different than state COVID guidelines that included wearing a mask, social distance, etc. All of that would have to be followed, but the city would not be required to get a mass gathering permit from the county.

Mr. Dobbins said that one of the challenges was how to limit those in attendance for these types of gatherings. When the event is in a large park people can easily just show up. It would be better if the city could take control and find the right venues and locations so that those who could gather was naturally limited. He said that what he didn't want to do was end up pushing people away or need to play the heavy hand in telling people that they couldn't come. He said that if that was the direction the Council wanted to go, he wanted to start working on the plan now.

Councilmember Green asked if they could not still do fireworks and the drive-in movie. He said that they should do something for those two nights. He said that two events like that, there was no reason they couldn't do it.

Councilmember F. Lowry asked if there were staffing capabilities to use those two nights and spread the events out to Galena Park, Draper Park, the dog park, etc.

Mr. Dobbins said the foundation has a lot of volunteers for Draper Days and that staff work a lot of hours during that time. He said that rather than working all day, they could spread out their hours. He said that he felt there were options if the Council wanted staff to take a look at them. He said that part of the discussion was to convey to the foundation the direction of the Council.

Mayor Walker asked if there had been any indication of when the county expects to lift the gather restrictions.

Mr. Dobbins said that everything he has heard from the county is no; there is no indication. The assumption is that vaccinations will continue throughout the summer. Even after you get the vaccine, it takes a while. If the question was if the staff was anticipating any reduction in the restrictions come summer, the answer is no. He said that he fears that if they plan to do a large concert as a part of Draper Days and then have to cancel at the last minute, you not only lose money, but it is also difficult to get the word out.

Councilmember Roberts said it would be best to come up with viable ideas that don't break the law. He asked if the city would have to enforce social distancing at events.

Mr. Dobbins said that the city had not been strongly enforcing social distancing. However, they also haven't had a large-scale event that the public has been invited to. He said that if they started to plan now, they could make sure to try and find the best way to ensure social distancing so the city didn't have to enforce that issue. He said that hopefully by summer the counts would be down and people might not be quite as worried as we are today.

Councilmember Vawdrey said that they had the amphitheater and an arena that they could control the people coming in and out of that might be a little better than the park. She said she felt that there was a lot of thinking that they could do.

Councilmember T. Lowery said she felt there was a ton of opportunity if the city worked on it.

Councilmember Roberts agreed. He thought that the neighborhood park idea was cool; Draper Days in your neighborhood. That was a great idea.

Councilmember T. Lowery said that people would appreciate it so much. Even if they got to go to just one or two events it would make a huge difference.

7.5 Councilmember T. Lowery then asked if the city was going to do the Easter Bunny event.

Business Session

1.0 Call to Order: Mayor Troy K. Walker

2.0 Public Comments

No one came forward for public comment, so Mayor Walker closed Public Comment.

3.0 Consent Items

- a. Approval of Resolution #21-04, adopting a new logo for the City of Draper
Staff: Britnee Johnston**
- b. Approval of Resolution #21-06, reappointing Walt Rosemann and Laura Bakker to the Draper City Tree Commission.**
- c. Approval of Resolution #21-07, Bond Defeasance Series 2012B and Series 2016, consideration for adoption of a resolution of the City Council of Draper City, authorizing the defeasance of certain of its outstanding Sales Tax Revenue Bonds, Series 2012B and certain of the outstanding Lease Revenue Refunding Bonds, Series 2016 issued by the Municipal Building Authority of the City of Draper from legally available monies of the City; approving the execution of an escrow agreement; and related matters.**
- d. Approval of Resolution #21-08, requesting election services from Salt Lake County to participate in the Municipal Alternate Voting Methods Pilot Program. A resolution of Draper City stating its intent to participate in the Municipal Alternate Voting Methods Pilot Project (a.k.a. Ranked Choice Voting) for 2021 and requesting election services from Salt Lake County to participate in the Municipal Alternate Voting Methods Pilot Program.**

3.1 Councilmember Vawdrey moved to approve the Consent Items. Councilmember T. Lowery seconded the motion.

3.2 Mayor Walker asked if Resolution #21-08 allowed Ranked Choice Voting to be pursued if Salt Lake County declined to administer the election, but Utah County accepted.

Mike Barker, City Attorney, said it should. The resolution declared the Council's intent to participate and requests assistance from Salt Lake County. However, he did not think that it could be interpreted to say that Draper could not go elsewhere. One of the things that have to be done to comply with the statute is to have the city's election officer certify to the lieutenant governor's office that they have the resources to do it. How those resources were obtained was up to the city.

Mayor Walker asked if the resolution maker could add in addition to the request to Salt Lake County that as an alternative Utah County could administer the election.

Councilmember Vawdrey said she would like to add that.

Mr. Barker said that if things did not go well with Salt Lake County a second resolution could be made.

3.3 Councilmember Vawdrey amended her motion to approve the Consent Items with an amendment to Item D, to include the ability to request assistance from the Utah

County Elections Division if needed. Councilmember T. Lowery seconded the amended motion.

- 3.4 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

4.0 **Action Item: Ordinance #1473, amending Chapter 7-2 of the Draper City Municipal Code pertaining to sewage disposal.**

- 4.1 Scott Cooley said that the ordinance reflects changes that were made in the United States Code of Federal Regulations to the Clean Water Act, as well as changes to the Utah Administrative Code related to the Utah Clean Water Act. The changes in federal and state regulations place the burden of ensuring compliance with the federal and state clean water laws on sewage treatment facilities that provide the services. Additionally, the federal and state regulations no longer prohibit the disposal of specific substances by a person that we see in our code. The South Valley Sewer District provides sanitary sewer facilities and services to all of the residents and businesses within Draper City and to ensure South Valley Sewer District's continued compliance with state and federal law, the district has asked the city to approve this ordinance with the proposed changes to Draper code.

Mr. Cooley said that if the Council wanted, he could go over all the smelly details of the code change and was prepared to do so.

- 4.2 Councilmember F. Lowry moved to approve Ordinance #1473, amending Chapter 7-2 of the Draper City Municipal Code. Councilmember Vawdrey seconded the motion.

- 4.3 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

5.0 **Public Hearing: Ordinance #1472, Siempre Event Center Development Agreement (Legislative Action) On the request of Paxton Guymon, representing Siempre LLC, for a Development Agreement in the C2 and RM Zones regarding a future event center located at South Mountain Golf Course. This agreement would modify the number of parking spaces required for an event center development and allow for a portion of the parking spaces to be constructed of geo-grass pavers.**

- 5.1 Travis Van Ekelburg, a planner, said that the land use designation for the property was neighborhood commercial. The property was split zoned with the C2 and RM zone. He explained that the applicant had submitted a site plan application for the event center that was reviewed separately from the development agreement before the Council. Parking had been a concern of staff considering that the event center and golf course would be sharing parking. The site plan application will go before the Planning Commission on January 28, 2021. He noted that the particular property was located on the South Mountain Agreement Area and as such was reviewed against the 1990 Draper City Municipal Code (DCMC). The applicant requested that an agreement be approved for two things: (1) a reduction in

the number of spaces required in the 1990 DCMC, and (2) 20 of the proposed parking spaces be constructed of geo-grass pavers to accommodate overflow parking for the site during peak hours if needed between the clubhouse and the event center.

Mr. Van Ekelenburg said that the 1990 DCMC did not allow for deviations, but it did allow for shared parking. As part of the site plan application, the applicant was required to submit a parking study for the site. 193 parking stalls were needed for the event center and golf course. There are 197 existing parking stalls. Through the development agreement, there are 224 parking stalls proposed; seven of the stalls would be additional asphalt stalls and 20 of the stalls would be geo-grass pavers or a similar material. The developer would be responsible to maintain the geo-grass pavers in the area. The term of the agreement would be the same as the ground lease with Salt Lake County, 45 years.

As part of the analysis that was completed for the parking, according to the 1990 DCMC and the South Mountain Design guidelines, the reception center would have required 110 parking spaces, the golf course clubhouse 180 parking spaces, the restaurant 33 spaces, totaling 323 total spaces. Based on the shared parking configuration outlined in the 1990 code, 281 spaces would be required. This contrasted with current code requirements (golf course 90 spaces, and reception center 62.5 spaces) that would require a total of 153 spaces.

Mr. Van Ekelenburg displayed an image of the property and said that based on the needs of both the golf course and the event center that the 224 parking stalls seemed to be a better compromise between staff and the applicant. He also displayed the proposed place for the geo-grass pavers and the overall parking area. When the item went before the Planning Commission it was recommended for approval with a vote of 5-0.

After reviewing the parking agreement, staff felt that the parking would be sufficient for the site for the particular use and development agreement.

- 5.2 Paxton Guymon, applicant, said that he wanted to first provide some background information on the project and then would address the specific parking issue. He said that the project had been in the works for several years and had culminated in the finding of a 45-year ground lease with Salt Lake County ten months ago. He considered the ground lease to be an innovative private-public partnership that would ensure the financial viability of the South Mountain Golf Course for the next 45-years. He said that public golf courses had struggled financially and had to close down and be developed for housing or other uses instead of a golf course. Salt Lake County got ahead of that concern and put out a request for proposal (RFP) on what could be done to the South Mountain Golf Course. Siempre was the successful bidder on the RFP process and came up with what he would call a very unique proposal that is compatible with the existing facilities. Under the ground lease, they would be giving a facelift to the existing clubhouse, would be improving the exterior, installing new landscaping, and maintaining the site's overall appearance. More importantly, the county had agreed to allow Siempre to construct a new two-story event center of over 15,000 square feet that would host weddings and other events in the evening hours. What makes it a unique project as a public-private partnership was that it allowed the county to receive money from the site through payments of an annual ground lease, as

well as allow the county to use the facility during the daytime hours. He said that the current clubhouse at South Mountain was not capable of hosting a large event and when there were golf tournaments at the course, the only available venue for after golf tournament prizes and conferencing was an outdoor pavilion. He said it just was not suitable for what could be done. Siempre would be building a top-notch, first-class event center that the county could use free of charge during the daytime hours. Then, during the evening hours when golfers were leaving the golf course and parking lot, Siempre's customers would be coming in to set up for weddings and hosting other events.

Mr. Guymon then shared a comment from the County's Park and Recreation President, Mark Jensen. The county was fully committed to the public-private partnership with the event center as it will resolve some of their financial concerns about the golf course and allow for a much better overall facility that satisfies the demands of the public.

In respect to the parking, in particular, Mr. Guymon said that what staff had explained was that with the code from 1990, the shared parking terms, there might have been a requirement for 281 parking stalls. However, under the current code, there would only be a requirement for 153 parking stalls. Siempre conducted a parking study through Horrocks Engineering. They concluded that 193 stalls were necessary to meet the peak demand when there would be an overlap between golfer parking and when people would be arriving to use the event center. Even though there were already 197 stalls, Siempre wanted to make sure that there was adequate parking so they have decided that they would install an additional 27 stalls above and beyond what currently exists. 20 will be on the geo-grass pavers and seven in asphalt. The beauty of geo-grass pavers was that they allowed Siempre to install an improved parking surface that didn't invade the environment. It would appear like grass. The hexagon-shaped pavers allow grass to grow through the cracks while being placed on a road base. He said that this would create overflow parking in the summer months without altering the environment. You cannot snowplow on pavers, so the parking could not be used in the winter, but during these months, there wouldn't be people golfing. He felt that it was a nice synergistic project between the county and private enterprise. It would provide a great new resource for Draper City. He said that the building would be beautiful.

5.3 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.

5.4 Councilmember T. Lowery asked how many people would be attending events at the future event center. What was the maximum capacity of the facility?

Mr. Guymon said that the maximum capacity was 200 people. Councilmember T. Lowery emphasized that would be 200 new people coming to the event center, but only 27 new spaces were being added.

Mr. Guymon said that was right. He said that the parking studies had shown that the parking demand for the golf course was really at its peak in the morning and mid-afternoon.

People were leaving the golf course making the parking more available for the event center's use as the evening hours approached.

Councilmember T. Lowery asked if they could be hosting events at any time during the day. She said that there could be morning or afternoon weddings. She said that they would not be refusing to rent out the center in the morning.

Mr. Guymon said they had some restrictions through their ground lease with the county. The county had the first right to use the center during the daytime hours for golf events. He said that the most they could use the facility during the daytime are one of the two levels. The facility was designed to host two events simultaneously. That was what made something like this feasible financially. He said that it was about a \$6.5 million project to build the facility. By having two venues, an upper and lower level, the county gets to use one of those levels during the daytime hours. During the daytime, Siempre could only host one event which would reduce the need for parking during the day.

- 5.5 Councilmember Vawdrey said that she felt that shared parking helped and made it doable. However, she was concerned that people would not walk from the geo-grass parking up to the event center. She said that should the Council approve the development agreement they ought to consider no parking on Mike Weir.

Councilmember T. Lowery agreed that was a really good point. She said that she shared the concern. She said that the potential for traffic issues along the road was tremendous.

Councilmember F. Lowry asked if there was another place that the geo-grass parking could go that was closer to the new facility. They were both on opposite ends of the lot as the site plan is proposed now.

Mr. Guymon said that the geo-grass pavers located on the west side of the project are where employees and staff would park when there would be a high parking demand, not customers. He agreed that people coming for a wedding event would want to park closer to the venue. He said there was not another place to put the geo-grass pavers. The east side was where the clubhouse would be and butts up into a pretty steep ditch. Finally, the development agreement before the Council for approval requires Siempre to make a reasonable and best effort to not allow any parking on Mike Weir Drive. He said that it was up to them to self-monitor and police to make sure that doesn't happen. When they expect a high demand for parking because of simultaneous events, they will instruct their staff to park in the geo-grid so that customers can park on-site and off of Mike Weir Drive. He said that having 224 stalls was significantly more than having 193 stalls that were projected to be in demand during peak hours.

Councilmember T. Lowery clarified that 224 stalls still did not meet the maximum capacity of the venue that was 500. She asked how many people the reception center could hold.

Mr. Guymon said that if they had a full event, it would be 200 people per level, so a total of 400 people maximum. That would be if everyone showed up at the same time. What

Siempre's experience has shown at the Sleepy Ridge Event Center in Orem, UT was that people come at periodic times. They have never had a parking problem with the facility in Orem. They did not expect to have parking problems here.

Councilmember F. Lowry asked how many parking spots there were at Sleepy Ridge. Mr. Guymon said there were 204 parking stalls. He said that it was a similarly sized structure with two venues that can operate simultaneously.

Councilmember Green said that he did not think that they should make a policy decision about parking on Mike Weir until it was a problem. He said that if once things got going and they saw that there was an issue then it could be addressed.

5.6 Councilmember Green moved to approve Ordinance #1472, Siempre Event Center Development Agreement. Councilmember F. Lowry seconded the motion.

5.7 Councilmember F. Lowry said that he thought that it would be a great addition to Draper.

5.8 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

6.0 Public Hearing: Ordinance #1471, City Initiated Parking Ordinance Changes Text Amendment (Legislative Item), on the request of Draper City for a Text Amendment to amend Sections 9-25-030, 9- 25-060 and 9-25-080 of Draper City Municipal Code. This application is known as the City Initiated Parking Ordinance Changes Text Amendment.

6.1 Todd Draper, planner, explained that part of the impetus driving the proposed change was that the city was starting to see negative impacts occurring to site circulation when secondary or dual uses repetitively or routinely block access to on-site parking. He said that staff also felt that some updates to the terminology used in the ordinance should be consistent between sections and updates should eliminate ambiguous or duplicative terms. Lastly, there was an outdated reference to the Unified Fire Authority that needed to be updated and corrected to reference the Draper City Fire Department.

