



## CITY COUNCIL AGENDA

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March 2, 2021 at 5:30 PM

1020 E. Pioneer Rd. Draper, UT 84020

### **ELECTRONIC MEETING NOTICE**

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

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, please see the options below:

- Listen through the Draper City Website – <https://www.draperutah.gov/95/Agendas-Minutes>
- Email comments to [public.comment@draperutah.gov](mailto:public.comment@draperutah.gov). 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@draperutah.gov](mailto:public.comment@draperutah.gov).

### **5:30 PM STUDY MEETING**

- 1. Training: New microphone system - Jake Sorensen**

2. **Annual Ethics Training - Mike Barker**
3. **Presentation: Water Reuse to the residents of Draper - Scott Cooley**
4. **Council/Manager Reports**

## **7:00 PM BUSINESS MEETING**

1. **Call to Order**

2. **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.

3. **Consent Items**

- a. **Approval of February 2, 2021, and February 16, 2021, City Council Meeting Minutes.**

4. **Action Item: Ordinance #1475, City Initiated Chickens for Familial Gain Text Amendment (Legislative Item)**

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.

5. **Action Item: Ordinance #1480, temporarily suspending collection of the Storm Water Impact Fee**

Staff report by Scott Cooley

6. **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 **March 2, 2021**, were posted on

the Draper City Electronic Bulletin Board, Draper City website [www.draperutah.gov](http://www.draperutah.gov), the Utah Public Notice website at [www.utah.gov/pmn](http://www.utah.gov/pmn), and sent by email to the *Salt Lake Tribune* and the *Deseret News*.

Date Posted: February 26, 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@draperutah.gov](mailto:laura.oscarson@draperutah.gov), at least 24 hours prior to the meeting.



# MEMO

To: City Council Meeting

From:

CC:

Date: March 2, 2021

Re:

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## ATTACHMENTS:

| Description                     | Upload Date | Type       |
|---------------------------------|-------------|------------|
| Water Reuse to Draper Residents | 2/25/2021   | Cover Memo |

# Water Reuse to the Citizens of Draper

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City Council  
March 2, 2021



# Maximizing Water Conservation

- Water is fast becoming a scarce resource in Utah and throughout the country.
- WaterPro/Draper Irrigation Company is offering the city an opportunity to use its treated wastewater (reuse water) for the benefit of the citizens of Draper.
- Under this plan, the city's effluent will be reused in WaterPro's existing pressurized irrigation system, which will significantly increase the quality of the water in the system.



# Benefitting Draper

- Draper will be able to put its reuse water to beneficial use, whereas it is currently being wasted in the Jordan River.
- Approximately one-third of Draper's reuse water could be used to irrigate Galena Park, saving the city approximately \$70,000 per year on irrigation costs for the park alone.
- City staff can work with WaterPro to draft an agreement that will outline the terms in which WaterPro could use the city's reuse water.
- Such an agreement would likely include using the annual savings of irrigating Galena Park with reuse water to pay for the infrastructure needed to bring the reuse water to Galena Park (estimated to cost \$500,000).





# MEMO

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

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## Comments:

The draft minutes for the February 2, 2021, and February 16, 2021, City Council meetings have been attached for review before adoption.

## ATTACHMENTS:

| Description     | Upload Date | Type       |
|-----------------|-------------|------------|
| CC 2.2 Minutes  | 2/24/2021   | Cover Memo |
| CC 2.16 Minutes | 2/24/2021   | Cover Memo |

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 2, 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; Scott Cooley, City Engineer; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Britnee Johnston, Communications Director; Rhett Ogden, Recreation Director; Christina Oliver, Community Development Director; Laura Oscarson, City Recorder; Clint Smith, Fire Chief; and Bob Wylie, Finance Director

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**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)**

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## **Study Session**

### **1.0 Report: 2021 Transportation Impact Fees - Fred Philpot**

- 1.1 Fred Philpot presented on the Impact Fee Facilities Plan (IFFP) and the Impact Fee Analysis (IFA), required documents based on the Utah Code when updating impact fee studies and assessing new impact fees. The process surrounding impact fees was defined by statute. This process entailed (1) noticing of intent, which the City had already done; (2) preparation and certification of IFFP and IFA documents; followed by (3) presentation of findings and a public hearing process. He explained that they were right in the middle of that process through the current presentation during a work session to allow the Council a review of the findings and analysis to provide input before moving into the public hearing phase. At that time noticing for public hearing would occur, the Council would hold a public hearing, and then would have the option to adopt, modify or reject the impact fees. Any modification could be lower than what was proposed. However, the City could not adopt a higher than the maximum allowable impact fee. Mr. Philpot explained that if an increase to impact fees occurred, there was a 90-day wait period before the increase could be assessed. The statute states, “any change to the impact fee,” however, typically by practice, if there is a decrease it becomes effective immediately.

Mr. Philpot said that every IFFP and IFA typically contains four main components. First, the service area and demand of existing facilities and capacities are assessed. The City’s Level of Service (LOS) is evaluated and needed revenue sources to the fund capital improvement plan are identified. In the plan discussed, it was proposed from multiple service areas to a single City-wide service area. Excess capacity was reviewed in Draper’s existing inventory, resulting in the inclusion of \$57 million in assets. All of those assets were not growth eligible as about \$8 million was applied to new growth as buy-in or excess capacity. The Level of Service was defined as LOS D. Roadway systems were typically graded on a scale A-F with most entities falling in the C-D range, or congestion when sizing facilities. He said that trying to get above that becomes very costly and might not be achievable. For IFFP, it was recommended that Draper maintain a LOS D.

In looking at future revenues to fund the Capital Improvement Plan (CIP) it was assumed that impact fee revenues would continue to be a source of revenue as well as General Fund money to help fund system improvements as well as non-growth-related improvements. No new debt was assumed in the analysis. If there was death utilization, it could be included in the analysis.

Mr. Philpot noted that Parametrix was the engineer contracted to complete the IFFP. They identified some projects and isolated three main projects that were Impact Fee eligible and needed to be completed in the next ten years: Roadway 13400 South from Fort Street to 1300 East, roadway Vista Station Boulevard from Frontrunner Boulevard to 12300 South, and roadway 12200 South from 300 East to 700 East.

He explained that impact fee documents typically focus on a ten-year planning time frame, even though master plans and capital improvement plans often look beyond that time frame. The reason that is done is state statute requires that impact fees be expended within six years of when they were collected. As a result, the standard of practice is to look at a ten-year window.

The three projects identified would result in a total of \$18,075,497 in construction fees, \$6,573,172 of which were impact fee eligible. Anticipated growth was matched with increase impact fees to estimate the amount of the proposed projects that would be impact fee eligible. He said that there might be additional costs beyond the ten-year time frame that might be impact fee eligible.

This led to the proportionate share analysis, or impact fee analysis. Mr. Philpot noted some figures on a table: the \$8 million of buy-in, \$6 million for future facilities, and \$18,000 in professional expenses such as an IFFP and IFA update. The trips served are analyzed, roughly 60,000 in the next ten years, to produce a cost per trip of nearly \$250. The land-use type, from single-family to non-residential properties, is then looked at to find the adjusted trips per land-use type. These adjusted trips are used to calculate a cost per trip based on land use type. As a result, there would be an increase in impact fees for single-family residential for both the Valley (area A) and Traverse Mountain (area B). The same calculation was used for the other land-use types. The decrease in impact fees varied by land-use type because of the average daily trips. Although these values varied, the only area that would experience an increase was hotels in the valley area.

Mr. Philpot outlined the next steps. As he explained before, the Council had the opportunity to provide input before noticing for an impact fee public hearing. Then the public hearing would be held where input from the public was solicited. Then, the Council could adopt, modify, or reject the proposed impact fees with the 90-day wait period if impact fees were increased.

- 1.2 Councilmember T. Lowery clarified that the City was looking at all of the impact fees going down.

Mr. Philpot said he was reporting only on the transportation impact fee and would not affect any other fees. For the land uses, the fees were showing a decrease in transportation.

- 1.3 Mayor Walker asked about some current legislation under discussion, HB82 that would essentially convert all single-family residences into multi-family residences if the bill passed. He wondered if that would change the calculations for impact fees.

Mr. Philpot said no, he did not think so. The data was driven by the specific product type. He said that even if from a legislative standpoint the designation changes which would not necessarily change the demographics of the different product types. As an example, Parks and Recreation use a different average household size to determine what constitutes a single-family residence. He said that it could cause changes to the way the categories were broken out.

Mayor Walker said that every single-family unit could potentially become a multi-family residential unit.

David Dobbins, City Manager, said that they would look at the trip count. If the average for single-family was 4.72 trips and went up 50 percent, the bill specifically exempted those types of dwellings from impact fees. Even if the bill passed and the trip generation went up as proposed, an impact fee could not be charged.

Councilmember T. Lowery said that there were also bills being considered that were trying to make roads narrower. She also said that there was a bill that was trying to do away with impact fees altogether.

Mayor Walker confirmed that there were no more questions and asked if this would be added to the next agenda for adoption.

Mr. Dobbins said that it might not be on the next agenda because he was unsure of the specifics of the noticing requirement. It was likely that it would fall on the agenda after the noticing requirement was done.

## **2.0 Presentation: Semi-annual City Deposit and Investment Report - Bob Wylie**

- 2.1 Bob Wylie, Finance Director, said that this was the semi-annual report on the City's investments. As of December 31, 2020, the City had cash investments totaling \$112,735,382. The two primary sources of these investments were Morton Advisors (\$31 million) and the two Utah PTIF accounts (\$60 million and \$18 million). The Morton Advisors account had a 1.18% return and the PTIFs had a 0.49% return. This meant that the Morton Advisors were getting double the interest rate. The other bond reserves would be defeased the following week. The report had been submitted to the State Treasurers Office keeping Draper in compliance.

## **3.0 Update: Capital Improvement Projects for Parks - Rhett Ogden**

- 3.1 Rhett Ogden, Parks and Recreation Director, provided an update on the capital improvement projects that were completed and proposed for the future. He said that three items needed further direction or approval from the Council.

First, Mr. Ogden said that the Orson Smith Trailhead parking lot extension was currently out for bid and would close in a week. The project was necessary because of high traffic volumes. The project would result in the installation of about 20 stalls of paved parking south of the existing trailhead.

Next, the Parks, Trails, and Recreation Master Plan was almost 12 years old as it was last updated in 2008. They contracted for an updated plan almost a year ago with a contract awarded to Landmark Design. When COVID hit the process was put on hold. The Parks and Trails Department hoped that by summer they would be able to hold public meetings.

- 3.2 Councilmember T. Lowery asked Mr. Ogden to go back to the first project, the Orson Smith Trailhead parking lot extension. She wanted to know the number of stalls that would be added. She asked if the 20 proposed stalls would be sufficient.

Mr. Ogden said that there had been times where there were counts of 70 cars during peak use. He did not think that the expansion was a cure-all, but it would help. He also noted that they added new stalls last year, so will have put in an addition of 40 stalls.

Councilmember T. Lowery asked if the expansion could extend farther to the south. Mr. Ogden said yes, but only with a considerable increase in cost because retaining walls would need to be installed along with a lot of earthen work.

Mayor Walker asked about the entrance to the parking lot would be in and out at both openings to the lot. Mr. Ogden said no. It would be one way with the entrance being an offshoot from the entrance to the main parking area to give access to the angled parking and would exit onto Highland Drive.

Councilmember T. Lowery said that there had been discussion about perhaps signing one side of the street. She wondered if they were still doing that. Mr. Ogden said that it was already signed “no parking.”

Mayor Walker said that he thought the extension would make a big difference. Councilmember F. Lowry asked if there had been problems with people parking on the canyon road. Mr. Ogden said no because the road had been closed most of the time.

Councilmember F. Lowry asked if this would open users up to potentially park on the canyon road. Mr. Ogden said that the road was closed in May of 2020 due to fire danger and the road stayed closed until November. He said that the road would probably be closed again as a result of the advisement of the Fire Department.

Councilmember F. Lowry asked if the gate would be moved further south, or if the parking area was further north of the gate. Mayor Walker and Mr. Ogden clarified the location north of the gate for Councilmember F. Lowry.

Councilmember T. Lowery said that she thought this was great and had been needed for so long.

