



Regular City Council Meeting
Tuesday, September 21, 2021
City Hall Council Chambers
5249 South 400 East, Washington Terrace City
801-393-8681
www.washingtonterracecity.com

1. WORK SESSION 5:00 P.M.

Topics to include; but are not limited to:

- The Good Landlord Program

2. ROLL CALL 6:00 P.M.

3. PLEDGE OF ALLEGIANCE

4. WELCOME

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA

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

5.2 APPROVAL OF SEPTEMBER 7, 2021 MEETING MINUTES

6. CITIZEN COMMENTS

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

7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS

Council and staff will consider and address concerns and take appropriate measures to follow up on any comments made in the citizen comments item on the agenda.

8. NEW BUSINESS

8.1 PRESENTATION/TRAINING: ETHICAL ELECTION BEHAVIOR

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8.2 PRESENTATION: WEBER SCHOOL DISTRICT 2021 BOND

Representatives from the Weber School District will present information on the 2021 School District bond which will be on the ballot in the November election.

8.3 MOTION/ORDINANCE 21-07: WATER EFFICIENCY LANDSCAPE ORDINANCE

The ordinance promotes the design, installation and maintenance of landscapes that are both attractive and water efficient to help with water conservation efforts in the City.

8.4 MOTION/ORDINANCE 21-09: DISSOLUTION OF CERTAIN REDEVELOPMENT AGENCY PROJECT AREAS

Dissolution of an Economic Development Project Area (EDA), established in 2002. The EDA area was never used.

8.5 MOTION/ACTION: REVIEW AND APPROVAL OF PUBLIC FACILITY RENTAL GUIDELINES

9. RETURNING BUSINESS

This agenda item consists of items that have previously been discussed in past Council meetings and brought back for further discussion or action.

9.1 DISCUSSION/MOTION: GOOD LANDLORD PROGRAM PARTICIPATION

9.2 MOTION/ORDINANCE 21-08: ACCESSORY DWELLING UNITS

The proposed ordinance would be an amendment to the City land use regulations to permit internal Accessory dwelling units to conform to new state law (HB82)

10. COUNCIL COMMUNICATION WITH STAFF

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

11. ADMINISTRATION REPORTS

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

12. UPCOMING EVENTS

September 29th-October 1st: ULCT Convention: Salt Palace, SLC

September 30th: Planning Commission (tentative) 6:00 p.m.

October 5th: City Council Meeting 6:00 p.m.

October 11th: City Offices closed in Observance of Columbus Day

October 19th: City Council Meeting 6:00 p.m.

October 28th: Planning Commission Meeting (tentative)

13. ADJOURN THE MEETING: MAYOR ALLEN

14. There will be an Redevelopment Agency (RDA) meeting immediately following the meeting.

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City of Washington Terrace

Minutes of a Regular City Council meeting

Held on September 7, 2021

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

County of Weber, State of Utah

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen

Council Member F. Carey Seal

Council Member Blair Brown

Council Member Larry Weir

Council Member Scott Barker

Council Member Jeff West

Public Works Director Jake Meibos

City Treasurer Heidi Gerritsen

City Manager Tom Hanson

Others Present

Mike Lawrence

1. WORK SESSION

5:00 P.M.

Topics to include; but are not limited to:

- The Good Landlord Program

Hanson spoke of the goals of the program and cost of investment. Hanson stated that the city reduces the cost to landlords by \$37,000 per year, while administration costs have increased.

Hanson outlined several of the goals of the program, which included; help lower crime rate, give landlords information, reduce calls to police, and help clean up the neighborhoods. Hanson stated that domestic violence, teen issues, and medical issues are scrubbed from the data. Illegal activities are included in the violations tally. Gerritsen stated that not all calls are relevant for the eviction clause.

Council discussed measurable goals of the program. Council Member Barker stated that calls for service need to be addressed. Hanson stated that the disproportionate fee covers the calls for service costs as a group. Gerritsen stated that it is difficult finding the incentive for landlords to join the program. Mayor Allen stated that many of our calls are run aways or domestic violence, so the Good Landlord calls do not make up most of our calls for service.