The items were taken to the Planning Commission on January 14, 2021, with a recommendation for approval with additional modifications to the text on a 5-0 vote. The updated ordinance with the proposed changes included had already been provided by the City Recorder.

The main piece that was added appears in section 9-25-03(D) which added parking to be provided and to continue to be available. The section of code specifies that "designated parking spaces shall be used solely for the parking or storage of one motor vehicle," and that "dual-use of parking spaces for public safety and emergency access aisles, internal vehicular circulation aisles, queuing lanes or similar uses is prohibited."

In section 9-25-060: Number and Type of Parking Spaces, the primary change to the code was to eliminate the term stacking and include the preference of the term queuing. The previous ordinance used both terms and implied that they were similar causing ambiguity. The team felt that queuing was the correct term.

In section 9-25-080 in regards to parking area design and construction, the language was made to queuing and there was a reference to the appropriate widths as outlined in a table to clarify the necessary spaces required. In section K, public safety access was updated from the Unified Fire Authority to the Draper City Fire Marshal.

Mr. Draper then displayed sample motions, including the motion in the middle that would coincide with the recommendation from the Planning Commission and accept the recommended changes of the Planning Commission that were detailed in the PowerPoint presentation.

6.2 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.

6.3 Councilmember Green moved to approve Ordinance #1471, City Initiated Parking Ordinance Changes Text Amendment. Councilmember Vawdrey seconded the motion.

6.4 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

6.0 Public Hearing: Resolution #21-05, amending the current Fiscal Year Budget FY2021

7.1 Jared Zacharias, Assistant Finance Director, outlined the proposed changes to the FY2021 budget. These included:

- (1) FY21-31 (Capital Projects): Was an administrative effort to clean up some accounts. There were some items floating that staff were getting rid of to make it easier to know what is really there. It accounted for \$205,000 of budget adjustments.
- (2) FY21-32 (Culinary Water System Master Plan): The city had been working through the initiatives in the Culinary Water System Master Plan. This item addressed the next item up on the master plan. Money for the project, amounting to \$100,000 would come from the Water Fund.
- (3) FY21-33 (Lone Peak Parkway): Was a current project underway on Lone Peak Parkway. In 2021, costs were increasing everywhere. There was no exception with this project. Some additional funding was needed to complete the right-of-way on the project. The \$275,000 would come from the Transportation Impact Fund.

- (4) FY21-34 (Capital Projects): Was also an administrative change. Staff had assessed funding sources and was recommending that the funding source for the Bangerter Highway and Suncrest Drive project be switched to spend some of the local county money first.
- (5) FY21-35 (Fire Department): Was a plan from the Fire Chief to reduce some of the costs of overtime and make the managing of the part-time positions be a little bit more functional and operate more smoothly. The cost for this for a full annual year would be \$100,000. However, this year the budget request is for \$91,000. The reason why that number was so high was that there were some startup costs this year that would not be needed for next year.
- (6) FY21-36 (Public Relations): With the increased usage in social media, this item would allow for a full-time communications specialist which is currently a part-time position working about $\frac{3}{4}$ hours. The budget change on an annual basis would be \$79,000. For the remainder of this year, the request was for \$16,000. Funding would come from sales tax revenue.
- (7) FY21-37 (Fire Department Vehicle Replacement): The Fire Department uses a vehicle used for wildland response that is a 2002 model. This item requested that the vehicle be upgraded to something newer. \$163,000 was the amount requested.
- (8) FY21-38 (Fire Department Wildland Crew): Is a new program within the Fire Department, the Wildland Crew. This was done last year, but the crew was being officially added in FY2021. There was a cost for five, six-month seasonal employee of about \$80,000. For the remaining of this fiscal year the Fire Department requested \$30,820 that would come from general sales tax.
- (9) FY21-39 (Staffing Chart): An attached document was provided about any changes that had been made. The first change was changing the communications specialist from a $\frac{3}{4}$ time position to a full-time position. There were also staffing changes to the Fire Department in adjusting part-time and full-time employees. Parks made some internal changes, but didn't need a budget adjustment. The same was true of paramedics.
- (10) FY21-40 (Capital Projects): UDOT came to Draper City and said that the project on a light they wanted to put in, but in order to do it, Draper was required to widen the road. UDOT would provide \$100,000 in funding to provide that section of widening. Draper's portion would be about \$50,000 for the right-of-way. This money would come from Transportation Impact Fees.

7.2 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.

- 7.3 Councilmember Green moved to approve Resolution #21-05, amending the current Fiscal Year Budget FY 2021. Councilmember Roberts seconded the motion.
- 7.4 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.
- 8.0 Adjournment
- 8.1 Councilmember Green moved to adjourn the meeting.
- 8.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.
- 8.3 The meeting adjourned at 7:58 p.m.



MEMO

To: City Council Meeting

From: Jennifer Jastremsky

CC:

Date: February 2, 2021

Re: City Initiated Windsor Mill – Zoning Map and Land Use Map Amendment Request

Comments:

This application is a request for approval of a Zoning Map and Land Use Map Amendment for approximately 0.302 acres located at approximately 11450 S 820 W. The property is currently zoned RA2. The applicant is requesting that the property be rezoned from the RA2 zone to the RM1 zone and the land use map be amended from Residential Low/Medium Density to Residential Medium/High Density.

The report that went to the Planning Commission called out the property acreage as 0.29 acres or 12,809.02 square feet. In preparation for this hearing, the City's GIS team created the legal description for the ordinance. That description clarifies the legal boundary of the property, and there is an additional 568.35 square feet of land that is included in the requested area. The overall acreage is 0.302 acres, or 13,377.374 square feet.

The Planning Commission reviewed the request at their January 14, 2021 meeting and forwarded a positive recommendation on a 5-0 vote for both the zoning map amendment and the land use map amendment.

The findings are as follows:

For approval:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed amendment is consistent with the standards of any applicable overlay zone.
4. The proposed amendment will not adversely affect adjacent property.
5. There are adequate facilities and services to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

For denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment is not harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed amendment is not consistent with the standards of any applicable overlay zone.
4. The proposed amendment will adversely affect adjacent property.
5. There are not adequate facilities and services to serve the subject property, including, but not limited to,

roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

ATTACHMENTS:

Description	Upload Date	Type
Ord 1477: Zoning Map Amendment	1/26/2021	Cover Memo
Ord 1478: Land Use Map Amendment	1/26/2021	Cover Memo
PC Staff Report	1/25/2021	Cover Memo

ORDINANCE NO. 1477

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF DRAPER CITY FOR APPROXIMATELY 0.302 ACRES OF PROPERTY FROM RA2 (RESIDENTIAL AGRICULTURAL, 20,000 SQUARE FOOT LOT MINIMUM) TO RM1 (MULTI-FAMILY RESIDENTIAL, UP TO 8 DWELLING UNITS PER ACRE), LOCATED AT APPROXIMATELY 11450 SOUTH 820 WEST WITHIN DRAPER CITY, OTHERWISE KNOWN AS THE CITY INITIATED WINDSOR MILL ZONING MAP AMENDMENT.

WHEREAS, pursuant to State law, Draper City has adopted a Zoning Ordinance and Zoning Map to guide the orderly development and use of property within the City; and

WHEREAS, from time to time it is necessary to review and amend the Zoning Map to keep pace with development within the City and to ensure the provision of a variety of economic uses; and

WHEREAS, the proposed zone change set forth herein has been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Map; and

WHEREAS, the Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed amendment to the official Zoning Map of Draper City, and the City Council has found the proposed zone change to be consistent with the City's General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:

Section 1. Zoning Map Amendment. The following described real property located at approximately 11450 South 820 West within Draper City, Salt Lake County, State of Utah, previously zoned RA2 as shown on the Draper City Zoning Map, as depicted in Exhibit "A" hereto, are hereby changed and rezoned to RM1:

The land referred to herein below is situated in the County of Salt Lake, State of Utah, and is described as follows:

Commencing at a point which is South 89°26'50" West 997.82 feet and South 00°05'05" East 116.76 feet from the East Quarter corner of Section 23, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 80°59'05" West 175.53 feet and North 87°15'55" West 388.98 feet to the point of beginning, thence North 87°15'15" West 17.00 feet; thence South 15°34'05" West 204.43 feet; thence Southeasterly 172.09 feet along a 320.00 foot radius curve to the right (Chord bears South 12°38'48" East 170.02 feet); thence South 02°05'15" West 6.37 feet; thence South 84°32'21" East 161.38 feet; thence South 84°17'38" East 5.57 feet; thence North 04°56'55" East 22.73 feet; thence North 84°32'21" West 66.78 feet to the point of a curve of a non-tangent curve to the left, of which the radius point lies North 85°39'46" West, a radial distance of 51.00 feet; thence Northwesterly along the arc, through a central angle of 128°38'15", a distance of 114.50 feet (Chord bearing North 59°58'53" West 91.92 feet) to the point of curve of a non-tangent curve to the left, of which the radius point lies South 82°47'04" West, a radial distance of 340.70 feet; thence Northerly along the arc, through a central angle of 11°41'09", a distance of 69.49 feet (Chord bearing North 13°03'30" West 69.37 feet); Thence North 08°31'00" West 92.39 feet; thence North 15°34'05" East 148.60 feet; thence North 17°18'37" East 7.55 feet to the point of beginning.

Less and Excepting therefrom that portion conveyed in Warranty Deed recorded April 26, 2010, as Entry No. 10940747, in Book 9820, at Page 6915:

A parcel of land in fee for the widening of 11400 South Street, incident to the construction of Project No. SP-15-7 (156)293, being part of an entire tract of property situated in the Northwest Quarter of the Southeast Quarter of Section 23, Township 3 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning in the Westerly boundary line of said entire tract at a point 288.91 feet South 00°05'05" East along the section line and 1,619.91 feet West from the East Quarter corner of said Section 23, which point is 273.28 feet perpendicularly distant Southerly from the design line of said project, opposite approximate Engineer Station 240+24.68, and running thence South 18°06'54" East 31.79; thence South 11°37'28" East 22.12 feet; thence Southerly 8.66 feet along the arc of a non-tangent 48.00 foot radius curve to the right through a central angle of 10°20'15", (Note: Chord to said curve bears South 12°44'24" East for a distance of 8.65 feet); thence South 07°34'16" East 53.83 feet; thence South 82°25'44" West 7.41 feet; thence Northerly 77.48 feet along the arc of a non-tangent 320.00 foot radius curve to the left through a central angle of 13°52'22", (Note: Chord to said curve bears North 21°06'58" West for a distance of 77.29 feet) to said Westerly boundary line; thence North 15°34'05" East 44.17 feet along said boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Contains 13,377.374 Square Feet (OR)
0.302 Acres, More or Less

Section 2. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE ____ DAY OF _____, 2021.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Laura Oscarson, CMC, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

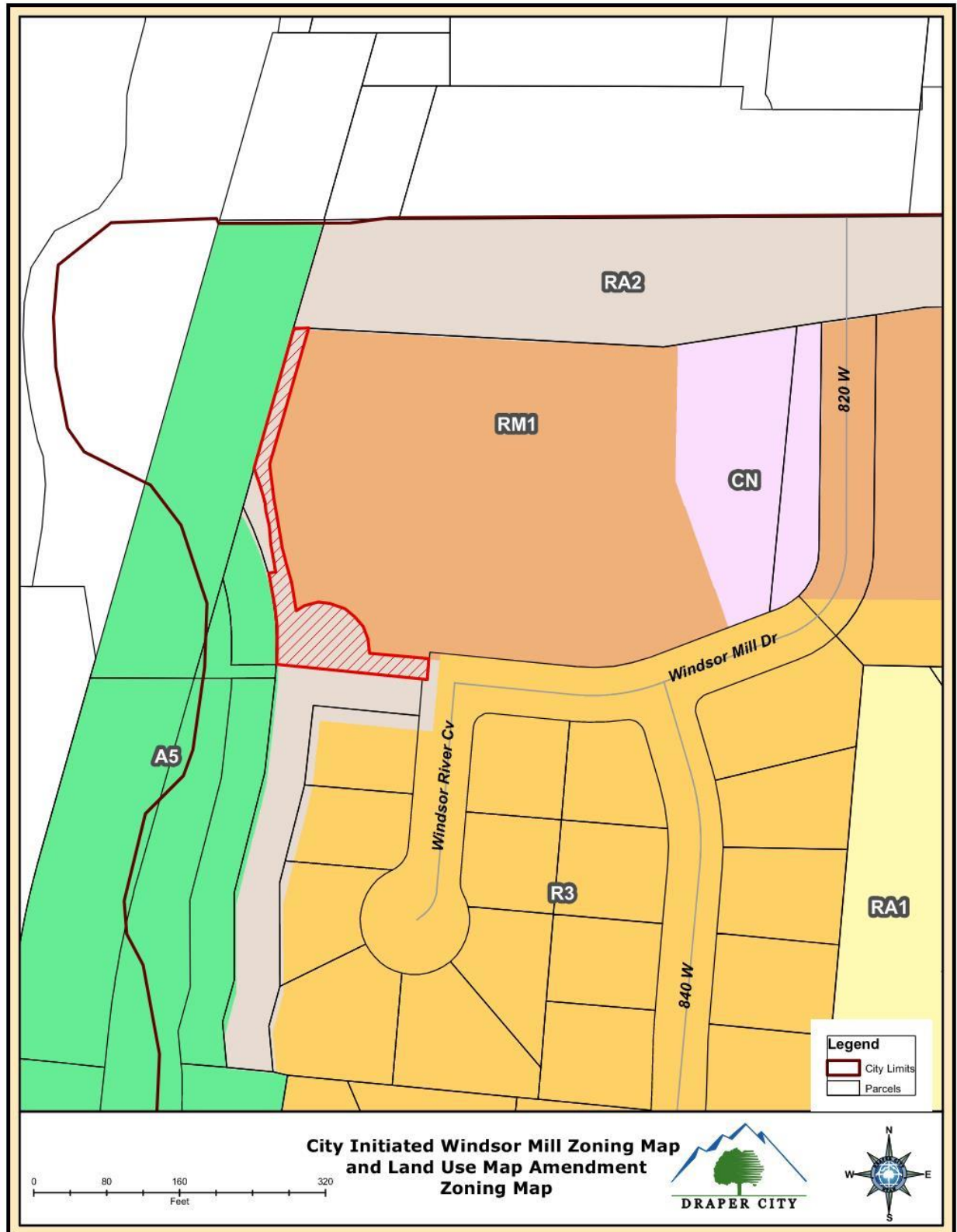
Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

EXHIBIT A

CITY INITIATED WINDSOR MILL ZONING MAP AMENDMENT



ORDINANCE NO. 1478

AN ORDINANCE AMENDING THE OFFICIAL LAND USE MAP OF DRAPER CITY FOR APPROXIMATELY 0.302 ACRES OF PROPERTY FROM RESIDENTIAL LOW/MEDIUM DENSITY TO RESIDENTIAL MEDIUM/HIGH DENSITY, LOCATED AT APPROXIMATELY 11450 SOUTH 820 WEST WITHIN DRAPER CITY, OTHERWISE KNOWN AS THE CITY INITIATED WINDSOR MILL LAND USE AMENDMENT.