- 3.3 Mr. Ogden continued talking about the three items that needed further direction or approval from the Council.

This first item was the Park Playground Replacement Program. He reminded the Council that they had already budgeted \$500,000 for the all-abilities playground and then got a grant for \$550,000 from the county which was then pulled in 2020. The staff did not have any indication when that grant money would come back. Mr. Ogden brought to the Council’s attention Draper City Park needed a considerable upgrade as it was pushing on

20 years old. The City had already saved \$268,000 for the upgrade. He proposed that because Draper City Park was the busiest by far and was one of the best parks in Salt Lake County, he proposed that while they wait to hear about the county funding for the All-abilities park, that they reallocate the City funding for the All-abilities to get one of the best playgrounds in the state at the Draper City Park. Some playground designers have estimated the cost around \$750,000. The playground would have the highest slide in Utah. It would become a destination playground.

He felt that they could do a separate campaign to raise funds for the All-Abilities Playground, keeping that project an option while waiting on County funding. He commented on the new All-abilities playground in Spanish Fork and noted that was a \$6 million playground.

He asked for thoughts and direction from the Council. Councilmember T. Lowery asked what the budget gap for the Draper City Park playground was. Mr. Ogden said that it was looking to be an \$800,000 playground and they had \$268,000 saved. That was roughly a \$550,000 gap.

Councilmember T. Lowery asked if Mr. Ogden envisioned that part of the playground would be all-abilities. Mr. Ogden said that he thought that they could do some stand-alone all-ability elements. It would not necessarily be an all-abilities playground like they were looking to do. Councilmember T. Lowery said that it wasn't necessarily going to be an entire all-abilities park, be an all-abilities section of the county playground. Mr. Ogden said that there was already the Wheadon Farm Regional Park. On the other side of the barn, there was going to be an all-abilities playground. Councilmember T. Lowery noted that Wheadon Farm was county-owned. If Draper were going to use some of their funds, she thought that it would be nice to use it in one of their parks.

Councilmember Green said that he felt they needed more insight from Mr. Wylie. He said he was unsure about what the City had in terms of funds and the amounts needed. He said that he wanted to accomplish an all-abilities park and had wanted to since day one. He said that he knew nothing was perfect. If they got three or four items put in the Draper City Park that would accomplish that mission within the City's budget, he would be fine with it. However, he felt that he needed to see more clearly what the costs would be.

Councilmember T. Lowery asked if there were grants available to support the project. Mr. Dobbins clarified the costs of the playground. He set a baseline estimate of \$800,000 and noted that the Council had already budgeted \$268,000. This left roughly a \$500,000 gap. That money could be pulled from the money budgeted for the all-abilities park, knowing that money would be put back in when the county offered their money. Alternatively, staff could work to find other resources to try and address the gap that is the level of the playground the Council wanted. He said that he could come back to them with some more information at the next Council Meeting.

Councilmember T. Lowery said that she would be interested in putting pieces of the all-abilities playground into the Draper City Park. She felt as though that would be a nice mix of the two.

Councilmember F. Lowry said that he would hate to see the all-abilities park put on the shelf. He said that some all-abilities features should be added to the Draper City Park, but that they would still want to keep the mission of getting the all-abilities park completed.

Councilmember Vawdrey asked Mr. Ogden about his ideas or concepts for fundraising for the all-abilities park. Councilmember Green asked if they would have money becoming available after paying off a bond. Mr. Dobbins said yes, they do, and that some of the money could go towards this project.

Councilmember Vawdrey said that she agreed with the idea that the county needed to be invested if the all-abilities park was installed at Wheadon Farm. She had been concerned about Draper paying for all of it. However, she felt that they should look into fundraising within Draper and the broader area.

Councilmember F. Lowry said that he would hate to see them pull the money from the all-abilities park, knowing that they will need to again put money back into it. If they could pull funds from somewhere else to help fund the gap for the Draper City Park, that was his preference.

Mr. Dobbins said that keeping the money in the all-abilities park shows that the City is already committed. He said that makes fundraising easier if there is already money there. Because of this, he would recommend leaving the all-abilities funding alone. Staff would come back to the Council with some playground options, rendering, and cost for the Draper City Park

Councilmember T. Lowery said that she was not opposed to putting an all-abilities section at the Draper City Park. She said that the problem with waiting on the county was that they were matching funds. She felt that it was not unlikely that it would be years and years and years before the county came up with those funds. In the interest in time, if Draper was invested in getting an all-abilities section in, put it where the volleyball court was.

Councilmember F. Lowry asked if they could have all-abilities in two places. Mr. Ogden said that they could have all-abilities anywhere. He said that he was not sure if the Council was aware, but Draper already had some all-abilities components at Rotary Park.

Councilmember T. Lowery said that would be a great goal; to have some playground equipment that was handicap accessible at every single park.

Councilmember Vawdrey said that the original vision was to build an all-abilities park somewhere. Then the county suggested that if the all-abilities park were at the Wheadon Farm location they would match funds. She said that she would love to bring it back to Draper Park.

Mr. Dobbins said that all-abilities components tend to be expensive. He asked that staff have some more time to get actual numbers. He felt as though it would be possible to get both parks accomplished.

- 3.4 Mr. Ogden said that the other two items needing the Council's input or approval should be fairly quick. He said that the Traffic Committee had asked that Parks and Recreation look at the Eagle Crest Trail at Suncrest Drive. He said that there was currently a problem where folks are crossing the trail at a busy section of SunCrest. Because of this, it was requested that the trail be realigned so that the crossing is located where the Engineering Department would be installing a hawk signal as a designated pedestrian crossing. He needed the Council's approval to realign the trail and add fencing to corral people so that they could not cross at the old juncture.

Councilmember F. Lowry said he thought it was a smart idea. He had a friend that he watched nearly get hit at the blind corner.

Mayor Walker asked when the project could be completed. Mr. Ogden said they would do it this summer. There was consensus by the Council to move forward with the project.

- 3.5 The last project was the new connector trail, only 200 feet, from the Ghost Falls Trailhead to the Canyon Hollow Trail. This would help with trail use mitigation to get a lot of bikes off Ghost Falls, a trail that gets a lot of complaints from pedestrians. There would be no cost to the City, as all funding would come from the Corner Canyon Trails Foundation.

Councilmember F. Lowry asked if the connector would be a two-way trail. Mr. Ogden said yes. However, it would mostly be used coming down because it would not make as much sense if someone were coming up and could be used for hikers coming up from Coyote Hollow.

Mayor Walker said he thought it was a great idea because if people were coming from Orson Smith and were trying to get to Peak View, the only way up was Ghost Falls or the road. He thought it would be awesome. There was consensus for Parks and Recreation to move forward.

Councilmember Roberts asked if Mr. Ogden could talk about how the fundraising would work for the all-abilities park. Mr. Ogden said that when they were working with the county and the county director, they had indicated that they could tap into some of their known donors such as the Eccles or Miller families. On Draper's end, he felt that the community would be interested in supporting the project. Draper had given so much to trails and trailheads, he felt that people had the means, if, given the opportunity to donate to a special park, they would be willing to donate. He thought it could be an open invitation to support a special park that Draper did not have anywhere else in town. He said that he had also been approached by some businesses who had said that they would be happy to help. He said that if the City drafted the call right, there were people who were waiting for the invitation to be a part of something special that they do not get every day.

#### **4.0     Discussion: Food Truck Court**

- 4.1     Mr. Dobbins said that over the years there had been requests from residents to see food trucks at City parks or during the summertime in different ways. He said the idea was brought up several years ago, but there was some concern raised by the local restaurants that only had a brick-and-mortar presence. They made the argument that the City was going to allow someone who did not pay property taxes to come in with a food truck. This caused the City to back off. However, there were cities like Holiday or South Jordan that had food truck courts where residents could go. Because staff received the request quite a bit, Mr. Dobbins wanted to explore the idea with the Council to see if it was something, they wanted staff to look at. Because of the legislature that said that food trucks could not be prohibited in the City, they were allowed. The question for the Council did they want to promote food trucks, say at Draper Park, during the summertime. They could also look to identify places throughout the City to add food trucks. He said that staff could reach out to businesses and restaurants to see if they were supportive or opposed to getting their feedback.

Councilmember F. Lowry asked how much push back Mr. Dobbins anticipated getting from some of the local businesses. Mr. Dobbins said that it had been at least five years since food trucks were last discussed. He said that at the time food trucks were a fairly new thing to Utah. He said at that time there was a lot of debate in Salt Lake about food trucks. However, he felt that they were so prevalent now that he did not think that the push back would be as great as five years ago. He said that if the Council were open to it, staff could reach out to restaurants before moving forward too far.

Councilmember T. Lowery said that she felt that food trucks were something that had the potential to help local restaurants, especially if the City gave existing restaurants some priority and the ability to partner with the City. She said that she did not think restaurants had to have a food truck, per se. In the summer they could have a kiosk.

Mr. Dobbins said that staff could ask restaurants if they saw food trucks as an opportunity to expand their businesses or if they looked at it as competition.

Councilmember F. Lowry asked if Mr. Dobbins had a particular area in mind. Mr. Dobbins said no. Staff had not done anything at this point because he did not know if it was something the Council would be open to. Councilmember F. Lowry said that he liked the idea. He thought it was something he thought the City should look at.

Councilmember T. Lowery said that she got requests for food trucks fairly frequently. She thought that residents would appreciate having them. She did not want to do anything that would hurt local businesses. She thought there was an opportunity for them to possibly expand and attract some new clientele.

Councilmember Vawdrey said that she felt that this would be the worst time to hurt local restaurants and businesses. She thought that they should inquire and look carefully. Mr.

Dobbins said that they could start with a quick survey of local restaurants to see what their take was and then report back to the Council and go from there.

Councilmember T. Lowery said that when they were building out Day Dairy, they were talking about a food truck park around the grassy picnic area. She said that she did not know if that were something that they could look into a bit more. She said that the food truck court did not have to be at Draper Park. It could be at another location.

Councilmember F. Lowry suggested that it could be roving and be at different locations. He asked if it could be done at Galena Park. He also asked if they could do it at the county park. Mr. Dobbins said that there could be options for the City to look at when they had different events and practices. Concerning the county park, Mr. Dobbins said staff could ask.

Councilmember F. Lowry said that if they are going to move forward with the food trucks, he would want to make sure that staff looked into how to follow the appropriate COVID procedures.

## **5.0 Council/Manager Reports**

- 5.1 Mayor Walker said that the next item was Council/Manager Reports. However, Christina Oliver was slated to provide an update on the Accessory Dwelling Unit (ADU) situation in Draper. This was about HB82. The House bill had not yet gotten out of committee discussions as there were ongoing negotiations. However, it was a bill that could, if passed as written, allow every single single-family home to immediately become a multi-family home. Homeowners would have the ability to rent part of their homes or basements as an ADU. This would trump Homeowner Association (HOA) rules and City ordinances if it were to pass as written. He said that he was in the committee meeting where the bill was discussed, and the bill got tabled. He said that the League was working with the committee to come up with a more workable solution for cities. However, it was the priority bill of the Speaker of the House. He said that he had another League meeting to talk more about it.

Christina Oliver, Community Development Director, said that there had been two bills that had been filed, HB273 was a similar bill. The main difference between Draper City Municipal Code (DCMC) and the bills that were currently being heard was the definition of an ADU. In Draper City, an ADU is a detached structure. ADUs were allowed in every residential zone in the City provided it meets certain development standards. These standards are:

- 1 ADU allowed per dwelling lot that is a detached structure.
- Minimum lot areas still apply and the ADU cannot be built in the setbacks.
- An additional parking stall must be added if an ADU is constructed.
- There cannot be a separate mailbox, street address, water sewer, electric or gas metering.

- This was to allow for things such as the granny flat concept, where a family member was living in the ADU, rather than renting it out. What Draper had seen, however, is that folks will offer the ADU as a flat rent sort of unit with all of the utilities included.
- The ADU cannot exceed 50% of the primary dwelling's square footage.
- Building heights apply.
- The architectural design and color pallet are required to match that of the dwelling unit.
- A form must also be required on the title of the property that designates the ADU.
  - Unfortunately, that particular type of filing had not been called out as an ADU in anyone's database, so the existing portfolio of ADUs in Draper City was unknown at this time.