Hanson stated that we could still do outreach with the landlords and encourage best practices if the Council decides not to continue the program. Mayor Allen stated that many of the yards with code

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43 enforcement violations have absentee landlords. Council Member Brown suggested an agreement with
44 the landlords that spells out charges to the landlord for violations, noting that people don't care until they
45 have to pay.
46 Hanson stated that if there is a violation of the Good Landlord Program, the landlords are notified.
47 Hanson stated that in the past, law enforcement would visit, or a letter would be sent to the landlords so
48 that they could understand what was happening and they could act on the situation.
49 Council Member Barker noted that it may not be worth it to the landlord to evict a renter if the cost
50 saving is only \$39.00.
51 Gerritsen stated that properties in the Program are by owner, and not by property managers.
52 Gerritsen stated that multi-units have more of an incentive to comply with the program rather than single
53 units. Council Member Barker stated that he does not see how we could make up \$37,000 a year.
54 Gerritsen stated that the crime rates are easier to track, however, she stated that the crime rates are only
55 one component of the goals of the program.
56 Council Member Brown suggested to continue with the program and track and monitor specific goals
57 (cleanliness, code issues) and see if there are any improvements and make adjustments later on. He
58 suggested short term goals and working towards other goals. Council Member Barker stated that the issue
59 is how to get the landlords on board and comply with the program goals. He stated that we will need to
60 visit with the landlords and get them on board and let them know that they will be penalized if they don't
61 comply. He noted that landlords may say to just charge them, which in that case, Council Member Barker
62 suggested that we should get rid of the program and charge full freight.
63 Hanson stated that we need to find a way to engage landlords, however, the challenge is to see if the rate
64 of investment is in keeping with the program. Council Member Barker stated that the VIPS program may
65 be able to contact the landlords and homeowners by handing out flyers and be a part of the city.
66
67 Hanson stated that staff can work on measurables for the next year and asked for other suggestions.
68 Council Member Barker stated that he would like to see the program continue, however, he stated that if
69 we cannot get the landlords to participate, we should end the program. He stated that he is for moving
70 forward if we can get all the landlords to a meeting and on board with the requirements. Council Member
71 Seal stated that he agrees that we should not prolong the meeting. He stated we need to do something, or
72 we are done, and agrees that the meeting with the landlords is a good idea. Hanson stated that the Council
73 will need to discuss measurables.

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87 **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT**

88 Mayor Mark C. Allen
89 Council Member F. Carey Seal
90 Council Member Blair Brown
91 Council Member Larry Weir
92 Council Member Scott Barker
93 Council Member Jeff West
94 Public Works Director Jake Meibos
95 Asst. Public Works Director Denzil Remington III
96 City Manager Tom Hanson
97 Weber County Sheriff Colby Ryan
98

99 **Others Present**

100 Jim Craynor, Kathleen L. Craynor, Amy Miller, John Jenkins, Nathan Howard, Reece DeMille,
101 Tori and Chloe Sandburg, Darrell Rector
102
103

104 **2. ROLL CALL**

6:00 P.M.

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106 **3. PLEDGE OF ALLEGIANCE**

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108 **4. WELCOME**

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110 **5. CONSENT ITEMS**

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112 **5.1 APPROVAL OF AGENDA**

113 **5.2 APPROVAL OF AUGUST 17, 2021, AND AUGUST 24, 2021, MEETING MINUTES**

114 Items 5.1 and 5.2 were approved by general consent.
115

116 **6. SPECIAL ORDER**

117 **6.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT OR OPPOSITION**
118 **TO THE CITY'S UPDATED WATER CONSERVATION PLAN**

119 Mayor Allen stated that our Water Conservation Plan needs to be adopted every five years.
120 Meibos stated that the plan consists of the City's current usage, projections, and goals. He stated
121 that the water conservation goals have for the most part stayed the same. He stated that we have
122 upgraded technology and programs and converting some of our own landscape areas into
123 secondary water. Meibos stated that the landscape ordinance has been improved. He noted that
124 capital improvement projects are also part of city goals.
125 Council Member West noted we are below our 1000 acres feet of water, and asked if we need to
126 purchase water to be in compliance with state goals. Remington stated that it is a

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recommendation, however, we are not required to purchase more water. Remington stated that the state recommendation is based on indoor and outdoor use, and noted that 99 percent of the city uses secondary water, which makes a big difference. Remington stated that one of our wells is contracted under lease with Weber Basin for 50 years. He stated that we still own the water rights to both wells. Hanson stated that the second well may not be a viable well resource.