WHEREAS, pursuant to State law, Draper City has adopted a General Plan and Land Use Map to guide the future development within the City; and

WHEREAS, from time to time it is necessary to review and amend the Land Use Map to keep pace with development within the City and to ensure the provision of a variety of economic uses; and

WHEREAS, the proposed land use change set forth herein has been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Land Use Map; and

WHEREAS, the Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed amendment to the official Land Use Map of Draper City, and the City Council has found the proposed land use change to be consistent with the City's General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:

Section 1. Land Use Amendment. The following described real property located at approximately 11450 South 820 West within Draper City, Salt Lake County, State of Utah, previously designated Residential Low/Medium Density as shown on the Draper City Land Use Map, as depicted in Exhibit "A" hereto, are hereby changed to the Residential Medium/High Density land use designation:

The land referred to herein below is situated in the County of Salt Lake, State of Utah, and is described as follows:

Commencing at a point which is South 89°26'50" West 997.82 feet and South 00°05'05" East 116.76 feet from the East Quarter corner of Section 23, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 80°59'05" West 175.53 feet and North 87°15'55" West 388.98 feet to the point of beginning, thence North 87°15'15" West 17.00 feet; thence South 15°34'05" West 204.43 feet; thence Southeasterly 172.09 feet along a 320.00 foot radius curve to the right (Chord bears South 12°38'48" East 170.02 feet); thence South 02°05'15" West 6.37 feet; thence South 84°32'21" East 161.38 feet; thence South 84°17'38" East 5.57 feet; thence North 04°56'55" East 22.73 feet; thence North 84°32'21" West 66.78 feet to the point of a curve of a non-tangent curve to the left, of which the radius point lies North 85°39'46" West, a radial distance of 51.00 feet; thence Northwesterly along the arc, through a central angle of 128°38'15", a distance of 114.50 feet (Chord bearing North 59°58'53" West 91.92 feet) to the point of curve of a non-tangent curve to the left, of which the radius point lies South 82°47'04" West, a radial distance of 340.70 feet; thence Northerly along the arc, through a central angle of 11°41'09", a distance of 69.49 feet (Chord bearing North 13°03'30" West 69.37 feet); Thence North 08°31'00" West 92.39 feet; thence North 15°34'05" East 148.60 feet; thence North 17°18'37" East 7.55 feet to the point of beginning.

Less and Excepting therefrom that portion conveyed in Warranty Deed recorded April 26, 2010, as Entry No. 10940747, in Book 9820, at Page 6915:

A parcel of land in fee for the widening of 11400 South Street, incident to the construction of Project No.

SP-15-7 (156)293, being part of an entire tract of property situated in the Northwest Quarter of the Southeast Quarter of Section 23, Township 3 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning in the Westerly boundary line of said entire tract at a point 288.91 feet South 00°05'05" East along the section line and 1,619.91 feet West from the East Quarter corner of said Section 23, which point is 273.28 feet perpendicularly distant Southerly from the design line of said project, opposite approximate Engineer Station 240+24.68, and running thence South 18°06'54" East 31.79; thence South 11°37'28" East 22.12 feet; thence Southerly 8.66 feet along the arc of a non-tangent 48.00 foot radius curve to the right through a central angle of 10°20'15", (Note: Chord to said curve bears South 12°44'24" East for a distance of 8.65 feet); thence South 07°34'16" East 53.83 feet; thence South 82°25'44" West 7.41 feet; thence Northerly 77.48 feet along the arc of a non-tangent 320.00 foot radius curve to the left through a central angle of 13°52'22", (Note: Chord to said curve bears North 21°06'58" West for a distance of 77.29 feet) to said Westerly boundary line; thence North 15°34'05" East 44.17 feet along said boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Contains 13,377.374 Square Feet (OR)
0.302 Acres, More or Less

Section 2. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE ____ DAY OF _____, 2021.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Laura Oscarson, CMC, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

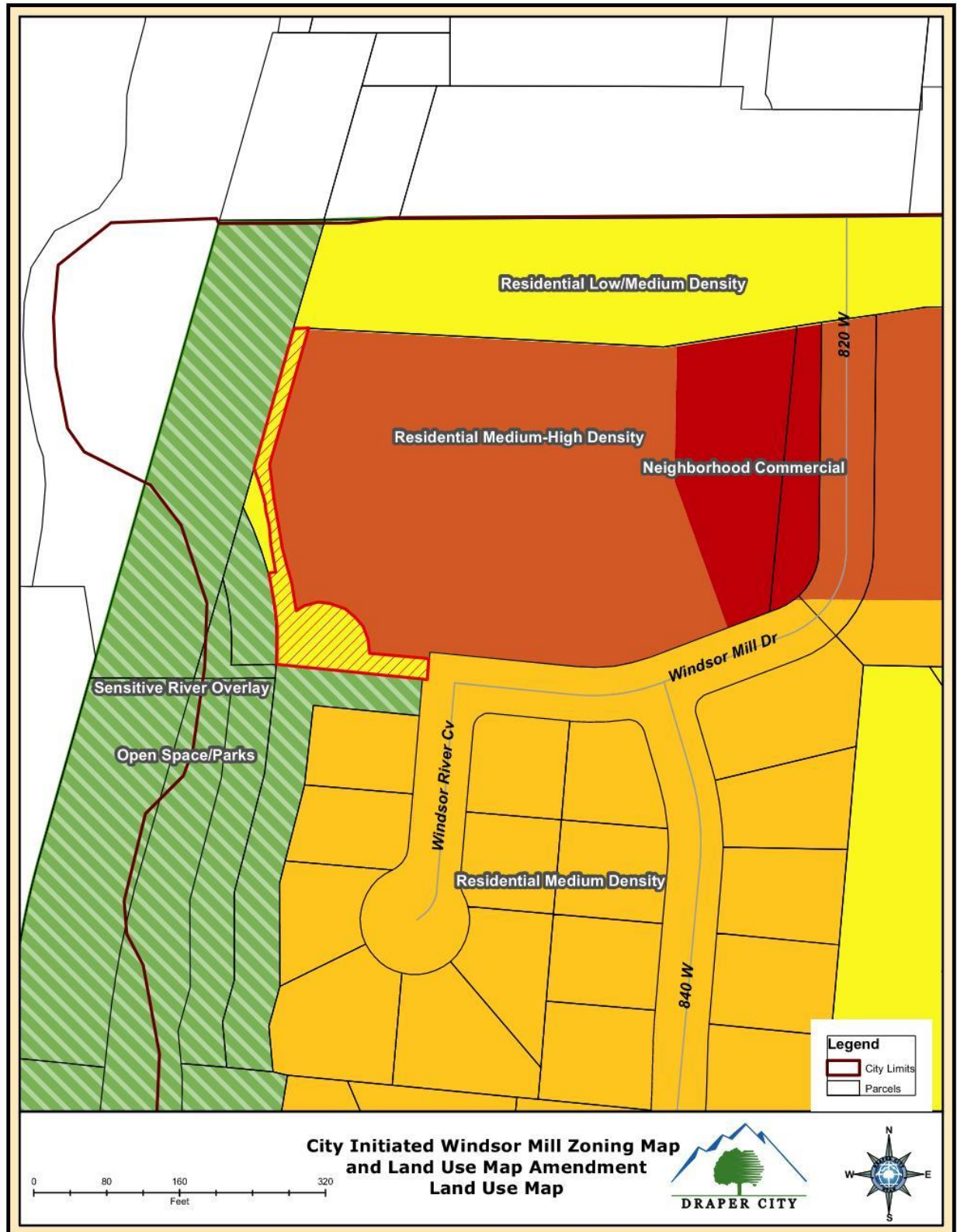
Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

EXHIBIT A

CITY INITIATED WINDSOR MILL LAND USE AMENDMENT





Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

January 5, 2021

To: Draper City Planning Commission
Business Date: January 14, 2021

From: Development Review Committee

Prepared By: Jennifer Jastremsky, AICP, Senior Planner/Zoning Administrator
Planning Division
Community Development Department
801-576-6328, jennifer.jastremsky@draper.ut.us

Re: City Initiated Windsor Mill – Zoning Map and Land Use Map Amendment Request

Application No.: TEXTMAP-1120-2020, TEXTMAP-1121-2020
Applicant: Draper City
Project Location: approximately 11450 South 820 West
Current Zoning: RA2 (Residential Agricultural, 20,000 square foot lot minimum) Zone
Acreage: 0.29 Acres (Approximately 12,809.02 ft²)
Request: Request for approval of a rezone for 0.29 acres of property from the RA2 zone to the RM1 (Multi-family Residential, up to 8 dwelling units per acre) zone and amend the land use map from Residential Low/Medium Density to Residential Medium/High Density.

BACKGROUND AND SUMMARY

This application is a request for approval of a Zoning Map and Land Use Map Amendment for approximately 0.29 acres located at approximately 11450 S 820 W (Exhibit B). The property is currently zoned RA2. The applicant is requesting that the property be rezoned from the RA2 zone to the RM1 zone and the land use map be amended from Residential Low/Medium Density to Residential Medium/High Density.

The property was subject to a rezone request on September 1, 2009. That rezone was for 18.56 acres (Master Project), and included the Windsor Mill and Soccer City developments. Staff research has uncovered an error on the legal descriptions used in the 2009 rezone. The legal descriptions provided in the 2009 ordinance did not include the entire 18.56 acres, it left a small approximately 1.05 acre area in the RA2 zone, including the 0.29 acres that is the subject of application. The 0.29 acres was supposed to have been rezoned from RA2 to RM1 in 2009. The remainder of the 1.05 acres is either owned by UDOT or was dedicated to the City as open space with the Windsor Mill Subdivision and has not been included in this application.

On February 21, 2019 the Planning Commission approved a site plan on the property for 30 townhome units and an office building. The Planning Commission then approved a preliminary subdivision plat on July 25, 2019. An application for final plat was obtained on August 9, 2019. The applicant then obtained an extension of approval on the site plan approval from the Planning Commission on April 9, 2020. This

extended the site plan approval by six months to August 21, 2020. Unfortunately the applicants work on the project was delayed due to health reasons and no land disturbance permit under the site plan was obtained prior to the August 21, 2020 expiration date and the site plan expired. The applicant has since obtained a new site plan approval from the Planning Commission on December 17, 2020. The site plan included a condition of approval that the 0.29 acres be rezoned prior to any building permits being issued. Final Plat approval was also granted at the December 17, 2020 meeting.

ANALYSIS

General Plan. The Land Use Map of the General Plan calls for the Residential Low/Medium Density land use designation for the subject property (Exhibit C). This category is characterized as follows:

Residential Low-Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	• Very large lot single-family neighborhoods or ranchettes allows for enhancement of Draper's rural character • Environmentally designed clustered housing with the Suncrest and South Mountain projects being the exceptions • Some natural features and cultivated vegetation is apparent and special care is required in order to preserve those features and areas • Equestrian uses and privileges may exist in certain areas	
LAND USE MIX	Primary • Single-family detached homes	Secondary • Parks • Open space • Churches • Schools
DENSITY	• Density range: up to 2 dwelling units per acre • Reduction for non-buildable areas	
COMPATIBLE ZONING	• Residential Agricultural (RA1) • Residential Agricultural (RA2) • Single-family Residential Hillside (RH) • Master Planned Community (MPC)	
OTHER CRITERIA	• Increased densities within equestrian areas may be allowed only with compliance to specified performance standards and impact mitigation measures • Buffers and transitions around existing low-density single-family residences may consist of open space/retention areas, lots that are pie-shaped or otherwise larger than standard sized lots or a combination of these and other appropriate design techniques	

The applicant is proposing the Residential Medium/High Density land use designation.

Residential Medium-High Density

LAND USE DESCRIPTION		
CHARACTERISTICS	• Abundant landscaping • Uniform design standards which also allow architectural variation between units • Architectural variation between units and/or buildings, designed to look like houses, not boxes • Adequate off-street parking • Avoid walls and fences, except for screening and buffering with neighboring developments	
LAND USE MIX	Primary • Single-family homes • Patio homes • Townhouses • Multifamily housing	Secondary • Parks • Churches • Schools • Open Space
DENSITY	• Density range: 4-8 dwelling units per acre	
COMPATIBLE ZONING	• Single-family Residential (R4) • Single-family Residential (R5) • Master Planned Community (MPC) • Multiple-family Residential (RM1)	
OTHER CRITERIA	• The Master Planned Community may be utilized • The developer must demonstrate that the project provides a quality living environment	

Zoning. The property has been assigned the RA2 zoning classification, supporting approximately two dwelling unit per acre (Exhibit D). According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the RA2 zone is to “*foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the city's semirural areas; and to promote and preserve conditions favorable to large lot family life, including the keeping of limited numbers of animals and fowl. The predominant use in these zones is intended to be detached single-family dwellings, protected from encroachment by commercial and industrial uses.*” The RM1 zoning abuts the subject property on the east, and RA2 abuts on the south, and the A5 (Agricultural, 5 acre lot minimum) zone abuts on the west.

The applicant is proposing to modify the properties zoning designation to the RM1 zone. According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the RM1 zone is to “*permit well designed apartments, townhomes, twin homes, and condominiums at relatively high densities that are appropriately buffered from and compatible with surrounding land uses.*”

The 0.29 acres of property is part of the Windsor Mill Townhomes development. The final subdivision plat for Windsor Mill Townhomes shows 6,200 square feet, or 0.142 acres, of the 0.29 acres of land being dedicated to the City as public right-of-way. The remainder of the RA2 zoned area is a small strip of land that runs along the west property line and encompasses a UDOT easement. This strip of land measures 10-feet to 23-feet wide and is utilized as common space within the townhome development.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Sections 9-5-060(E) of the DCMC. This section depicts the standard of review for such requests as:

1. *Map Amendments:*

- a. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. *Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- c. *Whether the proposed amendment is consistent with the standards of any applicable overlay zone;*
- d. *The extent to which the proposed amendment may adversely affect adjacent property; and*
- e. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

The Land Use Map amendment request falls under DCMC Section 9-2-020(F) because the Land Use Map is part of Draper City's General Plan. That section lists the following criteria for a General Plan amendment as:

"Plan Amendment: All plan amendments shall be in accordance with Utah Code Annotated 10-9a-404, as amended and, unless requested by the city's legislative body, shall follow the procedures as outlined in Draper City Municipal Code 9-5-060(D)." That section is noted as follows:

D. *Procedure: Zoning text and map amendments shall be considered and processed as provided in this subsection:*

1. *A complete application shall be submitted to the office of the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:*
 - a. *The name, address and telephone number of the applicant and the applicant's agent, if any.*
 - b. *The name and address of every person or company the applicant represents.*
 - c. *The requested amendment and reasons supporting the request.*
 - d. *If the proposed amendment requires a change in the zoning map, the application shall include:*
 - (1) *An accurate property map showing present and proposed zoning classifications;*
 - (2) *All abutting properties showing present zoning classifications; and*
 - (3) *An accurate legal description and an approximate common address of the area proposed to be rezoned.*
 - e. *If the proposed amendment requires a change in the text of this title, the application shall include chapter and section references and a draft of the proposed text.*
2. *After the application is determined to be complete, the zoning administrator shall prepare a staff report evaluating the application.*
3. *The planning commission shall schedule and hold a public hearing on the application as provided in sections 9-5-040 and 9-5-045 of this chapter. Following the public meeting, the planning commission shall recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the city council for review and decision.*

4. *The city council shall schedule and hold a public hearing on the application as provided in sections 9-5-040 and 9-5-045 of this chapter. Following the public hearing, the city council may approve, approve with modifications, or deny the proposed amendment.*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Zoning Map and Land Use Map Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Zoning Map and Land Use Map Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Zoning Map and Land Use Map Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed his review of the Zoning Map and Land Use Map Amendment submission. The request complies with federal and state laws and Draper City ordinances. Comments from this division, if any, can be found in Exhibit A.