Ms. Oliver said that staff was looking to set up new metrics to be able to track ADU filings, but that she did not currently have a good picture of ADUs in the City. Mayor Walker clarified that the only ADUs allowed in Draper City were not in-unit ADUs. Ms. Oliver said that was correct. The proposed legislation would turn potentially any single-family residence into a two-unit residence.

Mr. Dobbins added that the current proposal specified this was possible only if the owner lived in the house. He said that in South Mountain there were plenty of people who were not living in the home who convert part of it into a rental and then rent it out and the neighbors do not like it because of traffic and parking. He said those were the issues they were looking at. He said that all of those issues had been raised by other cities. However, 60% of other cities have indicated that they allow some form of an ADU already. He said Draper did not because in part, every time it had come up, the Council had said that residents did not want this. Part of the problem was that neighbors worried about access from the side of the structure because of things like additional lighting. He said that he did think that the City needed to consider allowing ADUs in some parts of the City.

Mayor Walker said that the way the bill was sitting now, was that the League was negotiating. One of the main points was for cities to be able to maintain where the ADUs could go. He said that ADUs did not work in every neighborhood in Draper. The second point was to be able to have some sort of control over business licenses, inspections, and the parking situation. In the call he participated in, one of the items that were brought up was the cars and traffic. Draper did not have a traffic or parking enforcement division and did not have any City-wide parking ordinances. However, if HB82 were to pass, Draper would need to develop a parking ordinance for the City and create a parking enforcement division. A comment was made that the point of the bill was to help resolve the housing shortage. There was a claim that there was a 53,000-unit shortage of places to live. In response, elected officials do not like ADUs because constituents do not like them. The bill gives voice to people who do not yet live in a City but want to. In response, Mayor Walker explained that the only people who can vote for officials are those who already live in the City and that is who officials are responsible to respond to. He also noted that the Sewer Department had gotten involved to address how additional residents could impact

the sewer systems. They took a step back because an argument was made that the number of toilets would not be increased. However, Councilmember T. Lowery pointed out, that if a homeowner were remodeling their basement, they might be adding additional toilets. Another point of negotiation surrounding if the bill were implemented, was the request that cities had until June 1, 2021, to develop a clear plan about where ADUs would be allowed and how the ADUs would work.

Ms. Oliver said to that end, the City had to be careful to not devalue certain properties by only stating specific zones, in particular, to get these types of units. Adjacent cities had floated the idea that certain percentages of homes in existing neighborhoods or zones could be allowed ADUs. These permits would be granted on a first-come-first-serve basis so that ADUs were not becoming geographically pinpointed.

Mayor Walker said that in areas like Sunset Ponds where there were very narrow streets, and every unit became a duplex, one would not be able to move. Ms. Oliver said that she felt that they would need to pair ordinances with private street widths. Mayor Walker said that there was also a component in one of the bills that provided low-interest or government-backed loans to create ADUs.

Ms. Oliver said that was a low-interest, 15-year loan. The owner of the single-family residences needed to be occupying a portion of the residence. For the length of the loan, the low-income portion that was constructed with the loan needed to be approved on an annual basis. The ADU would have to be rented to someone who was low income. The loan could be retired early and then the ADU did not have to be rented to a low-income resident.

Councilmember T. Lowery asked if existing basement apartments were not currently allowed under the City code. Ms. Oliver said that was correct. Secondary kitchens in DCMC were allowed. However, when staff review plans, they look for a locking door. A lot of individuals have doors at the base or top of their stairs. Short of staff going into each home and looking at their door to check their lock, the staff just trust that it is an ancillary kitchen for a single-family residence.

Councilmember T. Lowery said that staff knew that many folks were renting out their basements. She asked if Draper had any sort of permitting process for that.

Ms. Oliver clarified that Draper did not allow it. Councilmember Roberts said that it was an enforcement question.

Councilmember T. Lowery said that part of the League's question was could there be an enforcement component. They wanted to know if the goal was to make it easier for cities to enforce.

Mayor Walker said that the League would like to see a way to regulate ADUs and know who had them to ensure that the dwellings were safe, and the building worked. However,

if a resident was renting to a second tenant now, they violated the code. If the bill was passed as written, there was nothing to enforce.

Councilmember T. Lowery said that the bill stated that a homeowner would have to get a permit. Mayor Walker said potentially. That was a point of negotiation. If the bill were passed as written, a permit would not be required.

Ms. Oliver said that right now the addition of ADUs was just a free for all. However, if the bill was narrowed down, it would determine the path that the City could take.

Mayor Walker said that the permit and business license was something to recover some of the costs. One of the examples that were used in the hearing was the 53,000-unit shortage. The bill could immediately create some 40,000 units overnight that could be used. The concept was that there would not be any way to regulate. Draper was hoping to figure out a way to regulate the traffic. Draper would have to come up with parking ordinances that were different from winter parking. Salt Lake City granted permits. He felt that the Council should be aware of the bill. If cities did get the point of being able to say where ADUs could be developed, they needed to know the areas where the ADUs would not work in Draper. He said that he felt the bill had the potential to make houses more valuable, not less.

Councilmember Roberts said that government-subsidized loans to create an additional unit on a property and a new cash flow stream would help the financial crisis. He said that it would impact the rental market, but he wondered if the City was concerned about the state of rentals. He felt that the City was concerned about homeowners.

Mayor Walker said that was a great philosophical question on the part of Councilmember Roberts. He suggested that he reach out to his representatives and ask that question.

Councilmember Roberts asked about enforcement. He said that the City did not have any idea how many people were doing this. Ms. Oliver said that staff reacts on a complaint basis. It was staff asking if a homeowner had renters. If the resident said no, the City walks away.

Councilmember Roberts asked if this law could help the City bring the issue into the light more to have control over ADUs. Mayor Walker said that if the City got the authority to at least collect a permit fee and get an inspection, then the City would know, and homeowners would have to fess up and get inspected. He said that regardless he felt the City would need to create a parking ordinance that worked for the whole City and come up with parking enforcement. He did not think police officers were keen on writing parking tickets. He said that Salt Lake City had a big parking enforcement division. Councilmember Roberts interjected that would be a big cost on the part of the City. Mr. Dobbins said that in the short term the question that needed to be answered during the session was if Draper was willing to look at allowing ADUs in some way in the City. Would that be determined by a ratio or percentage of homes in Draper? Geographical areas? Zoning types? Etc. Or did Draper want to just oppose the bill outright? That was

the answer that needed to be given to the League; where does Draper City stand on the bill? If the answer was that Draper was not willing to cave or negotiate, it informed the legislature. If Draper said it was willing to negotiate, there would be an expectation that Draper would come to the table over the next six months with some proposal. He did not want to indicate to the legislature that Draper was willing to do something if the Council was opposed.

Councilmember Green said that he was willing to do something in certain zones. However, if they wanted to make every home an ADU that was a problem. He said that the reason why cities had zoning authority, to regulate development to maintain order and a reasonable degree of consistency to prevent chaos. He said this was not a moment to apply a principle and let a bad outcome happen. It was a moment where Draper needed a response.

Mayor Walker said that was all in the wind if the bill was passed as written. He said he felt Draper should be in negotiation mode because he did not think it served Draper to say that they were a few cities that do not. He said that he sits in the meeting, talking away, thinking to himself that Draper was one of the culprit cities.

Councilmember Roberts asked what Draper's role was. Councilmember F. Lowry asked if Mayor Walker was saying that if Draper adopted an ADU code the city would be exempt from the bill before the Legislature. Mayor Walker said that what Mr. Dobbins was saying was that Draper needs to be willing to negotiate if the League gets the legislature to negotiate with cities about the parameters around ADUs, even if it is determined that every City has to have some. Draper cannot be the City that gives a flat no to having ADUs.

Councilmember F. Lowry asked if Draper stated that they were willing to have ADUs if that would exempt Draper from HB82 that was stating that all areas had to be eligible for ADUs. Mayor Walker said that cities were trying to get the legislature to negotiate with the League to give some power to cities to be able to say where ADUs would be allowed and have zoning authority. If everyone buys a house in the neighborhood they expect to live in, HB82 throws that to the wind. Mr. Dobbins was asking if he could say to the League that Draper City would do their part to figure out how to fit ADUs into development and City planning if they were given some control.

Ms. Oliver said that at least Draper would be at the table to contribute some of their ideas as to what would be best. Mayor Walker said that HB82 was pretty sweeping legislation.

Councilmember T. Lowery said that a lot of HOAs had banned ADUs. HB82 would undo that action because any place, anywhere in the City would be able to have the ADUs. Mayor Walker said that he could see people just renting rooms.

Ms. Oliver said that was also the case in DCMC. In the code, a single-family was defined as five individuals. It is not specified that they have to be related. In-state code, the number of individuals was limited to three and in some cases, four in others. Draper's code was already more gracious than the state code required.

Mayor Walker said that the bill would turn the whole state into a college town. He said that one of the councilwomen from Provo was in the working group. She talked about how it worked in Provo. She said that everyone rents rooms. According to her, they had to add two full-time employees (FTEs) to keep up with parking and code enforcement. She wanted other representatives to know that the consequences of the bill would not be free for cities. It would cost a lot of money. Mayor Walker also noted the need for additional resources such as paramedics and police officers. Those expenses would have to come out of property taxes which would have to be increased to cover public safety costs. He said HB82 would essentially be an unfunded mandate.

Ms. Oliver said that an immediate influx of population would increase the number of public safety calls. She said that the police and fire calls had been pretty consistent based on population growth. She said that the bill would allow for internal ADUs. If the bill passed, Draper might be able to get away with external ADUs.

Councilmember T. Lowery said that the reality was that Draper already had both internal and external ADUs, they were just not permitted. Perhaps Draper needed to come up with what would make internal ADUs the best for Draper City. Part of that was safety questions; could fire get up and down the street? That was feedback the Council had received from South Mountain often. With narrow streets on which cars are parked on both sides, a fire truck or plow cannot get up and down.

Ms. Oliver said there was that component, but that there was also a construction component. She said that it was much more of a lengthy process to go through with the building permit approval and the Fire Marshal inspection to ensure that the units were habitable and safe.

## **Business Session**

### **1.0 Call to Order: Mayor Troy K. Walker**

### **2.0 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.**

Mayor Walker read the recognition:

The Corner Canyon High School Cheerleading Squad claimed their fourth straight title in eight years on Saturday, January 23, 2021. The cheerleaders had previously won State in 2015, 2018, and 2020 making this their first back-to-back win. Their win in 2015 was the first state championship for Corner Canyon High School. They also brought home Corner Canyon's first national championship in 2018. This was also the first time since 2015 that both Junior Varsity and Varsity have won State in the same

year. The cheerleaders are coached by Head Coach Whitney Lunt, along with assistants, Skyler Schofield, Bria Bowthorpe, and Stephanie Sampson. The routines are choreographed by Cameron Larson. The cheer program is made up of the varsity competition team consisting of 19 athletes and the junior varsity competition team consisting of 16 athletes. In addition to competing, the girls also cheer on game days of football, volleyball, girls and boys basketball, and wrestling. They work to support their school and community excellently. They are so excited about this win and are now preparing for the national championships at the end of April. Thank you for representing Draper City and Corner Canyon in such a positive way. On behalf of the City Council and myself the mayor, we are proud of you, congratulate you, and wish you the best at the national championships at the end of April.

A short video of the cheer team was played.

### **3.0 Public Comments**

- 3.1 Marvin Armstrong, resident, said that he lived on the east side of the South Mountain Golf Course. He said that he wanted to present to the Council about how on the previous Thursday, he and six of his neighbors attended the site development meeting to discuss the reception center over by the clubhouse. As neighbors to the course and citizens of Draper, they feel as though their concerns were not addressed or considered. The neighbors presented to the developers that they understand why there was a need for the reception center to get the additional income that it could bring in for the golf course. The neighbors, overall, were supportive of the reception center. However, neighbors were concerned about the two gazebos: one that would be on the west side and one that will be on the east side. The gazebo on the east side would only be 110 yards from their backyard. They feel as though there would be an additional risk of fire danger, the sound that would be caused to the neighborhood, as well as the impact on wildlife in the area. He said again that the neighbors support having the reception center built but had asked the committee to consider having the second gazebo on the west side as it would not impact any of the areas, but that they consider eliminating the gazebo on the east side that would be 28 feet tall and would further eliminate neighbors' view. Each of the neighbors paid well over \$50,000 for view lots when they built their homes. The only answer that the developer had as to why the gazebo could not be eliminated was because of inconvenience to them. Mr. Armstrong said that the gazebos would be an inconvenience to the neighbors. They were hoping that the City Council would listen to the neighbors' voices and see if there was a way for the Council to help the neighbors with their concerns. They want to be good neighbors and work with the City and county, but simply do not feel as though others are hearing their voice.

