

Approved March 2, 2021

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

This meeting was held electronically.

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

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

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

The foregoing determination is based on the following facts:

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

To participate, please see the options below:

- Listen through the Draper City website - <https://www.draper.ut.us/95/Agendas- Minutes>.
- Email comments to public.comment@draper.ut.us. These will become part of the public record.

- Those wishing to speak during the meeting, send a request and include your name, address, and phone number which you will be calling from, for the Zoom meeting ID to public.comment@draper.ut.us.

Study Session

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 sight 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 inquires 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.