Parks & Trails Committee Review. The Draper City Parks and Trails Committee has completed their review of the Zoning Map and Land Use Map Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a decision based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

Zoning Map Amendment:

The findings for approval as are follows:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed amendment is consistent with the standards of any applicable overlay zone.
4. The proposed amendment will not adversely affect adjacent property.
5. There are adequate facilities and services to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

The findings for denial as are follows:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment is not harmonious with the overall character of existing development in the vicinity of the subject property.
3. The proposed amendment is not consistent with the standards of any applicable overlay zone.
4. The proposed amendment will adversely affect adjacent property.
5. There are not adequate facilities and services to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Land Use Map Amendment:

The findings for approval as are follows:

1. The proposed amendment complies with DCMC Section 9-2-020(F).

The findings for denial as are follows:

1. The proposed amendment does not comply with DCMC Section 9-2-020(F).

MODEL MOTIONS

Zoning Map Amendment

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the Zoning Map Amendment, as requested by Draper City for the City Initiated Windsor Mill Zoning Map Amendment, application TEXTMAP-1121-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 5, 2021.

Sample Motion for Modified Approval– I move that we forward a positive recommendation to the City Council for Zoning Map Amendment, as requested by Draper City for the City Initiated Windsor Mill Zoning Map Amendment, application TEXTMAP-1121-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 5, 2021 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Zoning Map Amendment, as requested by Draper City for the City Initiated Windsor Mill Zoning Map Amendment, application TEXTMAP-1121-2020, based on the findings listed in the Staff Report dated January 5, 2021.

Land Use Map Amendment

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the Land Use Map Amendment, as requested by Draper City for the City Initiated Windsor Mill Land Use Map Amendment, application TEXTMAP-1120-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 5, 2021.

Sample Motion for Modified Approval– I move that we forward a positive recommendation to the City Council for the Land Use Map Amendment, as requested by Draper City for the City Initiated Windsor Mill Land Use Map Amendment, application TEXTMAP-1120-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 5, 2021 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Land Use Map Amendment, as requested by Draper City for the City Initiated Windsor Mill Land Use Map Amendment, application TEXTMAP-1120-2020, based on the findings listed in the Staff Report dated January 5, 2021.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Draper City Public Works Department

Draper City Planning Division

Draper City Fire Department

Draper City Legal Counsel

Draper City Building Division

EXHIBIT A
DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. The proposal to correct an error in the legal descriptions from the 2009 rezone appears to be reasonable as it will bring the entirety of the Windsor Mill Townhomes into one zoning designation.

**EXHIBIT B
AERIAL MAP**

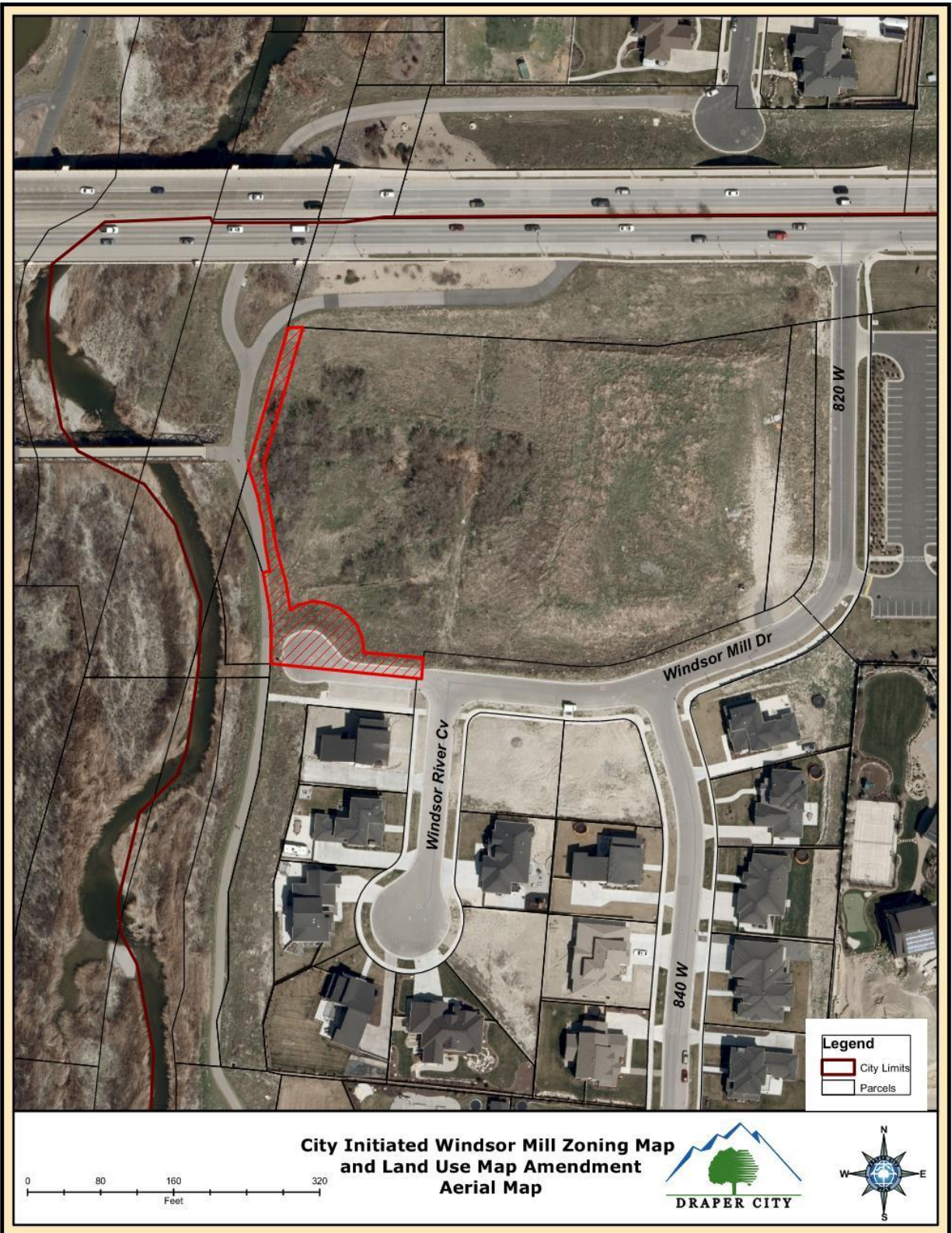


**EXHIBIT C
LAND USE MAP**

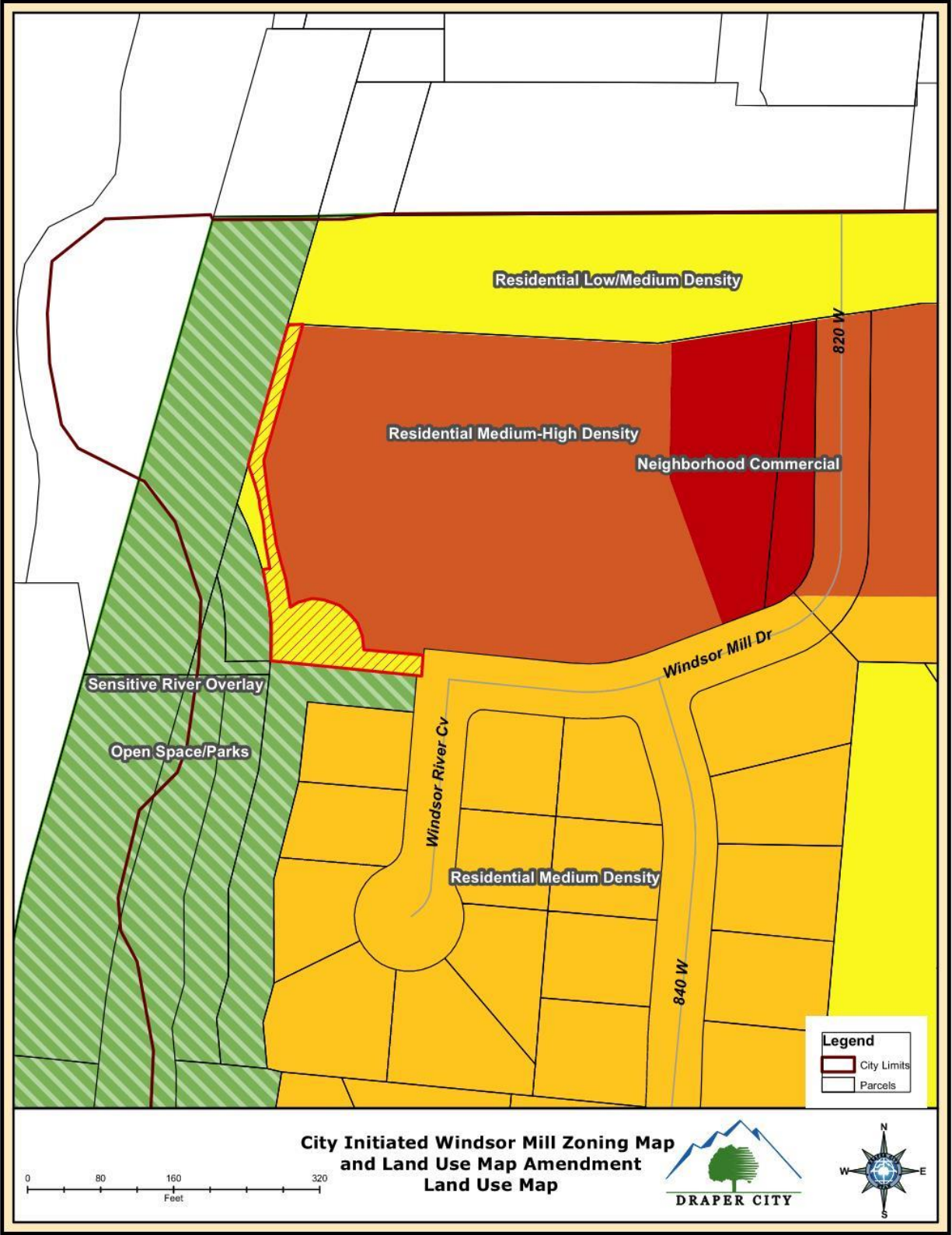
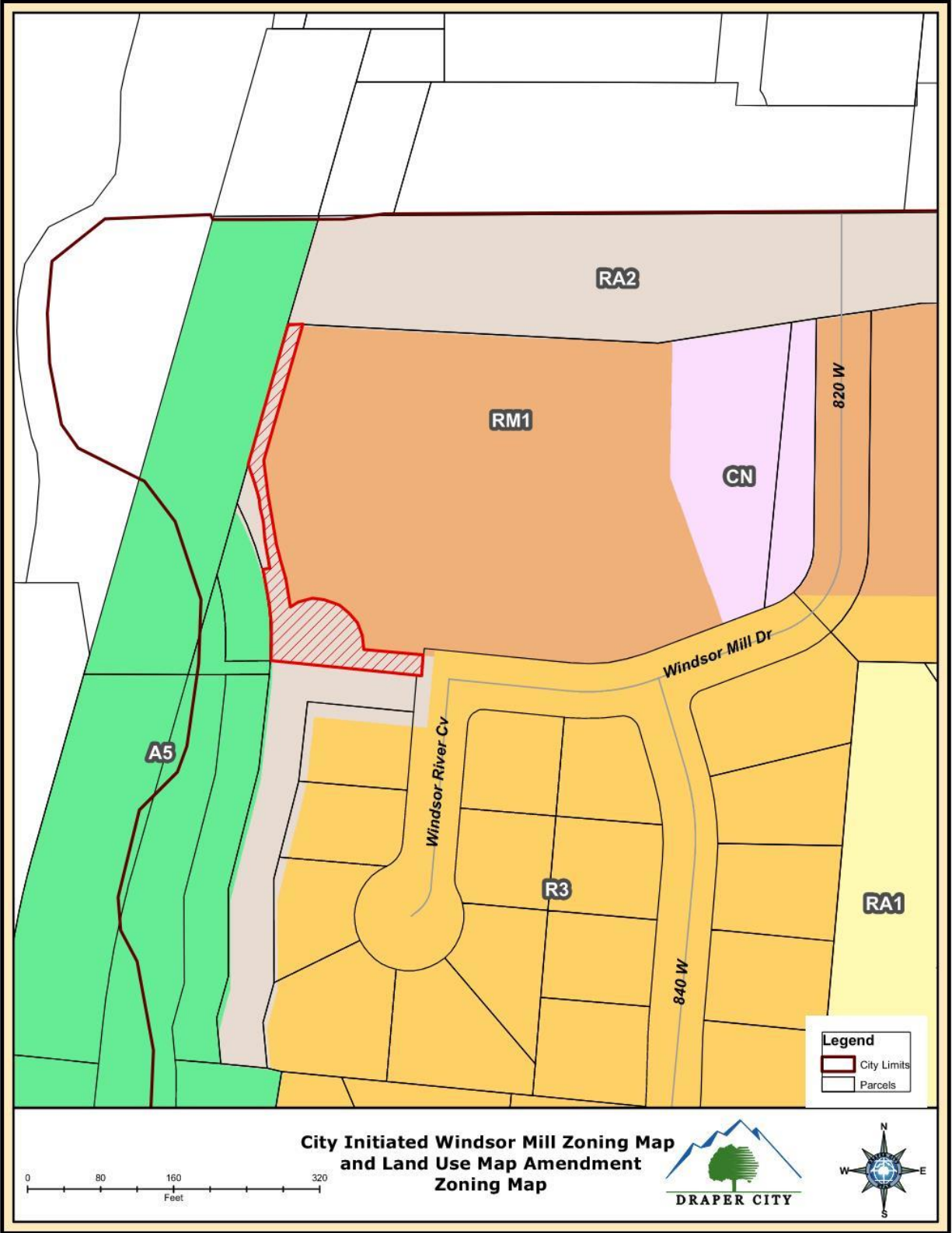


**EXHIBIT D
ZONING MAP**





MEMO

To: City Council Meeting

From: Todd A. Draper

CC:

Date: February 2, 2021

Re: City Initiated Chickens for Familial Gain Text Amendment Request

Comments:

This application is a request for approval of a Text Amendment to DCMC Sections 9-3-040, 9-9-080, 9-10-090, and 9-27-055. The applicant is requesting that a Text Amendment be approved to adjust, or eliminate the number of chickens allowed in certain zones, and for additional clarifying updates to the text. The proposal seeks to remove the current allowance of chickens in the RM1 and RM2 zones, and in other residential and agricultural zones to tie the number of chickens allowed for familial gain to the size of the property.

This item is scheduled for the January 28, 2021 Planning Commission meeting and an update of that meeting will be presented to the City Council at the February 2, 2021 meeting.

The findings are as follows:

For Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment furthers the specific purpose statements of the zoning ordinance.
3. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance.
4. The proposed amendment will not create a conflict with any other section or part of this title or the general plan.
5. The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit.
6. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

For Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment does not further the specific purpose statements of the zoning ordinance.
3. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the zoning ordinance.
4. The proposed amendment creates a conflict other sections or parts of this title or the general plan.
5. The potential effects of the proposed amendment have not been fully evaluated, or are detrimental to public health, safety, or welfare and do not represent an overall community benefit.
6. The proposed text amendment does not implement best current, professional practices of urban planning,

design, and engineering practices.

ATTACHMENTS:

Description

Ordinance #1475

P.C. Staff Report

Upload Date

1/26/2021

1/26/2021

Type

Cover Memo

Cover Memo

ORDINANCE NO. 1475

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO THE KEEPING OF CHICKENS FOR FAMILIAL GAIN.

WHEREAS, Utah State law grants to Draper City the authority to regulate uses of property by zoning districts; and

WHEREAS, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

WHEREAS, the Land Use and Development Code of the Draper City Municipal Code has been established to provide regulations concerning general developments within the City Boundaries; and

WHEREAS, the City Council of Draper City adopted the Land Use and Development Code to guide development within the City Boundaries; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of the Land Use and Development Code regarding the keeping of chickens for familial gain; and

WHEREAS, notice has been issued according to the requirements of the Utah Code Annotated and Draper City Municipal Code for public hearings before the Planning Commission and City Council to receive public input regarding the revision of the Land Use and Development Code; and

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of the Land Use and Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City has made the following findings that the proposed text amendment regarding the Land Use and Development Code in regards to the Chickens for Familial Gain Text Amendment: 1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan. 2. The proposed amendment furthers the specific purpose statements of the zoning ordinance. 3. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance. 4. The proposed amendment will not create a conflict with any other section or part of this title or the general plan. 5. The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit. 6. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

Section 2. Revision. The Land Use and Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE _____ DAY OF _____, 2021.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Laura Oscarson, CMC, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

EXHIBIT A

9-3-040: DEFINITIONS:

...