### **4.0 Consent Items**

- a. **Approval of January 12, 2021, and January 19, 2021, City Council Meeting Minutes**
- 4.1 **Councilmember Vawdrey moved to approve the Consent Items. Councilmember T. Lowery 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.

5.0 **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.**

5.1 Jennifer Jastremsky, planner, said that the Windsor Mill townhomes and offices were a new development that had been approved by the Planning Commission earlier in 2021 for their site plan and final plat. What was before the City Council tonight was a sliver of that project. When staff reviewed Windsor Mill's site plan application, they discovered an error in the legal description that was used when the property was rezoned. In 2009, the property owner came in and requested a re-zone on 18½ acres of land. That included the Windsor Mill Townhomes and Office, Soccer City, and the Windsor Mill single-family subdivision. However, the legal description that was used in the actual ordinance from 2009 excluded a little over an acre of land. She displayed the area that was intended to be included in the re-zone that had been left out.

What staff was looking to do tonight was to bring a portion of the one acre of property into the RM1 zone that was originally requested in 2009. The remainder of the acre of land already belonged to UDOT or had been designated to the City and would not be part of the request tonight. As a result, it was requested that 0.3 acres be added to the RM1 zone.

There were two requests as a part of the application. First, it was requested to amend the land use map from the residential low-medium density land use to a residential medium-high density land use that would match the rest of the Windsor Mill Townhome and Offices development. The zoning designation would be moved from RA2 designation (two units per acre) to the RM1 designation, what the Windsor Mill Townhomes was already in. The RM1 designation allows up to 12 units per acre. In the townhome development, the area of land would be a part of their open space and landscaping next to the Jordan River trail. A portion was already a right-of-way that would be dedicated to the City with their plat. The Planning Commission recommended approval on both applications on a 5-0 vote.

5.2 Councilmember F. Lowry asked what would happen if the area was not re-zoned. Ms. Jastremsky said that one of the conditions for approval in their site plan was that the property is re-zoned before them filing a building permit. The applicant could request a modification to that condition. Ultimately, the entire townhome project was already in the RM1 zone.

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

5.5 Councilmember Green moved to approve Ordinances #1477 and 1478, City Initiated Windsor Mill Zoning Map and Land Use Map Amendment. Councilmember F. Lowry seconded the motion.

5.6 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 #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.**

6.1 Todd Draper, planner, said that he had included slides from the previous study session and the Planning Commission meeting. He explained that the text amendment came about due to some concerns raised by residents and the intent to update code recognizing historical ties to the raising and keeping of chickens. He provided a summary of the current ordinance 9-27-055 as well as the proposed changes. These specifics are documented in the minutes for the study session held on January 12, 2021, under item six. An additional chart was displayed regarding the lot size, the number of chickens and chicks/pullets allowed per lot size, as well as the estimated number of eggs that would be produced in a given week under optimal conditions.

One of the conditions of the proposal was to remove the RM1 and RM2 zones as areas that would be allowed to have chickens. He displayed a map of where those areas would be located in the City. The feeling was that most of the lots were smaller and would likely be placed with a higher chance of neighbor conflict as many of the dwellings were townhomes or apartments.

Mayor Walker clarified that the areas indicated on the map in orange would not be able to have the chickens. He said that one of the areas happened to be in his neighborhood. He wanted to know if no chickens would be allowed in those areas. Mr. Draper said that was correct under the proposed ordinance.

Councilmember Vawdrey asked if they were previously allowed. Mr. Draper said that, yes, they were previously allowed in all residential zones. There were some minor conflicts in the ordinance. Staff was seeking to remedy them with the proposed changes.

Mayor Walker said that he thought that there were already people who had chickens in the orange areas where he lived. Councilmember Vawdrey said that she also noted that they had decreased the number of chickens allowed by one chicken.

Mr. Draper said that part of that fell in line with the animal specialty and animal unit definitions or ordinance, where all were limited to five.

Mr. Dobbins clarified that what that meant was that Draper had a section of code that conflicted with another section of code. This change would make it consistent. If the Council wanted to go back to six chickens, the other section of the code would also need to be changed.

Councilmember F. Lowry asked if the change also put the number of chickens in line with the other property sizes. Mr. Draper said that he could clarify that in the text. The code outlines that anything less than 10,000 square feet would be limited to five chickens. An additional chicken would be permitted for each additional 2,000 square feet up to 20 chickens on a 40,000 square feet property.

There were some additional text amendments to the definitions found in section 9-3-040. Staff felt it was important under the animal specialties definition to clarify that the definition referred to commercial production, not familial gain. Staff proposed that a new definition be proposed for familial gain. "The keeping of chickens on a lot for the exclusive use by the persons residing thereon." That would be added to the land use tables and agricultural zones as permitted uses. A section of text that allowed those who did not want to follow the ordinance if they applied for a separate permit was removed to eliminate a potential loophole.

At the January 28, 2021 meeting, the Planning Commission recommends approval with a vote of 5-0.

Mr. Dobbins asked Mr. Draper to go back to the map. He indicated a place where the Tom Lloyd property was located to clarify for Mayor Walker the properties that would be excluded. Mr. Dobbins clarified that the current text would exclude multi-family zones.

## **6.2 Mayor Walker opened the public hearing.**

- 6.3 Alisha Jensen, resident, thanked Councilmember Vawdrey, Mr. Draper, and anyone else who had worked on the amendment. She was grateful for the work that had been done on the item. She informed the Council that she had spoken at the Planning Commission meeting. Her family had moved to Draper from East Sandy almost five years ago. They moved to Draper specifically for the land. They live on a one-acre property that was zoned residential agriculture. They wanted the space for animals so that they could have the pseudo homesteading lifestyle that appealed to them. She said that they feel that in uncertain times that it was important to be able to empower people to be able to be self-sufficient. Her family raised chickens for both eggs and meat. They retire their chickens about every two years. Once the chickens get to a point where they are not laying as many eggs, they are retired with new chicks that are purchased in the spring and begin laying in the fall or winter. At any given time they have between 18 and 24 chickens, depending on if they are a pullet and have not started laying yet, or have gotten more because some might die. She would like to see the number of chickens allowed on a one-acre lot be larger. She said that her chickens were almost exclusively in a 20' x 30' pen except when they were allowed in their fenced-off garden in the spring. Because their yard was not fenced off the chickens were not completely free ranged. However, they did have a chicken tractor to

take the birds to different parts of the yard. The yard itself is huge and able to sustain much more than the 20 chickens. Also, if anyone is interested in raising meat chickens, which her family was, even though they qualify as pullets, the time you get chickens to the time of butchering is about 55 days. Even though they qualify as pullets, if you are going to make it worth your while, you have to get a lot of meat chickens. Once they are butchered you have that meat to can, preserve, or freeze-dry allowing those resources to go towards a family's meat for the year. As a result, she would like to see the number of pullets allowed go up.

Other than that, Ms. Jensen expressed again that she felt it was important to empower people and families to be able to be self-sustaining. Even with that many chickens, their family does not get that many eggs, especially in the winter and the colder months. You have a bounty in the warmer months that can be frozen or saved to last a family through the cold months when the chickens do not lay as much.

**6.4 Mayor Walker closed the public hearing.**

**6.5 Councilmember Green moved to approve Ordinance #1475, City Initiated Chickens for Familial Gain Text Amendment. Councilmember Vawdrey seconded the motion.**

**6.6 Councilmember Roberts asked if there was any logic behind the numbers that were picked for the ordinance or was it just "put the finger in the air and that sounds like a good number?"**

Mr. Draper said that staff had looked into what would be the maximum number of chickens allowed on an area if they were to raise free-range chickens on approximately half the lot as opposed to the full lot. That was paired down from the industry standard of 50 per acre, down to 20 on an acre when it was specifically for familial gain. More chickens could be supported in a coop-type setting.

Councilmember Roberts clarified that staff took 40 percent of the acreage. It was a 40 percent ratio. Mr. Draper said that was correct. He said 50% minus the setbacks for the coop that were outlined in the ordinance was the impetus behind the number. He said that staff also looked at the numbers allowed by neighboring cities that had different ranges to be consistent with them. He said that the staff was happy to look at changes to the numbers.

Councilmember Roberts said that it might be helpful to take some more time to get additional feedback from residents on what number would be helpful for them to reach their goals while making sure that the number fits Draper's goals as a City. Councilmember Vawdrey said that she did not disagree with that.

Councilmember F. Lowry as long as the ordinance was not set up such that it created a different problem. He asked if 25 chickens would be more reasonable.

Councilmember Vawdrey said that she was leaning in that direction. She said that Draper was the egg basket. Ms. Oliver said that one of the things considered when drafting the

ordinance was ensuring that the chickens were for the families that lived at the house. The more the number of chickens was increased, the more difficult it would become to enforce the code. Questions would arise such as if the eggs were being sold. She said that staff had tried to come up with a reasonable range that would hopefully prevent code enforcement issues in the future. Councilmember Roberts said that he understood that, and it was helpful.

Councilmember F. Lowry said that was why he wondered if increasing the number by five would make that big of a difference. That was five more chickens that would need to be retired every three years.

- 6.7 **Councilmember F. Lowry moved to amend the maximum number of chickens to a maximum of 25 chickens per acre and adjust the ratio of chickens.**

Councilmember Roberts brought up that the resident also wanted the number of pullets addressed. He asked if the number were just increased to 25 would that impact the ratio per acreage. Councilmember F. Lowry said it would increase the number of pullets.

Ms. Oliver said that if the Council were to amend the ordinance, she requested that it be tabled until the next Council Meeting because various modifications would need to be made throughout the proposed language.

- 6.8 **Councilmember Green withdrew his motion and moved to continue this item to the next City Council meeting. Councilmember Vawdrey seconded the motion. This item will be an Action Item.**

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

Mr. Dobbins asked for clarification on the direction of the Council. He wanted to know if the goal was to go up to a maximum of 25 chickens per acre and amend all the ratios to end up with a maximum of 25. Councilmember F. Lowry said that was what he envisioned.

Mike Barker, City Attorney, asked if the Council wanted additional public comment at the next meeting. Mayor Walker said that he did not think so. The public comment had been closed during the current meeting.

- 7.0 **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.**

- 7.1 Todd Draper, planner, explained that this application was the result of issues the City had regarding land use buffers, specifically that fencing in land use buffers was intended to be site obscuring and a higher quality design. The standards were not sufficiently stated and as a result, the City got lower quality fencing that was not sight-obscuring. Staff felt that

some additional standards and clarifications were needed to specify the type, location, and installation standards of the fencing. Staff also found a need to update the definition to maintain the congruence for the new standards for fencing for land use buffers and the definition of a sight-obscuring fence.

The first change clarified in Section 9-23-110 indicated that land use buffers, “shall be provided along the side and rear of property lines of commercial, multifamily, and industrial properties.”

In Section 3 additional language was added to connect various sections of the code back together. In section 3b additional language was added to specify that trees could be grouped but needed “to provide sufficient linear coverage between commercial, office and industrial uses and adjacent residential units.”

The primary change to the code occurred in item 5. This change indicated that “a six-foot-tall, solid, sight obscuring fence constructed of masonry, precast, concrete, or lightweight precast fiber reinforced concrete,” was required. The polyethylene plastic wall was eliminated. Later in the code, it was specified how the height of the fence was measured, the limitation that the gap at the bottom of the fence could not exceed four inches (4”).

Some other additions proposed were the clarification surrounding when the Planning Commission allowed existing landscaping to remain in a buffer. That landscaping had to be “healthy, non-invasive, and drought tolerant.” The loophole where it was spelled out that berms were allowed was removed as it could have gutted the intention of the changes. With the removal of the language surrounding berms (part F), the rest of the ordinance was re-numbered.