Mayor Allen opened the public hearing at 6:12 p.m.

Mike Lawrence stated that he was unable to view the water plan noting that he felt that it was buried. He stated that there were no attachments and he went through the City Website to try to find it. He would like that the plan be properly noticed.

Gary Klema stated that he pays for 4000 gallons a month and only uses 1000 gallons a month. He stated that it would be more conservative to pay per gallons used. He asked why we water and mow the detention basins, as he feels it would be less wasteful to gravel them. He stated that if we cant use them as parks, they should be gravel.

Mayor Allen closed the public hearing at 6:20 p.m.

Mayor Allen stated that plans for mulch and rock for basins are already in the plan.

7. CITIZEN COMMENTS

Resident Mike Lawrence stated that he owns a duplex structure, which was identified as R-2 at the time of purchase. He stated that the VA approval he received was based on the area being zoned as R-2. He stated that the infill property ordinance allows for high density properties. He noted that in 2006, the R-2 zone was eliminated. Lawrence stated that the county is still showing R-2 zoning with grandfather useage. He stated that the zoning does not meet the normal requirements of a R-2 zone and are seen by housing lenders as problematic. He stated that he urges Council to direct the Planning Commission to re-evaluate the 2006 zoning changes and reinstated the R-2 zones.

Resident John Jenkins addressed Council, stating that he wanted to bring an issue of unethical behavior from Council Member Blair Brown, to the Council and residents. He stated that he is not discussing the issue as hearsay. He stated that Council Member Brown has been campaigning door -to- door aggressively in an effort to help the campaigns of two new candidates in the upcoming elections. He stated that they live in the northern part of the city and Jenkins feels that there are issues with properties that Council Member Brown owns in that part of the city. He stated that this is a possible conflict of interest. He stated that it has come to his attention that Council Member Brown very aggressively tried to force one Brown's tenants to register to vote and to vote for the two candidates for which he is campaigning. He stated that this came in the form of threats of rent increases and suggestions that they should move out if they don't vote the way he wants them to vote. He stated that it concerns him. He stated that the pressure should not have been put on his tenants and was inappropriate.

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170 Resident Marion Jensen congratulated the Mayor, Council, and City Manager on the improvements that
171 they have made to the city concerning roads and parks. She stated that she is concerned about the gossip
172 that she has heard about the city being divided between “south” and “north”. She stated that there is not
173 just one section to be recognized or given special privileges, as we are one community. She stated that
174 she hopes that the candidates elected come with a desire to serve the community as a whole. She stated
175 that she hopes all the opinions are for the best of the entire community. She hopes that there is unity.
176
177 Resident Nathan Howard stated that he is one of the candidates that Council Member Brown has
178 introduced and wanted to level the playing field. He stated that Council Member Brown is a good guy, as
179 well as the other Council Members. He stated that he feels that there is undivided attention to certain
180 parts of the city. He stated Rohmer Park is paid more attention to than Victory Park. He stated that he
181 does not see Council driving through the lower part of the Terrace. Howard stated that he was approached
182 by Council Member Brown to run for City Council because he was upset about the response from the
183 City during the windstorm and other events. He stated that he has not problem talking about the city as a
184 whole, however, he feels that the residents of the lower part of the Terrace are ignored. He stated that
185 perception is reality. He stated that the demographics of his part of the city is different from other parts of
186 the city. He stated that Brown stated that he will work to get him elected and once he is elected, he owes
187 him nothing. He stated that he doesn’t like hearing that Brown wants him to win to help with his own
188 agenda.
189
190 Resident Darryl Rector stated that he knows Council Member Brown for a long time. He stated that he
191 feels it is a travesty to judge someone for what is on facebook. He stated he wants to see verification.
192
193 Resident Gary Klema stated that he does feel there is separation between north and south and he says he
194 has seen the rec center torn down, as well as baseball fields, the youth center, and the parade right. He
195 stated that it is all going to the upper part of the city. He stated that he has seen a lot of changes over 60
196 years. He stated that he is upset that there is no concern for the hillside at Rohmer Park. He stated that it
197 is impossible to find anything on the website. He stated that he would like to consider talks on Riverdale
198 taking over the City.
199
200 Reese DeMill stated that garbage pick up is bumped back a day due to the holiday. He stated that he has
201 23 contracts that he oversees for Republic Services. He stated that our Council has been nothing but
202 positive. He stated that he will hear from the City when there are issues, but also when there are good
203 things going on.
204
205 Resident Kathleen Craynor asked how she can clear up an issue from 23 years ago. She stated that she
206 has a small shed on her property that they pay taxes on and run as a B&B. She stated that she is not
207 granted a business license because it was not inspected 23 years ago. She stated that the she does not
208 have the records from the plumbing company. She stated that when the inspector came she was told she
209 did not need a building permit because of the size of the building. She stated that there are no records.
210 She stated that the Planning Commission stated that they were unsure whether the shed needs to be