ANIMAL SPECIALTIES: The [commercial](#) production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, and aviaries.

...

[KEEPING OF CHICKENS FOR FAMILIAL GAIN: The keeping of chickens on a lot for the exclusive use by persons residing thereon.](#)

...

9-9-080: USE AND DEVELOPMENT STANDARDS TABLES:

**TABLE 9-9-1
PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES**

Use	Zones	
	A5	A2
Agricultural uses:		
Agricultural business	P	P
Agricultural industry	C	C
Agricultural processing	P	NP
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production (subject to section 9-27-0550 of this title)	P (1 animal unit per 20,000 square feet of total lot area)	P (1 animal unit per 20,000 square feet of total lot area)
Cannabis production establishment	NP	P
Keeping of chickens for familial gain (subject to section 9-27-055 of this title)	P	P
Residential uses:		
Dwelling, single-family	P	P
Dwelling, single-family with accessory dwelling	See chapter 31 of this title	
Dwelling, temporary	P	P
Residential facility for elderly persons	See chapter 38 of this title	
Residential facility for persons with disability	See chapter 38 of this title	
Temporary construction or model home office	See title 6, chapter 16 of this Code	
Public and civic uses:		
Cemetery	P	P
Charter school	P	P
Church or place of worship	P	P
Golf course	C	C

Use		Zones	
		A5	A2
	Government service	P	P
	Higher education facility, public	P	P
	Park	P	P
	Private school	C	C
	Public school	P	P
	Public utility substation	See chapter 36 of this title	
	Riding academy or stable	P	P
	School, elementary, middle, or high	P	P
	Utility, minor	P	P
Municipal uses:			
	Franchise Municipal use	P	P
	Municipal use	P	P
Commercial uses:			
	Agricultural sales and service	P	C
	Animal breeder	P	P
	Cattery	P	P
	Daycare, general	P	P
	Daycare, limited	P	P
	Kennel	P	P
	Low power radio services facility	See chapter 41 of this title	
	Medical cannabis pharmacy	P	P
	Preschool, general	P	P
	Veterinary service	P	P
Accessory uses		See subsection 9-9-030B of this chapter	

9-10-090: USE AND DEVELOPMENT STANDARDS TABLES:

TABLE 9-10-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

Use		Zones							
		RA1	RA2	RH	R3	R4	R5	RM1	RM2
Agricultural uses:									
	Agricultural business	C	NP	NP	NP	NP	NP	NP	NP
	Agriculture	P	P	P	P	P	P	P	P
	Animal specialties	C	NP	NP	NP	NP	NP	NP	NP
	Animals and fowl for recreation and family food production (subject to sections ~~9-27-050 and 9-27-055~~ of this title)	P (1 animal unit per 20,000 sq. ft. of total lot area)	C (1 animal unit per 20,000 sq. ft. of total lot area)	NP	NP	NP	NP	NP	NP
	Apiary	P	P	P	P	P	P	NP	NP
	Keeping of chickens for familial gain (subject to section 9-27-055 of this title)	P	P	P	P	P	P	NP	NP
Residential uses:									
	Daycare, limited ²	C	C	C	C	C	C	C ⁴	C ⁴

Use		Zones							
		RA1	RA2	RH	R3	R4	R5	RM1	RM2
	Dwelling, single-family ¹	P	P	P	P	P	P	P	P
	Dwelling, single-family with accessory dwelling unit	See chapter 31 of this title							
	Dwelling, two-family	NP	NP	NP	NP	NP	NP	P	P
	Dwelling, multiple-family	NP	NP	NP	NP	NP	NP	P	P
	Dwelling, temporary	P	P	P	P	P	P	P	P
	Home occupations ³	See chapter 34 of this title							
	Preschool, limited ²	C	C	C	C	C	C	C ⁴	C ⁴
	Residential facility for elderly persons	P	P	P	P	P	P	P	P
	Residential facility for persons with a disability	P	P	P	P	P	P	P	P
Public and civic uses:									
	Cemetery	P	P	P	P	P	P	P	P
	Charter schools	P	P	P	P	P	P	P	P
	Church or place of worship	P	P	P	P	P	P	P	P
	Cultural service (only in a historic building)	See chapter 33 of this title							
	Golf course	C	C	C	C	C	C	C	C
	Government service	P	P	P	P	P	P	P	P
	Higher education facility, public	P	P	P	P	P	P	P	P
	Park	P	P	P	P	P	P	P	P
	Public school	P	P	P	P	P	P	P	P
	Public utility substation	See chapter 36 of this title							
	Utility, minor	P	P	P	P	P	P	P	P
Municipal uses:									
	Franchise Municipal use	P	P	P	P	P	P	P	P
	Municipal use	P	P	P	P	P	P	P	P
Commercial uses:									
	Animal breeder	P	P	P	P	P	P	NP	NP
	Bed and breakfast inn (only in historic building)	See chapter 33 of this title							
	Medical service (only in historic building)	See chapter 33 of this title							
	Office, general (only in historic building)	See chapter 33 of this title							
	Personal care service (only in historic building)	See chapter 33 of this title							
	Personal instruction service (only in historic building)	See chapter 33 of this title							
	Reception center (only in historic building)	See chapter 33 of this title							
	Restaurant, general (only in historic building)	See chapter 33 of this title							
	Retail, general (antique store only in a historic building)	See chapter 33 of this title							
	Temporary construction or model home office	See title 6, chapter 16 of this Code							
	Wireless telecommunication facility	See chapter 41 of this title							

9-27-055: KEEPING OF CHICKENS FOR FAMILIAL GAIN:

A. Purpose ~~A~~and Intent: The guidelines and provisions of this section are intended to:

1. Minimize nuisances to neighboring property owners;
2. Prevent rodent, insect, vermin, and pest proliferation;
3. Prevent the spread of disease; and
4. Provide the ability for residents to provide for themselves and produce food for the exclusive benefit of their families without the need for a conditional use permit.

B. Keeping ~~O~~of Chickens: Exclusive and independent of the terms and requirements of section 9-27-050 of this chapter and other applicable provisions of this code regarding animal rights, residents may keep and maintain chickens on their property subject to the standards and guidelines of this section. ~~Any property or resident that cannot maintain any or all of the standards and guidelines of this section shall be required to apply and be approved for a conditional use permit under the applicable terms regarding the keeping of animals on property as constituted in this code.~~ Keeping of chickens according to this section shall be permitted in ~~all residential~~ the RA1, RA2, RH, R3, R4, R5, A5 and A2 ~~agricultural~~ zones; provided, that all standards and provisions of this section can be fully maintained.

C. Standards ~~O~~of Care: The following standards for care of chickens shall be required in all cases where the provisions of this section are applied:

1. Chickens may be kept ~~on a non-nuisance basis~~ strictly for familial gain of those residing on the property. only and there shall be no sale ~~or income of eggs, poultry or poultry products~~ resulting from the keeping of chickens under this section.

2. Up to ~~six (6)~~ five (5) chickens may be kept on any one lot or parcel that is less than or equal to ten thousand square feet (10,000 ft²) in size. An additional one (1) chicken is permitted for each additional two thousand square feet (2,000 ft²) in overall lot or parcel size, up to a maximum of 20 chickens ~~or by any one family, whichever is less.~~ Chicks and juvenile chickens (pullets) under the age of 6 months shall not count towards this limit, however the number of chicks and juvenile chickens being raised simultaneously while keeping chickens shall not exceed forty percent (40%) of the maximum number of chickens allowed for the lot or parcel.

3. Chickens may be kept on properties containing a single-family detached dwelling unit only, although vacant properties directly adjacent to a lot or parcel containing a single-family detached dwelling unit under the same ownership may be used for the keeping of chickens.

4. There shall be no roosters or crowing hens.

5. Chickens may not be kept or allowed to roam within the living quarters of a dwelling.

6. All enclosures, pens, coops, and run areas shall be maintained in good condition at all times so as to keep it rodent-proof from all sides, including burrowing.

7. Manure shall be removed from the pens, coop, and run areas at least weekly or as necessary to prevent insect breeding, vermin attraction, offensive odor, or any other nuisance per Salt Lake Valley health department standards.

8. Compost piles must be at least three feet (3') from the nearest property line and shall be managed in a way that prevents the spread of disease, the propagation or harboring of insects or rodents, the creation of any nuisance, offensive odor at the property line, or any other condition that might adversely affect public health, including noise, as required by Salt Lake Valley health department regulations.

9. All enclosures, pens, coops, and run areas shall be kept and maintained in a clean and sanitary condition.

10. All enclosures, pens, coops, and run areas shall be located to the rear of the main dwelling on the property and the yard shall be completely fenced using site obscuring fencing so as to prevent sight of such areas to the greatest degree possible.

11. All animal food storage and feeding areas shall be completely secured from insects, rodents, and other vermin per Salt Lake Valley health department standards.

12. Clean water shall be available to the chickens at all times.

13. All enclosures, pens, coops, compost, and run areas shall be located at least thirty feet (30') from the nearest primary structure or habitable dwelling on adjoining properties, at least five feet (5') from the property line, and at least ten feet (10') from any structure containing a habitable dwelling on the same property.

14. Dead birds and discarded or rotting eggs shall be removed from all enclosures, pens, coops, and run areas ~~as soon as possible and within twenty four (24) hours~~ and ~~shall~~ be properly disposed of within twenty four (24) hours.

15. Chickens may not be permitted to roam beyond the locational requirements for enclosures, pens, coops, and run areas.

16. To prevent disease, all chickens should be vaccinated yearly and appropriate biosecurity measures should be in place using the guidelines of the United States department of agriculture.

D. Runs, Structures, And Coops:

1. Required: The keeping of chickens shall require the provision of a run area and a coop. The coop shall be constructed such that it provides adequate shelter and space for chickens to roost. Run areas shall be connected to the provided run and provide some method by which chickens are not allowed to freely roam beyond the run area, including flying out of run area.

2. Structures: Structures and coops used for the keeping and feeding of chickens according to this section shall be designed and constructed:

- a. With solid walls on all sides, exclusive of openings for animals and access to animals;
- b. With a solid roof;
- c. So as to prevent intrusion, including by burrowing, from all types of rodents, vermin, and predatory animals; and
- d. Such that they resemble typical accessory buildings and are not unsightly.

3. Permits: Structures or coops of a large enough size, or that are being altered, that would require a building permit shall apply for and be issued such a permit by the city prior to construction or alteration for use for the keeping of chickens.

E. Violations: Violation of any provision of this section may result in immediate removal of any or all chickens. Violations may also be subject to other civil or criminal penalties based on the nature of the violation.



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

January 20, 2021

To: Draper City Planning Commission
Business Date: January 28, 2021

From: Development Review Committee

Prepared By: Todd A. Draper, AICP, Planner III
Planning Division
Community Development Department
801-576-6335, todd.draper@draper.ut.us

Re: City Initiated Chickens for Familial Gain – Text Amendment Request

Application No.: TEXTMAP-1125-2020

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of a Text Amendment in order to modify Draper City Municipal Code (DCMC) Sections 9-3-040, 9-9-080, 9-10-090, and 9-27-055 in order to adjust, or eliminate, the number of chickens allowed in certain zones and to make additional clarifying updates to the text.

BACKGROUND AND SUMMARY

This application is a request for approval of a Text Amendment to DCMC Sections 9-3-040, 9-9-080, 9-10-090, and 9-27-055. The applicant is requesting that a Text Amendment be approved to adjust, or eliminate the number of chickens allowed in certain zones, and for additional clarifying updates to the text. The proposal seeks to remove the current allowance of chickens in the RM1 and RM2 zones, and in other residential and agricultural zones to tie the number of chickens allowed for familial gain to the size of the property.

ANALYSIS

Currently the following defined terms in DCMC Section 9-03-040 impact the keeping of chickens in Draper City.

ANIMAL SPECIALTIES: The production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, and aviaries.

ANIMAL UNIT: A method of accounting for the relative impact of domestic animals and fowl over the age of six (6) months listed below. The offspring (under 6 months of age) of any of the animals noted below shall not be counted as part of the animals allowed per animal unit. Animals not listed below in the chart are not permitted within Draper City.

Animal Type	Animals Allowed Per Animal Unit
<i>Alpacas</i>	5
<i>Buffalo</i>	1
<i>Cattalo</i>	1
<i>Cow</i>	2
<i>Donkey</i>	1
<i>Elk</i>	1
<i>Emus</i>	4
<i>Fallow deer</i>	1
<i>Fowl (excluding chickens)</i>	5
<i>Goats</i>	5
<i>Llamas</i>	2
<i>Mule</i>	1
<i>Ostriches</i>	4
<i>Rabbits or chinchillas</i>	25
<i>Sheep</i>	5
<i>Swine (including pot-bellied pigs)</i>	2
<i>Zebra</i>	1

Note: Horses, chickens and bees are regulated by separate ordinances and have different allowances.

ANIMALS AND FOWL FOR RECREATION AND FAMILY FOOD PRODUCTION: *The keeping of animals on a lot for exclusive use by persons residing thereon so long as the number of animal units maintained for food production at any one time does not exceed that required to supply household needs for a one year period.*

The definition of Animal Specialties, includes the production of chickens and turkeys and other small animals, which by inference includes the sale of said products. Sales of eggs or poultry products are prohibited when keeping chickens for familial gain under the regulations of DCMC Section 9-27-055(C)(1), a specific distinction from the definition of Animal Specialties. This text amendment proposal adds language to the Animal Specialties definition to clarify the intended commercial nature of the use. The definition of Animals and Fowl for Recreation and Family Food Production is tied to the definition of Animal Unit which specifically excludes the keeping of chickens. The result of these conflicts within the definitions is the need to clarify and update the definitions in the DCMC and to create a new definition for the Keeping of Chickens for Familial Gain. Updating of the land use tables in DCMC Sections 9-9-080 and 9-10-090 is also necessary to identify the zones in which each of the individually defined uses identified above are permitted, not permitted or conditional uses.

Additional concerns have been raised by Draper City residents regarding the maximum number of chickens allowed to be kept for familial gain on residential and agricultural lots within the city. The current standards listed in DCMC Section 9-27-055(C)(2) permit keeping no more than six (6) chickens regardless of lot size. This text amendment request proposes to adjust the number of chickens permitted based upon overall lot size.

In permitted zones, the proposed text amendment would allow for up to five (5) chickens to be kept for

familial gain on lots up to 10,000 ft² in size and would permit an additional one (1) chicken for each additional 2,000 ft² in overall lot size above 10,000 ft² (see Table 1, below). Lowering the base number to five (5) chickens would mirror that of other fowl as listed within the chart that accompanies the definition of Animal Unit in DCMC 9-03-040. A set maximum number of chickens kept for familial gain is then proposed at twenty (20) chickens corresponding with lots 40,000 ft² and larger. Additional provisions are included to address the simultaneous raising of chicks to replace existing chickens in the brood as they die or are consumed, restricting the number of chicks and juvenile chickens (pullets) under six (6) months of age to no more than 40% of the maximum number of chickens allowed for the lot. Although not a part of proposed ordinance provisions, the analysis in Table 1 also provides estimates regarding the potential number of eggs that could be produced on a weekly basis for use by the residents.

Table 1. Proposed Number of Chickens and Chicks per Minimum Lot size and zone with approximate production amounts.