The final change in section 9-3-04: Definitions, modified the definition of a fence to specify that the gap could be no higher than four inches (4”) from the ground.

The Planning Commission forwarded a recommendation for approval with a vote of 5-0. They had an additional request that the City Council and staff work together to look into the use of hedgerows as described in 9-23-110(C)(2)(c).

The original text allowed the Planning Commission to consider a five-foot (5’) tall hedgerow as opposed to an eight-foot (8’) tall wall. Some members of the Planning Commission expressed some trepidation as to if that would meet the same requirements.

- 7.2 Councilmember Green asked what spurred the change in the ordinance. Mr. Draper said that it was just the applications coming in that had proposals to put up the polyethylene walls. They were not reinforced completely throughout the length of the fencing. Applicants proposed to use designs and patterns that did not obscure sight through the fence.

Mr. Dobbins said that the neighbors of the projects were going to get a wall that would block sound and light. Staff’s response to residents was that was how the code had been

interpreted for a long time, but developers stated that was not exactly what the code said. This spurred staff to clarify the code.

Councilmember T. Lowery said that the concern brought up by the Planning Commission about the hedgerow was valid. She asked if the staff had researched it.

Mr. Draper said the staff was looking at the code, he could see that the intent was to offer an option that was greener and more natural. He said that there were options that could provide a fair amount of a sight barrier, though sound, less so. The staff was not sure if changes to the code needed to specify which plants could be in a hedgerow. At the same time, the section of the ordinance discussed was a Planning Commission exception.

Councilmember T. Lowery said that their other concern with the exception was the question, what would happen when the hedgerow died. Councilmember F. Lowry said he had a similar question. If the hedgerow were allowed, could staff enforce its maintenance? Mr. Dobbins said yes staff could, but it would be really difficult. Staff would find themselves arguing over the density.

Councilmember T. Lowery asked if that piece of the ordinance needed to come out as an option. Ms. Jastremsky said that Draper's code for landscaping generally requires maintenance and upkeep. It did become a code enforcement issue. She said it was a specific deviation that the Planning Commission could deny if they did not feel as though the hedgerow met the standards of the code. If the Planning Commission felt that a hedgerow did not meet the standards, they could deny the site plan. The site plan that spurred the change was a request for a modified site plan that was denied by the Planning Commission. She said that if the Council wanted staff to look more specifically at the hedgerow, they were happy to do that.

Mr. Dobbins proposed a hypothetical situation. The Planning Commission approved the hedgerow option. In a year it starts to die off and neighbors begin to call to report that it was not doing its purpose. He said that an enforcement issue would arise where staff had to work with the existing owner to say that the barrier was not working the way it was. He said he felt that put Draper's enforcement staff in a difficult position. He said the circumstances would go from the Planning Commission saying yes on day one, to staff needing to deal with the issue a year later. He said that he did not like putting staff in the position to have to argue over what the hedgerow looked like in the wintertime.

Ms. Oliver said that it was important to note the words "at maturity." She asked when a hedgerow was mature. She said it could take quite a while depending on the size that was installed. She said that part of the text was problematic. It was not specifically addressed in the particular code change proposed tonight. She was happy to take the code back and strike some of that language. She reiterated that it was problematic.

Mr. Dobbins said that he recommended that the Council approve the current proposal to close the loophole and then let staff come back with a separate item.

**7.3 Mayor Walker opened the public hearing.**

7.4 Terry Haupt, resident, said that he hoped that the City Council would listen to what the Planning Commission recommended in their meeting a couple of weeks ago. He said that the public discussion primarily regarded the Quinn Court property that was approved several years ago with a concrete mason wall. The developer then requested variances twice. The first time he was turned down and the second time he wanted to withdraw his variance after extended discussion. When the residents asked the Draper Senior Planner what other projects had been built with the plastic fences, she drew a blank and could not come up with a single incidence at that time where a plastic fence had been built. Neighbors sent numerous pictures and a petition opposing the plastic fences to the Planning Commission. He felt that they had heard residents. He said that to protect their property in terms of vision, sight, and sound, they felt that a concrete masonry wall should be built. He felt that the concrete walls ensured safety. Regarding the issue of hedgerows, he recommended that they were gotten rid of. He felt that Section 2(c) left the code way too open, as "at maturity" could take five years. Meanwhile, properties would have a one-foot (1') buffer. He did not feel that was acceptable.

7.5 Christian Cole, resident, said that he agreed with what had already been stated. He felt that there was too much ambiguity in the code that allowed developers to take standards and twist them. As an example, he cited what "reinforce" meant. Was it just a sliver of steel? He said regarding commercial spaces, the purpose of the barrier was not just safety, but to create a definition between the two zones. Without a firm barrier, there was no separation. He encouraged the Council to get rid of the hedgerow altogether. He said that for those who wanted a green option, he would suggest that they plant shrubs and trees in front of the concrete. He reiterated that the code needed to stick with the concrete and masonry to make the wall look nice. He did not see that it was feasible for commercial to get away with glorified vinyl fencing because they put a sliver of steel.

7.6 John Martindale, resident, said that he wanted to echo the comments made by previous residents. He said that Mr. Cole and himself were directly impacted by a project with a concrete wall about 20 feet (20'') from his front door. He said that he could not imagine dealing with a plastic wall for the reason previously stated. He said that he felt that the City did not want to set a precedence of lessening their values and conditions for development. He felt that the City needed to hold developers to the standards agreed to when they submitted their plans. He suggested the Council vote in favor of the changes.

**7.7 Mayor Walker closed the public hearing.**

**7.8 Councilmember T. Lowery moved to approve Ordinance 1474, City Initiated Land Use Buffer Text Amendment. Councilmember Vawdrey seconded the motion.**

7.9 Councilmember F. Lowry said that he felt that it was important to get this moving forward quickly to make sure that developers were compliant with the standard. He appreciated the public comment expressed.

Councilmember Green said that he supported removing the hedge. He wanted to make sure that was done.

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

- 8.0 **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.**

- 8.1 Todd Draper, planner, said that this was a temporary land use regulation that had been driven by some inquiries to provide temporary medical service clinics, specifically related to the COVID-19 pandemic. The ordinance would apply to all commercial, commercial special districts, and transit station district zones.

There would be an application process required for these sites along with a provided site plan showing the proposed layout of the site. A method for traffic circulation must also be provided. The layout may not impede public safety or emergency vehicle access. Locations of sites would need to be associated with an existing commercial building on the side that provides access to restrooms and electrical power. The mobile COVID-19 medical service clinics must be located on hard surface areas and be anchored or tied down and meet building code requirements. The clinic's hours of operation would be limited to between 7:00 a.m. to 7:00 p.m., Monday-Sunday. All services would be by appointment only. Clinics would operate in a drive-through style, with limited walk-up permitted. No smoking would be allowed in the clinics and they would comply with the International Fire Code requirements. Clinics would have to get all required licensing. To allow for clinics to be in parking lots, there would be a 30% reduction in the parking for the primary buildings. Clinics would have a limit of 60 appointments per hour. More may be approved with a traffic study that showed that additional traffic could be accommodated without creating a service failure. The applicant would also be required to provide details regarding security threats and how to prevent unauthorized entry.

Also, staff had tried to bring the queuing space definition into the code and initially included that language in the ordinance. He displayed an updated queuing definition that was included in the ordinance provided to the Council. Staff recommends that if the ordinance was approved by the Council that they include the updated queuing definition. Legal had noticed a few items that might be off.

- 8.2 Councilmember T. Lowery asked if the ordinance was necessary for Draper. Mr. Draper said that staff was providing options. It was something that had come to the staff's attention. They felt the need to provide the option to the Council.

Councilmember T. Lowery said that she had done some personal investigation on the previous day and had found that there were already 8-10 testing sites set up in the City, including one set up by the state near the library.

Mr. Draper said that the ordinance was directed towards sites that were not tied to a specific health organization of the state, county, or City.

Ms. Oliver said these testing sites were for-profit organizations. If the clinics were government entities, then they were exempt from this particular type of requirement. Draper could have the state and county health department set up in a variety of parking lots throughout the City. She said that the ordinance was specifically for private companies looking to do testing and vaccination in the future.

Councilmember F. Lowry asked if staff had received inquiries. Ms. Oliver said they had. One, in particular, was a cash service company. If someone got tested through their drive-thru, they would be paying a cash amount. The person receiving services could then send that information to their insurance to perhaps be reimbursed.

Councilmember F. Lowry asked if they were willing to abide by the proposed guidelines. Ms. Oliver said that was something staff would have to discuss with each applicant.

Councilmember Vawdrey asked if there was a medical campus, they were already allowed to do testing. Ms. Oliver said that they did have an exemption that could be applied for government agencies and non-profits. Councilmember F. Lowry said that those exemptions would not require this amendment.

Ms. Oliver said that staff would have to look at exactly what was proposed, but generally speaking, staff did not think that an ordinance was needed for that.

**8.3 Councilmember T. Lowery moved to deny Ordinance #1476, adopting a Temporary Land Use Regulation permitting Temporary Mobile COVID-19 Medical Service Clinics. Councilmember Vawdrey seconded the motion.**

**8.4 Councilmember T. Lowery said that she was concerned about traffic issues and negative impacts to adjacent properties. She questioned if these services were necessary.**

Councilmember F. Lowry agreed, especially if Draper already had an adequate number of testing sites.

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

**\*\* Councilmember F. Lowry had a minor item for Council/Manager reports. He said that the Tree Commission had their monthly meeting that morning and had a productive meeting with City staff. He wanted to thank Ms. Oliver and Scott Cooley, City Engineer for their attendance. He felt some great progress in the ways that the Tree Commission would be**

able to help with landscaping planning on commercial and City projects. He said that they would also be looking at some desert landscaping options for drive strips. They mentioned that they have a plan that was presented by the Jordan Water Conservancy District that the Tree Commission would be able to present to the Council to see if it were something they might want to consider adopting. The plan would designate which trees would be most appropriate.

**9.0 Adjournment**

**9.1 Councilmember Green moved to adjourn the meeting.**

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

**9.3 The meeting adjourned at 8:23 p.m.**

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 16, 2021, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

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

**EXCUSED:**

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

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**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.
- 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.draperutah.gov/95/Agendas-Minutes>.
- Email comments to [public.comment@draperutah.gov](mailto:public.comment@draperutah.gov). 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@draperutah.gov](mailto:public.comment@draperutah.gov).

## Study Session

### 1.0 **Presentation: Point of the Mountain and UVX- Patti Garver and Mary De La Mare-Schaefer, Utah Transit Authority**

- 1.1 Patti Garver, Utah Transit Authority, said that they were before the Council to tell them about Utah Valley Express (UVX) the Point of the Mountain bus transit system. She added the presentation was also a follow-up to the information she shared with the Council during a December meeting regarding the Point of the Mountain Transit study and their preferred route between the Draper FrontRunner station and Lehi. At the December meeting, Mayor Walker requested a tour of UVX. In place of taking this tour, because of everything happening in the world, she gave transit passes to staff for the entire Council to go down on the FrontRunner to the UVX and ride the system. The passes were good until March 16, 2021. She would also be sending an email that contained a virtual tour of UVX. There was also a virtual tour of the Point of the Mountain Transit Corridor.

Ms. Garver introduced Mary De La Mare-Schaefer to talk about the UVX system.

- 1.2 Mary De La Mare-Schaefer, Utah Transit Authority, said that she had the opportunity to go with Mayor Walker on the UVX. She said that there was nothing that she loved better than to take people on UVX. She said that when they got past COVID during the summer, she would be glad to take other Councilmembers. The Mayor of Provo, UT said of UVX that it was, “fast, frequent, and free.” Fast: there are exclusive lanes for a little over half of the line, nearly ten miles. Frequent: during peak hours in the morning and afternoon it comes every six minutes. In between it comes every ten minutes. Free: Thanks to the Congestion Mitigation and Air Quality (CMAQ) grant from the federal government, the line has been free for everyone. UVX works in large part because Brigham Young University (BYU) and Utah Valley University (UVU) account for 80 percent of the ridership on the line. The other 20 percent is community members. She said that there were long-term contracts with the universities which provide students, faculty, staff, and their dependents with all-access passes to UTA which includes UVX. The line gets people quickly from the Orem FrontRunner station to UVU, past University Place, over to BYU, down through downtown Provo, and then to the Provo FrontRunner station. She said that the bus line before UVX, the 830, had about 2,500 boardings per day, the highest used bus in Utah County. Before COVID hit, they were getting to 12,000 boardings per day on UVX which ran the same length as the 830 bus. Very quickly, the ridership was increased by five times of the previous line. She said that she believed that resulted because it was fast, frequent, and free.