Zone	Minimum Lot Size	Number of Chickens Allowed for familial gain at minimum lot size	Number of Chicks or Pullets Allowed for familial gain at minimum lot size	Approximate number of eggs per week given peak laying conditions*
RA1	40,000 ft ²	20	8	105 eggs / 8 ¾ dozen
RA2	20,000 ft ²	10	4	53 eggs / 4 ½ dozen
RH	40,000 ft ²	20	8	105 eggs / 8 ¾ dozen
R3	13,000 ft ²	6	3	32 eggs / 2 ½ dozen
R4	10,000 ft ²	5	2	26 eggs / 2 dozen
R5	8,000 ft ²	5	2	26 eggs / 2 dozen
A5	5 acres	20	8	105 eggs / 8 ¾ dozen
A2	2 acres	20	8	105 eggs / 8 ¾ dozen

* Based upon estimation calculations available from www.wellfedhomestead.com.

Additionally, the text amendment proposes to amend DCMC Section 9-27-055(B) to indicate the specific residential and agricultural zones in which the keeping of chickens for familial gain is permitted. The net effect of this proposed change would be the removal of the RM1 and RM2 multiple-family residential zones from the list of allowable residential zones where chickens can be raised. This is being proposed due to the higher likelihood of potential conflicts with neighboring properties based upon the smaller permissible lot sizes and typical development patterns within those zones. Chickens would be allowed in all single-family residential zones and agricultural zones.

The text amendment proposal also clarifies provisions of DCMC Section 9-27-055(C)(14) regarding the removal and disposal of dead birds and discarded or rotting eggs to be clear that proper disposal of such is required within 24 hours.

Criteria For Approval

The criteria for review and potential approval of a Text Amendment request is found in Sections 9-5-060(E) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

Text Amendment 9-5-060(E)

2. Text Amendments:

- a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*

- b. Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;
- c. Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;
- d. The proposed amendment will not create a conflict with any other section or part of this title or the general plan;
- e. Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
- f. The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed his review of the Text Amendment submission. The request complies with federal and state laws and Draper City ordinances. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

The findings for approval as are follows:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment furthers the specific purpose statements of the zoning ordinance.
3. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance.
4. The proposed amendment will not create a conflict with any other section or part of this title or the general plan.
5. The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit.

6. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

The findings for denial as are follows:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment does not further the specific purpose statements of the zoning ordinance.
3. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the zoning ordinance.
4. The proposed amendment creates a conflict other sections or parts of this title or the general plan.
5. The potential effects of the proposed amendment have not been fully evaluated, or are detrimental to public health, safety, or welfare and do not represent an overall community benefit.
6. The proposed text amendment does not implement best current, professional practices of urban planning, design, and engineering practices.

MODEL MOTIONS

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the Text Amendment, as requested by Draper City, for the City Initiated Chickens for Familial Gain Text Amendment application TEXTMAP-1125-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 20, 2021.

Sample Motion for Modified Approval– I move that we forward a positive recommendation to the City Council for the Text Amendment, as requested by Draper City, for the City Initiated Chickens for Familial Gain Text Amendment application TEXTMAP-1125-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 20, 2021 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Text Amendment, as requested by Draper City, for the City Initiated Chickens for Familial Gain Text Amendment application TEXTMAP-1125-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 20, 2021.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Brien Maxfield

Digitally signed by Brien Maxfield
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email=brien.maxfield@draper.ut.us, c=US
Date: 2021.01.22 12:18:00 -07'00'

Draper City Public Works Department

Jennifer Jastremsky

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O=Draper City Planning, CN=Jennifer Jastremsky
Date: 2021.01.20 17:21:08-07'00'

Draper City Planning Division

Don Buckley

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Department, OU=Fire Marshal, CN=Don Buckley
Date: 2021.01.20 12:56:13-07'00'

Draper City Fire Department

Mike Barker

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Draper City Legal Counsel

Keith Collier

Digitally signed by Keith Collier
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City, OU=Building Dept, CN=Keith Collier
Location: Home
Reason: I agree to the terms defined by the
placement of my signature on this document
Contact Info: Keith Collier
Date: 2021.01.21 07:19:05-07'00'

Draper City Building Division

EXHIBIT A
DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. The proposed changes will create a more distributed range of allowable brood sizes based upon the overall lot size.

EXHIBIT B
LEGISLATIVE DRAFT

9-3-040: DEFINITIONS:

...

ANIMAL SPECIALTIES: The [commercial](#) production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, and aviaries.

...

[KEEPING OF CHICKENS FOR FAMILIAL GAIN: The keeping of chickens on a lot for the exclusive use by persons residing thereon.](#)

...

9-9-080: USE AND DEVELOPMENT STANDARDS TABLES:

TABLE 9-9-1
PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zones	
	A5	A2
Agricultural uses:		
Agricultural business	P	P
Agricultural industry	C	C
Agricultural processing	P	NP
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production (subject to section 9-27-0550 of this title)	P (1 animal unit per 20,000 square feet of total lot area)	P (1 animal unit per 20,000 square feet of total lot area)
Cannabis production establishment	NP	P
Keeping of chickens for familial gain (subject to section 9-27-055 of this title)	P	P
Residential uses:		
Dwelling, single-family	P	P
Dwelling, single-family with accessory dwelling	See chapter 31 of this title	
Dwelling, temporary	P	P
Residential facility for elderly persons	See chapter 38 of this title	
Residential facility for persons with disability	See chapter 38 of this title	
Temporary construction or model home office	See title 6, chapter 16 of this Code	
Public and civic uses:		
Cemetery	P	P
Charter school	P	P
Church or place of worship	P	P
Golf course	C	C

Use		Zones	
		A5	A2
	Government service	P	P
	Higher education facility, public	P	P
	Park	P	P
	Private school	C	C
	Public school	P	P
	Public utility substation	See chapter 36 of this title	
	Riding academy or stable	P	P
	School, elementary, middle, or high	P	P
	Utility, minor	P	P
Municipal uses:			
	Franchise Municipal use	P	P
	Municipal use	P	P
Commercial uses:			
	Agricultural sales and service	P	C
	Animal breeder	P	P
	Cattery	P	P
	Daycare, general	P	P
	Daycare, limited	P	P
	Kennel	P	P
	Low power radio services facility	See chapter 41 of this title	
	Medical cannabis pharmacy	P	P
	Preschool, general	P	P
	Veterinary service	P	P
Accessory uses		See subsection 9-9-030B of this chapter	

9-10-090: USE AND DEVELOPMENT STANDARDS TABLES:

**TABLE 9-10-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES**

Use		Zones							
		RA1	RA2	RH	R3	R4	R5	RM1	RM2
Agricultural uses:									
	Agricultural business	C	NP	NP	NP	NP	NP	NP	NP
	Agriculture	P	P	P	P	P	P	P	P
	Animal specialties	C	NP	NP	NP	NP	NP	NP	NP
	Animals and fowl for recreation and family food production (subject to sections ~~9-27-050 and 9-27-055~~ of this title)	P (1 animal unit per 20,000 sq. ft. of total lot area)	C (1 animal unit per 20,000 sq. ft. of total lot area)	NP	NP	NP	NP	NP	NP
	Apiary	P	P	P	P	P	P	NP	NP
	Keeping of chickens for familial gain (subject to section 9-27-055 of this title)	P	P	P	P	P	P	NP	NP
Residential uses:									
	Daycare, limited ²	C	C	C	C	C	C	C ⁴	C ⁴

9-27-055: KEEPING OF CHICKENS FOR FAMILIAL GAIN:

A. Purpose ~~A~~and Intent: The guidelines and provisions of this section are intended to:

1. Minimize nuisances to neighboring property owners;
2. Prevent rodent, insect, vermin, and pest proliferation;
3. Prevent the spread of disease; and
4. Provide the ability for residents to provide for themselves and produce food for the exclusive benefit of their families without the need for a conditional use permit.

B. Keeping ~~O~~of Chickens: Exclusive and independent of the terms and requirements of section 9-27-050 of this chapter and other applicable provisions of this code regarding animal rights, residents may keep and maintain chickens on their property subject to the standards and guidelines of this section. ~~Any property or resident that cannot maintain any or all of the standards and guidelines of this section shall be required to apply and be approved for a conditional use permit under the applicable terms regarding the keeping of animals on property as constituted in this code.~~ Keeping of chickens according to this section shall be permitted in ~~all residential~~ the RA1, RA2, RH, R3, R4, R5, A5 and A2 agricultural zones; provided, that all standards and provisions of this section can be fully maintained.

C. Standards ~~O~~of Care: The following standards for care of chickens shall be required in all cases where the provisions of this section are applied:

1. Chickens may be kept ~~on a non-nuisance basis~~ strictly for familial gain of those residing on the property. only and there shall be no sale ~~or income of eggs, poultry or poultry products~~ resulting from the keeping of chickens under this section.

2. Up to ~~six (6)~~ five (5) chickens may be kept on any one lot or parcel that is less than or equal to ten thousand square feet (10,000 ft²) in size. An additional one (1) chicken is permitted for each additional two thousand square feet (2,000 ft²) in overall lot or parcel size, up to a maximum of 20 chickens ~~or by any one family, whichever is less.~~ Chicks and juvenile chickens (pullets) under the age of 6 months shall not count towards this limit, however the number of chicks and juvenile chickens being raised simultaneously while keeping chickens shall not exceed forty percent (40%) of the maximum number of chickens allowed for the lot or parcel.

3. Chickens may be kept on properties containing a single-family detached dwelling unit only, although vacant properties directly adjacent to a lot or parcel containing a single-family detached dwelling unit under the same ownership may be used for the keeping of chickens.

4. There shall be no roosters or crowing hens.

5. Chickens may not be kept or allowed to roam within the living quarters of a dwelling.

6. All enclosures, pens, coops, and run areas shall be maintained in good condition at all times so as to keep it rodent-proof from all sides, including burrowing.

7. Manure shall be removed from the pens, coop, and run areas at least weekly or as necessary to prevent insect breeding, vermin attraction, offensive odor, or any other nuisance per Salt Lake Valley health department standards.

8. Compost piles must be at least three feet (3') from the nearest property line and shall be managed in a way that prevents the spread of disease, the propagation or harboring of insects or rodents, the creation of any nuisance, offensive odor at the property line, or any other condition that might adversely affect public health, including noise, as required by Salt Lake Valley health department regulations.

9. All enclosures, pens, coops, and run areas shall be kept and maintained in a clean and sanitary condition.

10. All enclosures, pens, coops, and run areas shall be located to the rear of the main dwelling on the property and the yard shall be completely fenced using site obscuring fencing so as to prevent sight of such areas to the greatest degree possible.

11. All animal food storage and feeding areas shall be completely secured from insects, rodents, and other vermin per Salt Lake Valley health department standards.

12. Clean water shall be available to the chickens at all times.

13. All enclosures, pens, coops, compost, and run areas shall be located at least thirty feet (30') from the nearest primary structure or habitable dwelling on adjoining properties, at least five feet (5') from the property line, and at least ten feet (10') from any structure containing a habitable dwelling on the same property.

14. Dead birds and discarded or rotting eggs shall be removed from all enclosures, pens, coops, and run areas ~~as soon as possible and within twenty four (24) hours~~ and ~~shall~~ be properly disposed of within twenty four (24) hours.

15. Chickens may not be permitted to roam beyond the locational requirements for enclosures, pens, coops, and run areas.

16. To prevent disease, all chickens should be vaccinated yearly and appropriate biosecurity measures should be in place using the guidelines of the United States department of agriculture.

D. Runs, Structures, And Coops:

1. Required: The keeping of chickens shall require the provision of a run area and a coop. The coop shall be constructed such that it provides adequate shelter and space for chickens to roost. Run areas shall be connected to the provided run and provide some method by which chickens are not allowed to freely roam beyond the run area, including flying out of run area.

2. Structures: Structures and coops used for the keeping and feeding of chickens according to this section shall be designed and constructed:

- a. With solid walls on all sides, exclusive of openings for animals and access to animals;
- b. With a solid roof;
- c. So as to prevent intrusion, including by burrowing, from all types of rodents, vermin, and predatory animals; and
- d. Such that they resemble typical accessory buildings and are not unsightly.

3. Permits: Structures or coops of a large enough size, or that are being altered, that would require a building permit shall apply for and be issued such a permit by the city prior to construction or alteration for use for the keeping of chickens.

E. Violations: Violation of any provision of this section may result in immediate removal of any or all chickens. Violations may also be subject to other civil or criminal penalties based on the nature of the violation.



MEMO

To: City Council Meeting
From: Todd A. Draper
CC:
Date: February 2, 2021
Re: City Initiated Land Use Buffer Text Amendment Request

Comments:

This application is a request for approval of a Text Amendment to Draper City Municipal Code Sections 9-23-110 and 9-3-040. The applicant is requesting that a Text Amendment be approved to amend fencing requirements and other aspects of land use buffers for commercial, multifamily and industrial properties.

At the January 14, 2021 Planning Commission meeting the Planning Commission voted 5-0 to forward a positive recommendation on the ordinance text as proposed to the City Council together with an additional request that staff look into the use of hedgerows described in 9-23-110(C)(2)(c).

The findings are as follows:

For Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment furthers the specific purpose statements of the zoning ordinance.
3. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance.
4. The proposed amendment will not create a conflict with any other section or part of this title or the general plan.
5. The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit.
6. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

For Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment does not further the specific purpose statements of the zoning ordinance.
3. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the zoning ordinance.
4. The proposed amendment creates a conflict other sections or parts of this title or the general plan.
5. The potential effects of the proposed amendment have not been fully evaluated, or are detrimental to public health, safety, or welfare and do not represent an overall community benefit.
6. The proposed text amendment does not implement best current, professional practices of urban planning, design, and engineering practices.

ATTACHMENTS:

Description

Ordinance #1474

P.C. Staff Report

Upload Date

1/26/2021

1/26/2021

Type

Cover Memo

Cover Memo

ORDINANCE NO. 1474

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO FENCING AND LAND USE BUFFERS.

WHEREAS, Utah State law grants to Draper City the authority to regulate uses of property by zoning districts; and

WHEREAS, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

WHEREAS, the Land Use and Development Code of the Draper City Municipal Code has been established to provide regulations concerning general developments within the City Boundaries; and

WHEREAS, the City Council of Draper City adopted the Land Use and Development Code to guide development within the City Boundaries; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of the Land Use and Development Code regarding fencing and Land Use Buffers; and

WHEREAS, notice has been issued according to the requirements of the Utah Code Annotated and Draper City Municipal Code for public hearings before the Planning Commission and City Council to receive public input regarding the revision of the Land Use and Development Code; and

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of the Land Use and Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City has made the following findings that the proposed text amendment regarding the Land Use and Development Code in regards to the Land Use Buffer Text Amendment: 1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan. 2. The proposed amendment furthers the specific purpose statements of the zoning ordinance. 3. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance. 4. The proposed amendment will not create a conflict with any other section or part of this title or the general plan. 5. The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit. 6. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

Section 2. Revision. The Land Use and Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE _____ DAY OF _____, 2021.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Laura Oscarson, CMC, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

EXHIBIT A

9-23-110: LAND USE BUFFERS:

Land use buffers ~~are~~ shall be provided along the side and rear property lines of commercial, multifamily, and industrial properties intended to enhance community appearance and welfare by protecting residents and visitors from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder and other adverse or harmful ~~affects~~ effects typically associated with ~~some-such land~~ uses.

A. Land Use Buffer Requirements: The amount of landscaping and type of fencing required for a land use buffer shall be as follows:

1. A landscape buffer of twenty feet (20') shall be provided between all commercial and office uses when located adjacent to a residential zone and when a multi-family use is located adjacent to a single-family zone.