Ms. De La Mare-Schaefer was open to questions from the Council.

- 1.3 Mayor Walker confirmed that the Council could get out to ride UVX right now with the passes and verified that the line was operating on its normal schedule.

Ms. De La Mare-Schaefer said that UVX was running a little bit differently because of COVID. It was running at 10-minute headways as opposed to 6-minute headways. She

said that if councilmembers were to go out during the daytime, they would very quickly be able to get on UVX and ride.

Mayor Walker said that one of the reasons why he wanted the Council to see UVX was to get the concept of what Draper had coming with the Bus Rapid Transit (BRT) alternative going south from the Draper FrontRunner into Utah County. He said that the similarities would include the exclusive lane operation and the connectivity between stations. He asked what differences they anticipated the new system starting in Draper would have from UVX. Ms. Garver said that UVX was at a 50-percent exclusive lane, whereas the Point of the Mountain line would be at a 90-percent exclusive lane. That would make the line more efficient.

- 1.4 Councilmember Green asked if there was a map so that the Council could see the proposed extension and where the line currently traveled. He said that he had not seen the route. Ms. Garver said that the route would be included in the follow-up email the Council would receive from her.

- 1.5 Councilmember T. Lowery asked if the proposal for the Point of the Mountain also included the free transit. Mayor Walker said that Councilmember T. Lowery was getting ahead of herself. Councilmember T. Lowery said that the reason why the UVX had been successful was that it had been fast, frequent, and free. She felt that if the two lines were being compared, she felt that it was a valid question to be asking.

Mayor Walker said that the Advisory Board had several members advocating for it to be free. However, there was some farebox recovery for UTA that required the advisory board to shift some of their goals and the way that fares were addressed moving forward.

Councilmember T. Lowery said that at least with the college population, it was a different group. The free element was probably a big deal. She said that might not be such a big deal with executives and cooperate workers. She said, however, that they did want to attract people to ride the line. She wanted to know how they would do that effectively.

Ms. De La Mare-Schaefer said that the CMAQ grant had made ridership free to the rest of the community outside of those affiliated with the universities. Because the grant that has allowed UTA to supplement operations was coming to an end in August, UTA was currently having discussions with the county about what would be done regarding the fares moving forward.

- 1.6 Councilmember Roberts was curious about Ms. Garver and Ms. De La Mare-Schaefer's perspectives on the pros and cons of the BRT system compared to light rail. Ms. Garver began by addressing cost. The BRT costs between \$350 and \$480 million. Light rail costs between \$850 and \$900 million.

Councilmember Roberts asked if the ridership experience was different between the two systems. He wanted to know why light rail was ever installed when it seemed like BRT was just as good of rider experience, the buses could run just as frequently and quickly,

there wasn't as much of an impact on the environment. He wanted to know why they didn't just always go with BRT. Ms. Garver said that the ridership experience for both types of transit was similar. Another reason why BRT was selected was because of the speed of implementation. The system can begin operating more quickly. She said that the system was also less complicated to construct because the overhead system and rails didn't have to be installed. However, rail had a larger capacity. Depending on ridership demands, more riders could be accommodated with the rail system. Based on the current projections for the Point of the Mountain transit area, rail would not be necessary to meet the ridership needs.

Councilmember Roberts asked if BRT did a better job at solving the last-mile, first-mile issue. He asked what the long-term plan for developing the system was. He wondered if they intended to put spokes in each city, or was it just this main artery that UTA was developing.

Ms. Garver said that UTA's system was designed such that it had a main spine. UTA was actively putting out connections from the line of travel. A lot of the upcoming connections were bus route to transit. Another reason why buses were better for the Point of the Mountain line was that the route needed to navigate over the retaining wall on either side of I-15. A bus was able to do this much easier than a rail system.

Ms. De La Mare-Schaefer added that neither BRT nor light rail solved the first or last-mile connections. One of the things that were done as a part of UVX construction was that they included pedestrian and bike amenities to try to support and enhance the first and last-mile connections. Provo and Orem implemented a scooter program. Bike share programs are also really helpful, along with the traditional bus. UTA is also currently exploring the micro-transit opportunities that could help solve the first and last-mile issue.

Ms. Garver added that the Draper Trail on the UTA right-of-way on the east side of the freeway would be included in the project. There would also be other trail connections in the Point of the Mountain area.

Ms. De La Mare-Schaefer said that the BRT line was a core route. By nature of that definition, it wouldn't solve the first and last-mile question. Because of this, these two transit issues needed to be considered hand-in-hand for people to get where they want to go.

- 1.7 Mayor Walker asked what the timeline was for the construction of the Ogden BRT. Ms. Garver said that construction had started on the Ogden BRT and that the opening date was the end of 2022. Mayor Walker asked what percentage of that would be exclusive lane. Ms. Garver said that she thought that 35-percent of the route.

Councilmember Roberts said that with Ogden he knew that they were putting in BRT through 25<sup>th</sup> Street. He asked if the vision down the road was to have BRT options through all city centers. He said they talk about the UTA being a major artery, however, if you go down to Provo and Orem, the BRT goes all over the place. In Ogden, the bus line was

going to go from Weber State to the hospital to downtown. He said he was just trying to understand if there were goals to connect spokes through various cities and towns up and down the Wasatch Front or if it was going to primarily be used as one channel, like light rail, up and down the spine.

Mayor Walker said that from an advisory board perspective, they were trying to make the spine connection to get people moved out of housing areas into employment centers. He said that it certainly opened up the option as the systems worked and people got comfortable with them to use them to connect areas with dedicated lanes. He said that if UTA was given enough money they would connect everything. The problem was money. \$450 million was still real money.

Fire Chief Clint Smith said that the cost was significantly different for the BRT routes in comparison to the light rail extensions. He said that one of the biggest advantages was the funding component in that federal funding was becoming more and more difficult to get. He felt that given the options and the successes seen throughout the state with the implementation of UVX, he felt that BRT was a great option to enhance existing systems.

Mayor Walker said that the answer to Councilmember Robert's question about connecting systems was that was possible in the future, but they needed to get some of the individual systems up first before thinking about connectivity. He said that there was some feeling that buses were not as desirable as the train. However, the first commercial rail service happened on 28 March 1821. He said that trains were not modern technology by any stretch of the imagination.

Ms. De La Mare-Shaefer said that the question she thinks about is how they got the ridership from 2,500 on the bus 830 up to the 12,000 for UVX. For her, it was the convenience of never needing to look at a schedule, knowing that you could always catch a bus within minutes and that there were fewer stops.

- 1.8 Councilmember Roberts asked about the federal infrastructure bills. Mayor Walker said that those proposals make the current projects more viable because buses are quicker to implement and less expensive. He said that that buses were also something that the state could afford on its own. He said that was different than any light rail project the state had ever invested in.

Ms. Garver added that with light rail, they would need another maintenance facility. Besides, the central corridor project, another BRT that goes from Lehi to Provo, would also connect to the Point of the Mountain project.

- 1.9 Councilmember Roberts asked what the state and governor's office's general attitude was towards UTA, systems like this, etc. He said that he knew that in Op-Eds they talk all the time about growth, transit, and clean air. However, when you look at budget considerations and putting money to back up the talk, he wanted to know how that looked.

Ms. Garver said that the governor did include several projects in his budget. To conclude, she mentioned that she would be back again for a resolution to adopt the Locally Preferred Alternative.

- 1.10 Mayor Walker added that he was all for light rail, too. However, it was so much money and the timeline for getting it done would be more than a decade away at best. If they were smart about developing the BRT and could get the state on board with it, it would be something that could be quickly implemented. Councilmember F. Lowry said that a lane that was 90-percent dedicated was huge.

Mayor Walker said that it would be like a rubber-tired train and was something that they could afford and move forward with as a state. The Governor did put money into double track and FrontRunner. However, FrontRunner's problem was that it shared a line with freight for a section south, so it wasn't able to run every ten minutes. The double-tracking would not get it to ten minutes, but it would get it a lot closer. Ultimately, FrontRunner would become electrified to not have to use diesel. He said that currently, the most efficient transit per mile was the diesel locomotive, the 1930's technology.

## **2.0 Presentation: Draper Police Department 2020 Year in Review - Chief John Eining**

- 2.1 Chief Eining said that he wanted to provide the Council with an update on what happened in 2020. He said that he wished that there was better news to share. 2020 brought some interesting challenges with COVID. He said that city trends matched those across the valley and nationally. First, the Police Department saw a small increase in calls for service. However, the department saw a significant drop in citations from 4,035 in 2019 to just 1,802 in 2020. He said that this, to some extent, was self-created. In the early months of the pandemic and into the summer, police officers were encouraged not to make traffic stops to limit interactions to maintain the health of workers and ensure that they had a viable workforce. As the Police Departments moves through 2021 and restrictions are lifted, citations would be an area that the department was going to pay special attention to. Chief Eining recognized that there was a need and that every neighborhood meeting he attends wants more traffic enforcement. He said that the Police Department's main goal for traffic enforcement was to focus on the areas identified by the Traffic Committee. When the committee identifies a problem that could not be solved through engineering, or signage making law enforcement the only means, that is where the department responds. He said that generally, officers don't like just going out and running radar in their spare time.

Arrests were also down significantly from 719 in 2019 to 446 in 2020. When speaking about use-of-force, a topic that was heavily addressed in the previous year's update, he noted that they had similar success in 2020 as in 2019. The only force used was arrest control tactics (ACT). These were situations where someone had to be taken to the ground as a result of non-compliant handcuffing.

Property crimes across the board were up. The biggest increases were in vehicle burglaries and vehicle thefts. Concerning person crimes, the biggest decrease was in drug-related

crimes. This was largely a result of fewer traffic stops which meant that fewer drugs were found inside of cars. Driving Under the Influence (DUI) was also down because of the lack of traffic stops. Domestic assaults were not included. Chief Eining noted that there was almost a 35% increase in criminal domestic assaults. If verbal domestic assaults where the police were called, but no violence occurred, were included, the number of domestic assaults was up significantly.

When the number of property and person crimes were compared, Draper has significantly more property crimes. For Chief Eining, this is a good thing as it indicates that violent crimes are not something that Draper has to worry about.

Mayor Walker asked about the 10 robberies. He wanted to know if that was 10 burglaries. Chief Eining confirmed that they were robberies. He said that the most egregious was when Five Guys was robbed by a suspect with a knife. The suspect was tracked down.

Chief Eining gave an update on a program that was started in 2019, Volunteers in Policing (VIPS). In the past year, they had 829 total volunteer hours, completed 2019 hours of training, had contact with over 2,000 citizens, lead 85 bike patrols, 34 trail patrols, and 89 special assignment patrols. An example of how volunteers served the city was their response to the uptick in burglaries. Volunteers had circulated flyers to apartment complexes to talk about vehicle burglary prevention in targeted neighborhoods.

He then switched to talk about the national six pillars of police reform:

1. Building trust and legitimacy
  - a. Chief Eining felt that the Draper City Police Department accomplished this through their community outreach programs that allowed officers to get out to speak to and interact with citizens.
2. Policy and oversight
  - a. Chief Eining said that the department had a very good policy manual. The manual was put together and sponsored by Lexipol, a company that writes standardized manuals throughout the country. He said that the nice thing about Lexipol was that policies were always updated. These updates tended to come about every six months with new best practices as well as federal and state laws. The policy manual can be customized based on Draper's needs.
  - b. Both extensive documentation and a review board were used in all instances when a use-of-force was necessary to make sure that the action was appropriate. These reviews apply to the use of pepper spray, tasers, guns, and pursuits.
3. Officer wellness and safety
  - a. The Draper Police Department ensures that their people are well equipped. Also, they have a peer support program and HR recently started a new program to address mental health issues.

4. Technology and Social Media

- a. Because the department was smaller and well-financed, Chief Eining believed that they were better able to pay attention to technology. He noted that the department had a good social media page. He said that they do an awful lot of their suspect solicitation through Facebook.

5. Training and Education

- a. Although he felt that Draper City did well in the previous four areas, it was training and education that Chief Eining felt that Draper City excelled at above and beyond other departments. He said that this was because of how the department arranged their schedule. Two Tuesdays a month were dedicated to department training. By attending these trainings, at a minimum, an officer is receiving 120 hours of training a year. This is three times the State requirement of 40 hours of training per year. Also, officers can put in for other training in whatever specialty they want to go into. He said that in 2020, most officers averaged 160 training hours.

6. Community Policing and Crime Reduction

- a. This was the area of focus for the Draper City Police Department in 2021. It was going to become a budgetary item. Chief Eining felt that there was a need to put together a Community Response Team (CRT). This would be a unit of four people—a sergeant and three officers—who would address the root causes of ongoing issues. For example, if there was an ongoing problem like the Hollybrook House, which was recently raided for methamphetamines, instead of having a patrol team responding to issues, the Community Response Team would be assigned to it. Other examples that the CRT could respond to include: the Corner Canyon Parking Lot, the number of homeless individuals camping on the backside of the Raddon Property, and parking issues on Minuteman Drive.

- 2.2 Councilmember Green asked if the CRT would be a budget item that Chief Eining would be requesting come May. Chief Eining said yes. It would be his major budget request. He said he had one other personnel request that Mr. Dobbins would bring before the Council when the time came.

Councilmember Roberts asked the cost of paying overtime to address these issues compared to the full-time employee cost. Chief Eining said that currently, the overall overtime cost would be below the additional positions. However, the department would have more flexibility and more manpower by creating the Community Response Team. He said that he wanted to make sure that if a specialty unit was created, he did not want it to end up augmenting patrol. He said that they had seen success with this through the canyon patrol and the ranger position.

Moving forward, Chief Eining wanted to take the bailiffs positions that were contracted through All Pro Security and bring them on as employees of the Police Department as Community Officers. They wouldn't be full Law Enforcement Officers (LEOs) but would be category one, or Special Function Officers (SFOs). SFOs would have the ability to go out on the street to do vehicle burglary reports and minor traffic accident reports. That would allow LEO officers to focus on more specialized tasks. These positions would serve as the bailiffs in the courts during the two days a week when the courts were in session. When they were not needed in court, they would help with telephonic, fingerprinting, and other front desk assignments. This also would give the department exposure to SFOs as potential future hires.

- 2.3 Councilmember Green asked how the Kids at Risk Program was going. Chief Eining said that the Kids at Risk Program had taken a step back as a result of legislative issues. He said that he sat on a school safety committee run by the State Board of Education on behalf of the Utah Chiefs of Police. This committee had taken over the threat assessment and school safety program. There would be some legislative items that departments would need to accomplish. He said that the department's current victim advocate would be taking over Peer Court in 2021. He hoped that she would be able to identify youth to participate in the Kids at Risk Program because one of the barriers was that the department did not get referrals from schools of students who could use extra resources from the program.

Councilmember Green asked if the success of the program was a budget issue. He said that the program was one of his priorities. He said that he did not ever want to have to get a phone call or text message about a school shooting.

- 2.4 Councilmember T. Lowery noted from Chief Eining's presentation that there had been a noticeable increase in property crimes. She said that she had heard from several residents who were concerned about break-ins in their neighborhoods. She asked if Chief Eining had any proposed solutions.

Chief Eining said that the statistics hadn't changed. The primary issue was with people leaving their cars unlocked, or leaving valuables inside the car. He said that even if you lock your car if you leave a computer bag visible, you are making it very hard for a burglar to resist that target. He said that the department continues to harp on the message about securing one's property. He also noted that the Community Response Team would be able to do a lot to help mitigate thefts. One of the helpful tools is to make a lot of traffic stops. When traffic stops are made, you catch a lot of people at night who are doing things that they ought not to be doing. Also, you are showing a presence. When bad guys are driving around the city and see blue and red lights flashing when they go down the street, it discourages bad guys from staying in the area.

### **3.0 Presentation: Draper Fire Department 2020 Year in Review - Chief Clint Smith**

- 3.1 Chief Smith provided a call volume statistical update for 2020. He said that one of the goals of the department since being in existence in Draper was to compile an annual report.

He invited the Council's feedback on how to improve the utility of the annual report in future years.

The total call volume for 2020 was 3,600 calls, a slight decrease from 2019. COVID played a challenging role regarding emergency response over the past year. In the early months of the pandemic, the department saw a decrease in call volume as people stayed home. As was typical, 80% of the calls were medical and 20% fire.

One of the areas of focus for Chief Smith was reducing the response time to medical calls. He noted that response times were limited by the location of stations and the areas of growth in the city. It was because of this that he wanted good data to be able to inform future decisions where stations needed to be placed. In 2020, it took 1.8 minutes from the time a unit was notified before it was in route, 5.5 minutes before that vehicle arrived on the scene, and 14.5 minutes between when the unit arrived on the scene and left the scene. When responding to significant calls like a heart attack or stroke, beyond six or seven minutes can cause significant tissue damage.

Concerning fire response times, the average time from dispatch to arrival was eight minutes. There was some variation between shifts. This is significant because fire tends to double in size every minute.

Despite mutual aid agreements with jurisdictions in the surrounding area, 94% of the Fire Department's time was allocated to Draper City. That amount is increased when the interstate is considered. The other area that primarily received assistance was Sandy, on Draper's northern border. Chief Smith noted that who responded to calls had changed since the new CAT system was implemented in September that dispatched by GPS. As in previous years, the department's busiest timeframe was on Thursdays between 12:00 and 4:00 p.m.

Councilmember F. Lowry asked if that was the same across the valley. Chief Smith said that it was. He continued to address the types of medical calls the department responded to. The primary type of call in 2020 was medical transport (602 calls or 21%). This was followed by traffic incidents (403 calls or 14%), falls (288 or 10%), a sick person (199 calls or 7%), unconscious or fainting (188 calls or 7%), with all remaining call types being less than five percent (5%). The top six types of calls remained unchanged from 2019.

Regarding fire, the department received 715 total calls. A good portion of these were good intent calls (253), or false alarm calls (188). Building and vehicle fires were the most common types of fires. He noted that although there were only three wildland fire calls, in his opinion, they constituted the biggest threat to Draper. He said that they were fortunate in 2020 to have a slow fire season in comparison to surrounding areas. However, in 2021, it did not look like there would be a good fire season given the low amount of precipitation that would lead to brush drying out earlier.

Overall, in 2020 the department was down about 120 total calls from 2019. 2020 did result in a slightly busier fire year with a few more structure fires than 2019.

Councilmember Green asked if any of the fires were firework-related. Chief Smith said that a few fires were firework-related, however, they were able to mitigate them very quickly. There were three fires in the river bottom near the Vista Station, one fire off of South Fork Drive, and one in the arena area. All of the fires were in the designated restricted area.

Chief Smith informed that it was a busy year for the Emergency Management Bureau (EMB) with three activations: one for the earthquake, one for COVID-19, and one for the Traverse Fire. The EMB did solidify the Hazard Mitigation Plan that had to be completed and approved by Federal Emergency Management Agency (FEMA). Emergency Management oversees the COVID-19 testing for the Fire and Police Departments, as well as the distributions of COVID-19 vaccinations to first responders.

The Wildland Bureau had six wildland deployments for the year including The Traverse Fire; two Bureau of Land Management (BLM) supports in Nevada; the range fire in Orem; and two Emergency Management Assistance Compact (EMAC) deployments, one to California and one to Oregon. He noted that this was the first run of the Seasonal Fuels Crew and they did great work and that it was a worthwhile program. Money billed for wildland fire and EMAC responses would go towards funding the Seasonal Fuels Crew and ongoing wildland training for full-time crew members.

The Fire Prevention Bureau had 774 inspections with 329 plan reviews. This indicated that development in Draper was still going strong. Chief Smith provided a list of the large scale construction projects that the Fire Prevention Bureau would continue to review: Lone Peak Hospital Expansion, Pluralsight, Draper South Point, Residence at Vista Station, Day Dairy Village Shoppes, Point of View Apartments, Tri-View Apartments, Townplace Suites, Minuteman Office Building 5, and Harmony Hills Assisted Living.

Councilmember T. Lowery wanted to share that her neighbors participated in the fire mitigation program with the Seasonal Fuels Crew because they live on the boundary of the open space. They were so impressed with the team that came out and showed them exactly where they should be cutting down the brush and making sure that there was an appropriate barrier between their houses. She wanted to provide Chief Smith with feedback that she felt that residents appreciated the service.

Chief Smith thanked Councilmember T. Lowery for the feedback. He added that the home assessment and fire-wise program was an area that the Seasonal Fuels Crew focused on in 2020. He noted that the positions for the 2021 crew were open and that two of the members of the 2020 crew had applied to participate again.

#### **4.0 Council/Manager Reports**

- 4.1 Councilmember F. Lowry asked if there were any updates related to the food truck discussion from the last Council meeting. Mr. Dobbins said that staff was talking with someone who had space to do a private food truck court. Also, staff were in the process of

working with the South Valley Chamber of Commerce to reach out to local restaurants to get their feedback about how they feel about food trucks.

- 4.2 Councilmember Green said that he was hoping that the Council could figure out some outstanding items such as the all-abilities park and funding to put a toll on Traverse Mountain Road.

Councilmember Roberts said that he tried to get a meeting with Representative Brammer to talk about the toll issue. He said he would let Councilmember Green know.

## **Business Session**

### **1.0 Call to Order: Mayor Troy K. Walker**

### **2.0 Public Comments**

### **3.0 Consent Items**

- a. **Approval of Resolution #21-03, amending the City Council Meeting Rules and Procedures, Resolution #21-03 amends Rule 10.3.H of the City Council's Meeting Rules to address the issue of voting on motions.**
  - b. **Approval of Resolution #21-09, appointing Bret Millburn as Assistant City Manager.**
- 3.1 Bret Millburn said that if he passed the vote, he looked forward to being Draper's new Assistant City Manager. He said that he had finished three terms, or 12 years, as the Davis County Commissioner. He said that he looked forward to bringing this experience to Draper City and was excited about what was going on in Draper.

Councilmember Roberts asked Mr. Millburn what he felt were Draper's biggest challenges and opportunities. Mr. Millburn said that from previous meeting minutes, he thought that Draper's challenges and opportunities were the same: growth. He said that the spotlight would be on Draper in the next few years as the prison site was completed and that development needed to be worked through and come to fruition. He noted that he felt as though Draper had a good balance between the opportunities for residents, businesses, and recreation. He said that key details for him to say yes to the position were the trail systems in Draper and the mountain biking opportunities. He said that he might even have to look for a place to live.

Councilmember F. Lowry said that he hoped that Mr. Millburn's comment would be framed not that "you have these issues," but that, "we have these issues." He welcomed Mr. Millburn as being a part of Draper.

Councilmember T. Lowery stated that the Council had heard great things about Mr. Millburn from Mayor Walker and Mr. Dobbins. She said that they were excited to have him join them.

Mayor Walker said that he had the opportunity to work with Mr. Millburn on the restructuring of the Utah Transit Authority (UTA). He noted that Mr. Millburn navigated well, many of the very heated discussions that resulted. He also said that Mr. Millburn was different than other elected officials because he liked the weeds and getting to the bottom of what was going on, making him very hands-on in running departments. Mayor Walker said that Mr. Millburn had a broad perspective on transit.