2. A landscape buffer of thirty feet (30') shall be provided between industrial uses and residential uses or zones.

3. Trees within the buffer area described in 9-23-110(A)(1) and (2) above shall be planted at one tree per four hundred (400) square feet of buffer area.

a. Trees may be grouped.

b. ~~Each adjacent residential property shall have at~~ At least one ~~adjacent~~ buffer tree shall be planted between commercial, office, multi-family and industrial uses and each single-family residential lot. Trees shall be arranged to provide linear coverage between commercial, office and industrial uses and adjacent residential units.

4. The rest of the buffer area shall consist of ground covers, shrubs and planting beds, wherein a maximum of seventy five percent (75%) of the buffer area may be planted with ground covers.

5. A six foot (6') ~~high~~ tall, solid, sight obscuring fence constructed of masonry, precast concrete, or lightweight precast fiber reinforced concrete, ~~or lightweight steel reinforced polyethylene plastic wall~~ shall be used between abutting commercial, industrial, or office land uses and residential zones. Except for required footings or foundations, the fence shall extend from the adjacent finish grade of the property upward to the required height. Any gaps between the bottom of the fence panel and the adjacent finish grade of the property may not exceed four inches (4"). Such gaps are not counted towards the total required height of the fence. The height of fences shall be reduced in clear view triangle areas or where they may impact sight visibility with a driveway as specified in 9-27-080.

B. Exemptions: No land use buffer shall be required between land uses located in the same zone.

C. Reductions:

1. The zoning administrator or designee may reduce land use buffer requirements based on the character of specific uses, building orientations, topographic features, or other unique characteristics of adjoining uses. A reduced buffer shall consist of a minimum ten foot (10') wide landscape buffer and an eight foot (8') tall, ~~masonry, precast concrete, lightweight precast fiber reinforced concrete, or lightweight steel reinforced polyethylene plastic wall~~ solid, sight obscuring fence in compliance with all other specifications of 9-23-110(A)(5).

2. The planning commission may approve additional deviations to landscape buffer requirements if all of the following criteria are met:

a. Physical site features preclude strict compliance. In this case an alternative landscaping scheme shall be provided which meets or exceeds the intent of the code;

b. Additional landscaping shall be added to the overall site to compensate for any approved reduction in buffer area widths, up to the amount of trees required for the original buffer width;

c. An eight foot (8') tall, wall solid, sight obscuring fence or a hedgerow of at least five feet (5') tall at maturity has been provided. If a fence is utilized it shall be in compliance with all other specifications of 9-23-110(A)(5); and

d. In no case shall a landscape buffer be less than five feet (5') in width.

D. Relationship To Other Requirements: When the requirements of a land use buffer exceed those of other requirements along a property line, the land use buffer requirements shall apply.

E. Existing Buffer Vegetation And Trees: Retention of ~~appropriate~~ existing plant material is strongly encouraged in land use buffers. ~~Approved~~ Existing trees and ~~natural vegetative~~ ground covers should be retained where possible by avoiding scraping, grading, sodding and other construction activity within the land use buffer. Where land use buffer standards call for additional trees or shrubs to be installed in an existing ~~natural~~ landscaped area, it should be done in a manner which minimizes disturbance to existing plants. In determining whether existing trees and vegetation qualify as satisfying a land use buffer standards, the planning commission shall consider all of the following factors:

1. The type and quality of the vegetation being preserved;

2. The effectiveness of the visual screening that will be provided;

3. The extent to which the proposed buffer makes use of existing topography and vegetation; and

4. The ability and availability to relocate ~~ion to the land use buffer area of healthy native and~~ existing, healthy, non-invasive, drought tolerant ~~natural~~ vegetation which that would otherwise be removed from ~~areas of the site to be developed to a land use buffer.~~

~~F. Berms: The use of well designed berms is preferred rather than fences and walls when possible, and when walls or fences are not otherwise required. Berms may be~~

~~required in land use buffer designs and should be designed to integrate with the natural topography of the site.~~

~~GF~~. Compatibility Of Plantings: Supplemental buffer plantings shall be compatible with any existing vegetation within the buffer area.

~~HG~~. Development Within Land Use Buffers: Land use buffers may contain nonmotorized trails. In no event shall structures or uses, such as, but not limited to, play fields, stables, swimming pools, golf courses, tennis courts, parking lots and vehicular use areas, equipment storage and other open storage, or buildings be permitted within land use buffers.

9-3-040: DEFINITIONS:

...

FENCE: A structure serving as an enclosure, barrier, or boundary, which defines an outdoor space. A sight obscuring fence is one which permits vision through not more than ten percent (10%) of each square foot more than ~~eight~~ four inches (~~8~~4") above the ground.

...



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

January 4, 2021

To: Draper City Planning Commission
Business Date: January 14, 2021

From: Development Review Committee

Prepared By: Todd A. Draper, AICP, Planner III
Planning Division
Community Development Department
801-576-6335, todd.draper@draper.ut.us

Re: City Initiated Land Use Buffer – Text Amendment Request

Application No.: TEXTMAP-1123-2020

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of a Text Amendment in order to modify Draper City Municipal Code Sections 9-23-110 and 9-3-040 in order to amend fencing requirements and other aspects of land use buffers for commercial, multifamily and industrial properties.

BACKGROUND AND SUMMARY

This application is a request for approval of a Text Amendment to Draper City Municipal Code (DCMC) Sections 9-23-110 and 9-3-040. The applicant is requesting that a Text Amendment be approved to amend fencing requirements and other aspects of land use buffers for commercial, multifamily and industrial properties.

ANALYSIS

Land Use Buffers.

The intent of the land use buffer provisions in DCMC Section 9-23-110 is to enhance the ‘*community appearance and welfare of residents and visitors from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder and other adverse or harmful effects typically associated with commercial, multifamily and industrial properties*’. Fencing requirements in the current ordinance intended to require the use of high quality materials that are both durable and sight obscuring. In practice, proposals for fencing with lightweight polyethylene panels have included fencing containing decorative details that are non-sight obscuring, and with steel reinforcements limited to the fence posts only. The result is a less sight obscuring and less durable fence. The proposed ordinance changes clarify that sight obscuring fencing is required, and remove polyethylene fencing from the list of allowable fencing materials.

The proposal clarifies in the intent statement at the beginning of DCMC Section 9-23-110 that land use buffers are to be provided along the side and rear property lines of commercial, office, multifamily, and

industrial properties. Grammatical corrections are also made to the intent statement including replacement of the word *affects* with *effects*.

Clarification is added to DCMC Section 9-23-110(A) to indicate that the section regulates both the amount of landscaping and the type of fencing. Additional references are proposed to be added to DCMC Section 9-23-110(A)(3) to denote that trees are required in both land use buffer areas described in DCMC Section 9-23-110(A)(1) and (2). The requirements of DCMC Section 9-23-110(A)(3)(b) are proposed to be adjusted to clarify the intent of the ordinance to require screening with trees between commercial, office and industrial uses and adjacent residential lots and uses.

New proposed fencing specifications in DCMC Section 9-23-110(A)(5) include changes to use more uniform terms such as *tall* and *sight obscuring*, as used elsewhere in this section and other sections of the DCMC. The use of lightweight steel reinforced polyethylene plastic walls is proposed to be removed from the list of allowable fencing materials under the same section. Additional clarifications regarding the height measurement of fences not including the gap under fence panels has been added to the proposed ordinance. Additional limits on the amount of gap allowable under fencing panels has also been proposed reducing the allowance from eight (8) inches found in the definition of a fence in DCMC Section 9-3-040 down to a maximum of four (4) inches. An allowance for height reductions to the required fencing when done for the purposes of complying with clear view areas outlined in DCMC Section 9-27-080 is also included in the proposed revision of DCMC Section 9-23-110(A)(5).

Under the allowable reductions specified in DCMC Section 9-23-110(C) the proposed ordinance revisions include revisions to reference the fencing specifications of DCMC Section 9-23-110(A)(5) to make clear that reductions to the fencing material and design standards are not allowable reductions that can be made by either the zoning administrator or the planning commission. Ordinance language using the term *wall* have also been replaced for the purposes of uniformity to use the defined term *sight obscuring fence*.

The new proposed language of DCMC Section 9-23-110(E) intends to remove use of ambiguous terms such as *appropriate* and *natural*, and to clarify that the Planning Commission can consider the type of vegetation proposed for preservation when considering whether or not existing trees and vegetation on the site qualify towards the satisfaction of land use buffer standards. Additionally, DCMC Section 9-23-110(E)(4) provides additional clarification and updates necessary to prohibit the relocation of undesirable existing vegetation that is unhealthy, invasive, or not drought tolerant into land use buffers.

The use of berms in landscape buffers as indicated in DCMC Section 9-23-110(F) is proposed to be removed to eliminate language stating that they are preferable to fencing. As berms have no known definition in ordinance or applicable standards relative to this section, the current ordinance could have been interpreted in such a manner as to undermine many other prescribed or desirable aspects of DCMC Section 9-23-110. Berms may still be used within a land use buffer design.

Definitions.

A small change to the definition of a fence found in DCMC Section 9-3-040 is being proposed to reduce the allowable size of gaps at the base of a sight obscuring fence to no more than four (4) inches. This is being done to provide continuity with the same requirements proposed for DCMC section 9-23-110 (A)(5).

Criteria For Approval

The criteria for review and potential approval of a Text Amendment request is found in Sections 9-5-060(E) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

Text Amendment 9-5-060(E)

2. Text Amendments:

- a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;*
- c. Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;*
- d. The proposed amendment will not create a conflict with any other section or part of this title or the general plan;*
- e. Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and*
- f. The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed his review of the Text Amendment submission. The request complies with federal and state laws and Draper City ordinances. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

The findings for approval as are follows:

1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment furthers the specific purpose statements of the zoning ordinance.
3. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance.

4. The proposed amendment will not create a conflict with any other section or part of this title or the general plan.
5. The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit.
6. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

The findings for denial as are follows:

1. The proposed amendment is not consistent with goals, objectives and policies of the city's general plan.
2. The proposed amendment does not further the specific purpose statements of the zoning ordinance.
3. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the zoning ordinance.
4. The proposed amendment creates a conflict other sections or parts of this title or the general plan.
5. The potential effects of the proposed amendment have not been fully evaluated, or are detrimental to public health, safety, or welfare and do not represent an overall community benefit.
6. The proposed text amendment does not implement best current, professional practices of urban planning, design, and engineering practices.

MODEL MOTIONS

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the Text Amendment, as requested by Draper City, for the City Initiated Land Use Buffer Text Amendment application TEXTMAP-1123-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 4, 2021.

Sample Motion for Modified Approval– I move that we forward a positive recommendation to the City Council for the Text Amendment, as requested by Draper City, for the City Initiated Land Use Buffer Text Amendment application TEXTMAP-1123-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 4, 2021 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Text Amendment, as requested by Draper City, for the City Initiated Land Use Buffer Text Amendment application TEXTMAP-1123-2020, based on the findings and subject to the conditions listed in the Staff Report dated January 4, 2021.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Brien Maxfield

Digitally signed by Brien Maxfield
DN: cn=Brien Maxfield, o=Draper City, ou,
email=brien.maxfield@draper.ut.us, c=US
Date: 2021.01.06 09:55:08 -0700

Draper City Public Works Department

Jennifer Jastremsky

Digitally signed by Jennifer Jastremsky
DN: C=US, E=jennifer.jastremsky@draper.ut.us,
O=Draper City Planning, CN=Jennifer Jastremsky
Date: 2021.01.06 09:40:49 -0700

Draper City Planning Division

Don Buckley

Digitally signed by Don Buckley
DN: C=US, E=don.buckley@draper.ut.us, O=Draper City
Fire Department, OU=Fire Marshal, CN=Don Buckley
Date: 2021.01.07 17:14:20 -0700

Draper City Fire Department

Mike Barker

Digitally signed by Mike Barker
DN: cn=Mike Barker, o=Draper City, ou=City Attorney,
email=mike.barker@draper.ut.us, c=US
Date: 2021.01.06 09:47:19 -0700

Draper City Legal Counsel

Keith Collier

Digitally signed by Keith Collier
DN: C=US, E=keith.collier@draper.ut.us, O=Draper
City, OU=Building Dept, CN=Keith Collier
Location: Home
Reason: I agree to the terms defined by the placement
of my signature on this document
Contact Info: Keith Collier
Date: 2021.01.06 09:51:38 -0700

Draper City Building Division

EXHIBIT A
DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. The proposed changes will improve the quality and functionality of land use buffers.

EXHIBIT B
LEGISLATIVE DRAFT

9-23-110: LAND USE BUFFERS:

Land use buffers ~~are~~ shall be provided along the side and rear property lines of commercial, multifamily, and industrial properties ~~intended~~ to enhance community appearance and welfare by protecting residents and visitors from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder and other adverse or harmful ~~affects~~ effects typically associated with ~~some~~ such land uses.

A. Land Use Buffer Requirements: The amount of landscaping and type of fencing required for a land use buffer shall be as follows:

1. A landscape buffer of twenty feet (20') shall be provided between all commercial and office uses when located adjacent to a residential zone and when a multi-family use is located adjacent to a single-family zone.

2. A landscape buffer of thirty feet (30') shall be provided between industrial uses and residential uses or zones.

3. Trees within the buffer area described in 9-23-110(A)(1) and (2) above shall be planted at one tree per four hundred (400) square feet of buffer area.

a. Trees may be grouped.

b. ~~Each adjacent residential property shall have at~~ At least one ~~adjacent~~ buffer tree shall be planted between commercial, office, multi-family and industrial uses and each single-family residential lot. Trees shall be arranged to provide linear coverage between commercial, office and industrial uses and adjacent residential units.

4. The rest of the buffer area shall consist of ground covers, shrubs and planting beds, wherein a maximum of seventy five percent (75%) of the buffer area may be planted with ground covers.

5. A six foot (6') ~~high~~ tall, solid, sight obscuring fence constructed of masonry, precast concrete, or lightweight precast fiber reinforced concrete, ~~or lightweight steel-reinforced polyethylene plastic wall~~ shall be used between abutting commercial, industrial, or office land uses and residential zones. Except for required footings or foundations, the fence shall extend from the adjacent finish grade of the property upward to the required height. Any gaps between the bottom of the fence panel and the adjacent finish grade of the property may not exceed four inches (4"). Such gaps are not counted towards the total required height of the fence. The height of fences shall be reduced in clear view triangle areas or where they may impact sight visibility with a driveway as specified in 9-27-080.

B. Exemptions: No land use buffer shall be required between land uses located in the same zone.

C. Reductions:

1. The zoning administrator or designee may reduce land use buffer requirements based on the character of specific uses, building orientations, topographic features, or other unique characteristics of adjoining uses. A reduced buffer shall consist of a minimum ten foot (10') wide landscape buffer and an eight foot (8') tall, ~~masonry, precast concrete, lightweight precast fiber reinforced concrete, or lightweight steel reinforced polyethylene plastic wall~~ solid, sight obscuring fence in compliance with all other specifications of 9-23-110(A)(5).

2. The planning commission may approve additional deviations to landscape buffer requirements if all of the following criteria are met:

a. Physical site features preclude strict compliance. In this case an alternative landscaping scheme shall be provided which meets or exceeds the intent of the code;

b. Additional landscaping shall be added to the overall site to compensate for any approved reduction in buffer area widths, up to the amount of trees required for the original buffer width;

c. An eight foot (8') tall, wall solid, sight obscuring fence or a hedgerow of at least five feet (5') tall at maturity has been provided. If a fence is utilized it shall be in compliance with all other specifications of 9-23-110(A)(5); and

d. In no case shall a landscape buffer be less than five feet (5') in width.

D. Relationship To Other Requirements: When the requirements of a land use buffer exceed those of other requirements along a property line, the land use buffer requirements shall apply.