**3.2 Councilmember Green moved to approve the Consent Items. Councilmember Vawdrey seconded the motion.**

**3.3 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 #1475, City Initiated Chickens for Familial Gain Text Amendment (Legislative Item)**

*This Item has Been Continued to the March 2, 2021, City Council Meeting.*

**5.0 Public Hearing: Ordinance #1479, City Initiated Queuing Definition and Bulk Text Amendment (Legislative Action), on the request of Draper City for a Text Amendment to amend Sections 9-3-040, 9-5-090, 9-8-020, 9-16-050, 9-22-010, 9-25-070, 9-25-100, 9-27-140, 9-27-200, 9-27-210, and 17-5-020 of Draper City Municipal Code.**

**5.1** Todd Draper, planner, explained that this ordinance was a bulk update on the queuing definition in Draper City Municipal Code (DCMC) so that the language referred to queuing as opposed to staking. Also, there were some references to the Utah Fire Authority (UFA) that were outdated and needed to be replaced with the Draper City Fire Department. A similar update needed to be made to references to remove references to high-density residential commercial zones that were no longer permitted. The design guideline manual referenced in the code was no longer utilized as a result of changes in state law. Thus, replaced design guidelines in the ordinance with design standards would reduce confusion with applicants and increase compliance. Lastly, there were some minor typographical and grammatical changes needed in Titles 9 and 17 of DCMC.

Mr. Draper quickly reviewed those changes.

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

**5.3 Councilmember Green moved to approve Ordinance #1479, City Initiated Queuing Definition and Bulk Text Amendment. Councilmember F. Lowry seconded the motion.**

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

**6.0    Adjournment**

- 6.1    Councilmember Green moved to adjourn the meeting. Councilmember Roberts 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.**
- 6.3    The meeting adjourned at 7:18 p.m.**



# MEMO

To: City Council Meeting

From: Todd A. Draper

CC:

Date: March 2, 2021

Re: City Initiated Chickens for Familial Gain Text Amendment Request

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## 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 the number of chickens allowed for familial gain, and for additional clarifying updates to the text. The proposal seeks to tie the number of chickens allowed for familial gain to the size of the property.

At the January 28, 2021 Planning Commission meeting the Planning Commission unanimously forwarded a positive recommendation of the ordinance to the City Council.

At the February 2, 2021 City Council meeting the item was continued to a future meeting with directions to staff to make additional changes to the proposed ordinance.

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       | Upload Date | Type       |
|-------------------|-------------|------------|
| Ordinance #1475   | 2/23/2021   | Cover Memo |
| P.C. Staff Report | 2/22/2021   | 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 is 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 or parcel 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 <a href="#">or</a> <a href="#">parcel</a> area) | P (1 animal unit per 20,000 square feet of total lot <a href="#">or</a> <a href="#">parcel</a> area) |
| Cannabis production establishment                                                                       | NP                                                                                                   | P                                                                                                    |
| <a href="#">Keeping of chickens for familial gain (subject to section 9-27-055 of this title)</a>       | <a href="#">P</a>                                                                                    | <a href="#">P</a>                                                                                    |
| 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 <del>9-27-055</del> of this title) | P<br>(1 animal unit per 20,000 sq. ft. of total lot or parcel area) | C<br>(1 animal unit per 20,000 sq. ft. of total lot or parcel area) | NP                | NP                | NP                | NP                | NP                | NP                |
| Apiary                                                                                                                          | P                                                                   | P                                                                   | P                 | P                 | P                 | P                 | NP                | NP                |
| <a href="#">Keeping of chickens for familial gain (subject to section 9-27-055 of this title)</a>                               | <a href="#">P</a>                                                   | <a href="#">P</a>                                                   | <a href="#">P</a> | <a href="#">P</a> | <a href="#">P</a> | <a href="#">P</a> | <a href="#">P</a> | <a href="#">P</a> |
| Residential uses:                                                                                                               |                                                                     |                                                                     |                   |                   |                   |                   |                   |                   |

| Use                    |                                                             | Zones                                |     |    |    |    |    |                |                |
|------------------------|-------------------------------------------------------------|--------------------------------------|-----|----|----|----|----|----------------|----------------|
|                        |                                                             | RA1                                  | RA2 | RH | R3 | R4 | R5 | RM1            | RM2            |
|                        | Daycare, limited <sup>2</sup>                               | C                                    | C   | C  | C  | C  | C  | C <sup>4</sup> | C <sup>4</sup> |
|                        | Dwelling, single-family <sup>1</sup>                        | 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 <sup>3</sup>                               | See chapter 34 of this title         |     |    |    |    |    |                |                |
|                        | Preschool, limited <sup>2</sup>                             | C                                    | C   | C  | C  | C  | C  | C <sup>4</sup> | C <sup>4</sup> |
|                        | 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                                                    | See chapter 41 of this title         |     |    |    |    |    |                |                |

| Use                        | Zones |     |    |    |    |    |     |     |
|----------------------------|-------|-----|----|----|----|----|-----|-----|
|                            | RA1   | RA2 | RH | R3 | R4 | R5 | RM1 | RM2 |
| telecommunication facility |       |     |    |    |    |    |     |     |

### 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 and 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) chickens may be kept on any one lot or parcel that is less than or equal to eleven thousand five hundred square feet (11,500 ft<sup>2</sup>) in size. An additional one (1) chicken is permitted for each additional one thousand five hundred square feet (1,500 ft<sup>2</sup>) in overall lot or parcel size, up to a maximum of 25 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 fifty percent (50%) of the maximum number of chickens allowed for the lot or parcel.
3. Chickens may be kept on properties containing a detached single-family ~~detached~~ dwelling ~~unit or a detached single-family dwelling with a detached accessory dwelling~~ only, although vacant properties directly adjacent to a lot or parcel containing a detached single-family ~~detached~~ dwelling ~~unit or detached single-family dwelling with a detached accessory dwelling~~ under the same ownership may be used for the keeping of

chickens. When chickens are kept on a property containing a detached single-family dwelling with a detached accessory dwelling the total number of chickens kept on the property may not exceed the limits based upon lot or parcel size set forth in 9-27-055(C)(2) above.

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 detached single-family dwelling or a detached single-family dwelling with a detached accessory 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~~five feet (~~3~~5') 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~~primary detached single-family 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~~detached single-family dwelling 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 ~~as soon as possible and within twenty-four (24) hours~~from the lot or parcel 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~~coop 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](mailto: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.*

| <b>Animal Type</b>                        | <b>Animals Allowed Per Animal Unit</b> |
|-------------------------------------------|----------------------------------------|
| <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 ft<sup>2</sup> in size and would permit an additional one (1) chicken for each additional 2,000 ft<sup>2</sup> in overall lot size above 10,000 ft<sup>2</sup> (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 ft<sup>2</sup> 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 <sup>2</sup> | 20                                                               | 8                                                                         | 105 eggs / 8 ¾ dozen                                              |
| RA2  | 20,000 ft <sup>2</sup> | 10                                                               | 4                                                                         | 53 eggs / 4 ½ dozen                                               |
| RH   | 40,000 ft <sup>2</sup> | 20                                                               | 8                                                                         | 105 eggs / 8 ¾ dozen                                              |
| R3   | 13,000 ft <sup>2</sup> | 6                                                                | 3                                                                         | 32 eggs / 2 ½ dozen                                               |
| R4   | 10,000 ft <sup>2</sup> | 5                                                                | 2                                                                         | 26 eggs / 2 dozen                                                 |
| R5   | 8,000 ft <sup>2</sup>  | 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](http://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**

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Draper City Public Works Department

**Jennifer Jastremsky**

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Draper City Planning Division

**Don Buckley**

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Draper City Fire Department

**Mike Barker**

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Draper City Legal Counsel

**Keith Collier**

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placement of my signature on this document  
Contact Info: Keith Collier  
Date: 2021.01.21 07:19:05-07'00'

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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                                                          |
| <a href="#">Keeping of chickens for familial gain (subject to section 9-27-055 of this title)</a>       | <a href="#">P</a>                                          | <a href="#">P</a>                                          |
| 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 <del>9-27-050 and 9-27-055</del> of this title) | P<br>(1 animal unit per 20,000 sq. ft. of total lot area) | C<br>(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                 |
| <a href="#">Keeping of chickens for familial gain (subject to section 9-27-055 of this title)</a>                               | <a href="#">P</a>                                         | <a href="#">P</a>                                         | <a href="#">P</a> | <a href="#">P</a> | <a href="#">P</a> | <a href="#">P</a> | <a href="#">NP</a> | <a href="#">NP</a> |
| Residential uses:                                                                                                               |                                                           |                                                           |                   |                   |                   |                   |                    |                    |
| Daycare, limited <sup>2</sup>                                                                                                   | C                                                         | C                                                         | C                 | C                 | C                 | C                 | C <sup>4</sup>     | C <sup>4</sup>     |

| Use                    |                                                             | Zones                                |     |    |    |    |    |                |                |
|------------------------|-------------------------------------------------------------|--------------------------------------|-----|----|----|----|----|----------------|----------------|
|                        |                                                             | RA1                                  | RA2 | RH | R3 | R4 | R5 | RM1            | RM2            |
|                        | Dwelling, single-family <sup>1</sup>                        | 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 <sup>3</sup>                               | See chapter 34 of this title         |     |    |    |    |    |                |                |
|                        | Preschool, limited <sup>2</sup>                             | C                                    | C   | C  | C  | C  | C  | C <sup>4</sup> | C <sup>4</sup> |
|                        | 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 t 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: Scott Cooley, Pubic Works Director  
CC:  
Date: March 2, 2021  
Re: Ordinance 1480

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## Comments:

Draper City is currently collecting a storm water impact fee. Since the fee was authorized, there have been changes to storm water management regulations which have impacted the way developments manage storm water. These changes have significantly reduced the need for system improvements and future capital facilities to be funded by storm water impact fees. Staff is working on a final analysis of future needs but feels collection of the storm water impact fee is not needed at this time.

## ATTACHMENTS:

| Description    | Upload Date | Type       |
|----------------|-------------|------------|
| Ordinance 1480 | 2/25/2021   | Cover Memo |

**ORDINANCE NO. 1480**

**AN ORDINANCE OF DRAPER CITY TEMPORARILY SUSPENDING  
COLLECTION OF STORM WATER IMPACT FEES.**

**WHEREAS**, on December 5, 2017, Draper City passed Ordinance 1296 adopting a Storm Water Impact Fee Facilities Plan, a Storm Water Impact Fee Analysis, and a Storm Water Impact Fee; and

**WHEREAS**, the Storm Water Impact Fee Facilities Plan was determined through the analysis of current and future development, the Draper City Storm Drain Master Plan, and storm water management regulations; and

**WHEREAS**, the City has now completed a significant portion of the capital facilities projects identified in the Storm Drain Master Plan; and

**WHEREAS**, recent changes to storm water management regulations have impacted the way developments manage storm water in a manner that has significantly reduced the need for system improvements and future capital facilities to be funded by the Storm Water Impact Fee; and

**WHEREAS**, until a final analysis of future storm water system improvements is completed it is in the City's best interests to suspend the collection of the Storm Water Impact Fee; and

**WHEREAS**, the Draper City Council finds the adoption of this ordinance furthers the health, safety, and general welfare of the residents of Draper City.

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

**Section 1. Suspension of Collection of Storm Water Impact Fees.** The collection of Storm Water Impact Fees authorized by Ordinance 1296 is hereby temporarily suspended until further action of the Draper City Council.

**Section 2. Amendment of the Consolidated Fee Schedule.** The Consolidated Fee Schedule is amended, as shown on Exhibit A attached hereto, to reflect the temporary suspension of the Storm Water Impact Fee.

**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 occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE \_\_\_\_ DAY OF MARCH, 2021**

**DRAPER CITY**

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**Mayor Troy K. Walker**

**ATTEST:**

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**Laura Oscarson, CMC, City Recorder**

**VOTE TAKEN:**

**YES**

**NO**

Councilmember Green

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\_\_\_\_\_

Councilmember T. Lowery

\_\_\_\_\_

\_\_\_\_\_

Councilmember F. Lowry

\_\_\_\_\_

\_\_\_\_\_

Councilmember Roberts

\_\_\_\_\_

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Councilmember Vawdrey

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\_\_\_\_\_

Mayor Walker

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT A**

## CONSOLIDATED FEE SCHEDULE

(Res 19-66)

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### **STORM WATER FACILITIES IMPACT FEE (Paid when building permits are issued) (Res. 18-19)** **(Collection Temporarily Suspended Ord. 1480)**

- A) Total Fee Per ERU ----- \$1,729.00
- A) Non-Standard Storm Water Impact Fee ----- ERU Count \* \$1,729 = Impact Fee
- C) Subsurface Drainage Systems Inspection Fee ----- \$0.25/lineal foot

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