E. Existing Buffer Vegetation And Trees: Retention of ~~appropriate~~ existing plant material is strongly encouraged in land use buffers. ~~Approved~~ Existing trees and ~~natural vegetative~~ ground covers should be retained where possible by avoiding scraping, grading, sodding and other construction activity within the land use buffer. Where land use buffer standards call for additional trees or shrubs to be installed in an existing ~~natural~~ landscaped area, it should be done in a manner which minimizes disturbance to existing plants. In determining whether existing trees and vegetation qualify as satisfying a land use buffer standards, the planning commission shall consider all of the following factors:

1. The type and quality of the vegetation being preserved;

2. The effectiveness of the visual screening that will be provided;

3. The extent to which the proposed buffer makes use of existing topography and vegetation; and

4. The ability and availability to relocate ~~ion to the land use buffer area of healthy native and~~ existing, healthy, non-invasive, drought tolerant ~~natural~~ vegetation which that would otherwise be removed from ~~areas of the site to be developed to a land use buffer.~~

~~F. Berms: The use of well designed berms is preferred rather than fences and walls when possible, and when walls or fences are not otherwise required. Berms may be~~

~~required in land use buffer designs and should be designed to integrate with the natural topography of the site.~~

~~GF~~. Compatibility Of Plantings: Supplemental buffer plantings shall be compatible with any existing vegetation within the buffer area.

~~HG~~. Development Within Land Use Buffers: Land use buffers may contain nonmotorized trails. In no event shall structures or uses, such as, but not limited to, play fields, stables, swimming pools, golf courses, tennis courts, parking lots and vehicular use areas, equipment storage and other open storage, or buildings be permitted within land use buffers.

9-3-040: DEFINITIONS:

...

FENCE: A structure serving as an enclosure, barrier, or boundary, which defines an outdoor space. A sight obscuring fence is one which permits vision through not more than ten percent (10%) of each square foot more than ~~eight~~ four inches (~~8~~4") above the ground.

...



MEMO

To: City Council Meeting

From: Todd A. Draper

CC:

Date: February 2, 2021

Re: Ordinance #1476 Adopting a Temporary Land Use Regulation for Mobile COVID-19 Medical Service Clinics

Comments:

The attached ordinance is the result of informal requests for staff to look into ways that Draper City can support efforts related to increasing the availability of medical testing and analysis services and/or vaccinations related to the COVID-19 global pandemic.

Utah Code Ann. §10-9a-504 allows the City Council, without prior consideration of or recommendation from the Planning Commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if the City Council makes a finding of compelling, countervailing public interest or the area is unregulated.

Such a temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

Enacting the proposed temporary land use ordinance would allow Mobile COVID-19 Medical Service Clinics to set up drive-through services as a temporary use on existing commercial sites for the convenience of the citizens of Draper City.

The findings are as follows:

For Approval:

1. The City Council finds a compelling, countervailing public interest in enacting the temporary land use regulation.
2. The City Council finds the proposed ordinance is in the best interest of the health, safety, and welfare of the citizens of Draper.
3. The City Council finds that the promulgated temporary land use regulations ensure compliance with local and state orders while simultaneously protecting the citizens of Draper.

For Denial:

1. The City Council does not find a compelling, countervailing public interest in enacting the temporary land

use regulation.

2. The City Council does not find the proposed ordinance to be in the best interest of the health, safety, and welfare of the citizens of Draper.

3. The City Council does not find that the promulgated temporary land use regulations will comply with local and state orders while simultaneously protecting the citizens of Draper.

ATTACHMENTS:

Description

Ordinance #1476

Upload Date

1/27/2021

Type

Cover Memo

ORDINANCE NO. 1476

**AN ORDINANCE OF THE DRAPER CITY COUNCIL ESTABLISHING A
TEMPORARY LAND USE REGULATION PERMITTING TEMPORARY MOBILE
COVID-19 MEDICAL SERVICE CLINICS.**

WHEREAS, the Land Use and Development Code of the Draper City Municipal Code has been established to provide regulations concerning general land uses within the City Boundaries; and

WHEREAS, Draper City recognizes a global pandemic caused by the spread of the COVID-19 virus; and

WHEREAS, Draper City finds that COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents; and

WHEREAS, Draper City recognizes the need for additional physical locations to provide more widespread testing and vaccination relative to managing and abating the global pandemic; and

WHEREAS, temporarily allowing Mobile COVID-19 Medical Service Clinics to provide COVID-19 testing and/or COVID-19 vaccinations will serve the citizens of Draper while following recommended safety guidelines in compliance with state and local public health orders; and

WHEREAS, permitting temporary mobile COVID-19 Medical Service Clinics serves a compelling countervailing public interest that protects the health, safety, and welfare of the citizens of Draper as well as the economic viability of important Draper businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City hereby finds a compelling, countervailing public interest in enacting the temporary land use regulations contained in Exhibit A. The city council finds the proposed ordinance is in the best interest of the health, safety, and welfare of the citizens of Draper. The City Council finds that the promulgated temporary land use regulations ensure compliance with local and state orders while simultaneously protecting the citizens of Draper.

Section 2. Duration. Pursuant to Utah Code Ann. § 10-9a-504, this Ordinance shall last for the earlier of a period of six (6) months or until otherwise rescinded by the legislative body.

Section 3. Correction of Editing Errors. The City Attorney is authorized to correct any punctuation, spelling, formatting, clerical, or *de minimis* errors prior to submitting the Ordinance for publication.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE ____ DAY OF FEBRUARY, 2021

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Laura Oscarson, CMC, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

EXHIBIT A

TITLE: Temporary Land Use Regulation permitting the use of temporary Mobile COVID-19 Medical Service Clinics.

PURPOSE: To set temporary ordinance standards for Mobile COVID-19 Medical Service Clinics.

SCOPE: Applicable to all Commercial, Commercial Special District, or Transit Station District zoned properties where Medical Service use is listed as a permitted use in Title 9 of the Draper City Municipal Code (DCMC).

DEFINITIONS:

ADULT STAFF MEMBER: A person 18 years of age or older who is an employee of temporary mobile medical service clinic and capable of providing for the supervision and direction of others.

CANOPY: A temporary structure as described in International Fire code Chapter 31: A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and may be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

CONSTRUCTION DOCUMENTS: Shall have the same meaning and definition as contained in Section 3103.6 of the International Fire Code.

MEDICAL SERVICE: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services.

MEDICAL SERVICE STATION: The location, or locations, within a Mobile COVID-19 Medical Service Clinic where the specific medical services of the clinic are directly rendered to patients.

MOBILE COVID-19 MEDICAL SERVICE CLINIC: A temporary establishment typically operating from a portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances providing drive-through or limited walk-up COVID-19 medical testing and analysis services and/or related vaccinations on an outpatient basis.

MOBILE MEDICAL UNIT: Motor vehicles such as busses or motor coaches outfitted with medical equipment, furnishings, and furniture designed to provide outpatient medical services.

PORTABLE OFFICE TRAILER: Portable buildings or trailers used on a temporary basis to provide on-site office space including ancillary storage space.

TENT: A temporary structure as described in International Fire Code Chapter 31: A structure, enclosure, umbrella structure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

QUEUING SPACE: A queued arrangement of parking spaces on a property where vehicles wait or park for a limited or short duration while waiting to occupy the next available space in the queue. Such spaces are provided for driver convenience in accessing on-site services at drive-up windows, automated teller machines, vehicle service or wash bays, fuel islands, or designated pick-up or drop-off area for goods and/or passengers. This definition also applies in reference to stacking spaces and aisles, and drive-through lanes and aisles, but does not include freight parking or deliveries to a site by commercial vehicles.

LAND USE AND DEVELOPMENT REGULATIONS:

The Provisions of Title 9 of the Draper City Municipal Code shall continue to apply except as specifically modified below with respects to the stated purpose and intent of this temporary ordinance:

- A. Zoning: Mobile COVID-19 Medical Service Clinics shall be permitted in all Commercial, Commercial Special District, and Transit Station District zones where Medical Services are listed as a permitted use.
- B. Application:
 - 1. Applications shall be made utilizing the Mobile COVID-19 Medical Service Clinic application form provided by the Community Development Department and shall include primary and emergency contact information and other details requested with that form.
 - 2. Each application must include:
 - a. A scaled site plan illustrating:
 - 1. The property lines, existing building(s) on the property, existing paved parking, location of landscaping, internal vehicular circulation aisles, queuing spaces, location of proposed portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances associated with the proposed Mobile COVID-19 Medical Service Clinic;
 - 2. The distances between the permanent structures on site and the proposed portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances;
 - 3. The proposed plan for traffic circulation including queuing spaces and vehicular access to and from the Mobile COVID-19 Medical Service Clinic;
 - 4. The proposed method for marking traffic and circulation control;
 - 5. The location of parking for patient observation (as needed);
 - 6. The location of parking for staff of the Mobile COVID-19 Medical Service Clinic;
 - 7. That the location will not impede public safety or emergency vehicle access to and from the property and that vehicular circulation on subject property or adjacent properties, is not unduly compromised or restricted;

8. How pedestrian mobility across all sidewalks and pedestrian walkways will be maintained;
 9. That the location does not cause limited visibility for the public right of way or in parking lots; and
 10. The ingress and egress from adjacent building(s).
 - b. A floor plan showing interior set up of the portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances that will be utilized. Plans shall include electrical locations, and the location and type of any heating.
 - c. A detailed written plan regarding facility operations and security.
 - d. An affidavit from the property owner.
3. The city has 15 business days from submission to review the application.

C. Location:

1. Each Mobile COVID-19 Medical Service Clinic must be located on a site with an existing commercial building that provides the following:
 - a. Restroom access for employees and patrons of the mobile Medical Service Clinic. No portable chemical toilets or temporary restroom facilities are permitted for use with the Mobile COVID-19 Medical Service Clinic
 - b. Access to electrical power. The use of portable generators as a power supply is not permitted.
2. Portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances may only be installed or located on existing asphalt or concrete surfaced areas of the property.
3. Facilities may not be located on or within a public right of way.
4. Facilities may not encroach into landscaped areas of the property.
5. ADA parking stalls and other ADA facilities associated with the permanent building on site must remain accessible at all times.

D. Operational Requirements:

1. Operational hours are limited to between 7:00 a.m. and 7:00 p.m. Monday through Sunday.
2. Use of portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances may be subject to other agreements and regulations, including, but not limited to, a lease agreement with a landlord and compliance with regulations of the State and County. Approval from the city under this ordinance does not absolve the owner or operator from any obligations under such agreements or regulations.

E. Anchoring and Setbacks:

1. Any tents and canopies used shall be properly secured in case of wind (40 mph basic wind speed and 90 mph 3 second gust). Securing of the structures is the responsibility of the owner/operator.
2. Tents and canopies must be anchored by water, cement or sand barrels and may not be anchored by staking.

3. Portable office trailers and other structures moved onto a site shall be tied down and meet all safety requirements of the International Building Code.
4. Portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances shall be set back from buildings and other portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances as required by International Building Code and the International Fire Code.

F. Fire Safety:

1. Owners and operators shall comply with International Fire Code. A permit from the Fire Marshal is required.
2. A full set of construction documents for portable office trailer(s), tent(s), canopy(s), and appurtenances including structural calculations and detailed drawings of framing connections are required and must be approved by the Fire Marshal.
3. All portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances must include portable fire extinguishers with a rating in compliance with International Fire Code for the size and type of structure.
4. Exits must be marked and lighted in compliance with the International Fire Code.
5. Compressed gas bottles used for heating must be secured from tipping.
6. An emergency evacuation plan shall be posted in a conspicuous place, and an adult staff member who is trained in the extinguishment of fires and evacuation of staff and patrons must be present when the Mobile COVID-19 Medical Services Clinic is open.
7. No combustible waste can be stored within 30 feet portable office trailer(s), mobile medical unit(s), tent(s), canopy(s), and appurtenances
8. The California State Fire Marshal's flame retardant certification seal must be visibly displayed on any tent or canopy utilized as part of a Mobile COVID-19 Medical Services Clinic.
9. No smoking shall be permitted within the areas of the property utilized by the Mobile COVID-19 Medical Services Clinic and no smoking signs shall be posted.

G. Licensing:

1. Operators of Mobile COVID-19 Medical Service Clinics shall provide evidence of all required State and County licenses and permits required for operation.
2. Operators of Mobile COVID-19 Medical Service Clinics shall obtain a Draper City Business License before commencing operations.

H. Appointments, Parking and Vehicular Circulation:

1. Services are typically rendered in a drive-through fashion to those waiting in personal vehicles; however limited walk-up service may also be permitted. All services must be conducted on an appointment basis.
2. Parking requirements for current existing permanent uses on site may be temporarily reduced to accommodate the Mobile COVID-19 Medical Service Clinic use. Available parking for other existing on-site uses may not be reduced by more than 30%.
3. Queuing spaces and aisles shall be shown on the proposed site plan including the method for providing traffic marking and circulation control.

4. Approval of the Fire Marshal shall be required for all access and vehicular circulation plans to ensure that adequate access is available for public safety and emergency vehicles.
5. Number of vehicles accessing the site may not exceed 60 vehicle appointments per hour. An increased number of appointments per hour may be approved by the City Engineer if the operator is able to provide a traffic study stamped by a licensed traffic engineer justifying the increase that shows that the additional impact to the existing roadway system can be accommodated without additional changes to the existing infrastructure or creating a level of service failure.

I. Security:

1. The applicant shall provide details as part of the site plan application regarding how the operation will be secured against unauthorized entry or other security threats.
2. Temporary security lighting (if utilized) shall be shielded and directed downwards towards the ground. When a temporary medical services use is adjacent to a residential use or zone the intensity may not exceed .2 foot candles at the property line.

J. Signage:

1. All signs associated with the Mobile COVID-19 Medical Service Clinic shall be temporary and shall be removed at the same time the Mobile COVID-19 Medical Service Clinic is removed from the site.
2. Signage for Mobile COVID-19 Medical Services Clinics shall comply with the following:
 - a. Signs shall not be:
 1. Illuminated unless by way of indirect lighting sources;
 2. Placed in any public or private right of way, park strips, medians, or roundabouts;
 3. Placed in a manner that creates a traffic hazard in a clear view area; or
 4. Placed in a manner that obstructs the view of any official signs as identified in subsection 9-26-100A of DCMC Title 9.
 - b. Signs shall:
 1. Only be erected upon issuance of a temporary sign permit prior to installation;
 2. Be set back beyond the farthest most part of the permanent ground mounted signage on the same property that fronts the same property line; and
 3. Be securely attached to a structure, fence, or to ground posts.
 - c. When mounted to the ground, banners or other temporary signs may be not higher than forty eight inches (48") from the ground to the top of the sign and must have a stabilizing crossbar between the ground posts at the top of the sign;
 - d. One temporary sign is permitted per street frontage and is limited to a maximum size of thirty two (32) square feet;
 - e. Signs may be two (2) faced but may not be split faced as identified in subsection 9-26-060(H)(2) of DCMC Title 9;

- f. All informational or directional signage shall not exceed more than 4 ft² per sign and shall be no more than 3 feet in height; and
 - g. Permission for the placement of signs from property owners shall be required as a part of an application for the temporary signage permit.
- K. Duration: Use and all related appurtenances of a mobile medical services clinic permitted under this temporary ordinance must be removed from the property no later than six months from the date this ordinance is enacted or within five (5) business days of the repeal of this temporary ordinance, whichever is sooner.
- L. Inspections: Authorized law enforcement officers, zoning enforcement officers, fire control officers, and other governmental personnel shall be permitted access to make inspections to ensure compliance with the provisions of this section and all other applicable laws.