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connected to her house. She said she wants to be legal. Mayor Allen stated that the item will be discussed on 9.5.

8. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS

Council Member Brown stated that he did step across the line and tried to get people to register to vote. He stated that it is tough when you are tried and convicted on facebook. He stated that there was no mention of any price increase. He stated that there were other issues with the renter, and it is true that he made the comment “maybe you should move” and he said he apologized to the renter. He stated that he has a right to campaign for whomever he likes and cares about. He stated that he does feel there is a division from one part of the city to the other. He stated that he would like his son kept out of any issues. He stated that he accepts responsibility for his actions. He stated that he has spoken with the county and stated that he pushed too hard. He stated that there was miscommunication. He stated that he is paying for his mistake and hopes his family doesn’t pay for it. He stated that he is concerned that there are issues in the north that is not being equally represented. He stated he wants equal representation in the north.

Council Member Weir stated that he moved into Washington Terrace in 1978, not “north” or “south” Washington Terrace. He stated that his family members live in the area, as well as many friends and takes it personally when he hears that that area is not being taken care of by the Council. He stated that he tries to find out what is happening in that area and does not like being tried and convicted without questions even asked. He stated that he will not step over the line and get into dirty election talk. He stated that there is no “south” or “north” Washington Terrace. There is only Washington Terrace.

Mayor Allen stated that the baseball park spoken of earlier was a great park, however, the school district bought it and built the elementary school on the land. He stated that the city received land from Riverdale City and built Rohmer Park. He stated that Victory Park is one of the best small parks in the City.

Mayor Allen stated that Marion Jensen served until 1999 and thanked her for her service.

Mayor Allen stated that the north end of the City has new infrastructure and does not have as many water breaks as the other end of the City. Mayor Allen stated that the infrastructure from the middle part of the town will be replaced with the new TCIP money. He stated that it hurts him to hear that they are not taking care of certain parts of the City. He stated that Council wants to spread out what they do to take care of everybody. Council Member Barker stated that there are four qualified people running for City Council. He stated that where they live does not matter to him. He encouraged people to learn about the people running and vote on their qualifications as people. He stated that we need to have a good election and don’t forget that there are four qualified people running. He stated that we need quality people. Council Member Barker cautioned the Council not to politic while wearing Washington Terrace shirts because they are representing the City. He stated that the City is neutral on the election.

Mayor Allen stated that Council may need to speak to the county on the zoning issues if there is a problem. Hanson stated that he will speak with the General Planner on the issue.

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Hanson stated that the perception is that we are a city separated. He stated that we surveyed the City and learned that we have 61 percent LMI residents in the City. He stated that we leveraged that so that we could get CDBG grant funding for the City. He stated that Victory Park improvements were done using that money. He stated that the water tank project supports the entire community, and the water goes to the north end of the city. He stated that the City looks for entire community projects to support the community on a whole. He stated that the perception may be that we don't help a certain part of the city, however, the reality is that we do.

He stated that this is very calculated to help take the burden off of tax payers and residents. He stated that we specifically and intentionally support LMI income tax base. He stated that we have at least one more round of grants ahead of us for next year.

Mayor Allen stated that the Public Works team runs the city professionally and not politically. He stated that their team takes care of the entire City and he thanked them for their efforts. Mayor Allen stated that wherever there is need, the Council will go there to help.

Council Member Seal stated that he receives calls from residents and he will get a hold of who is responsible for the issue in the City and get it fixed. He stated that if you see an issue, no matter where you live, call a Council Member so that a work order could be put in.

9. NEW BUSINESS

9.1 DISCUSSION: THE GOOD LANDLORD PROGRAM

Mayor Allen stated that this issue was spoken about in the work session. Hanson stated that there will be further discussion on performance measures to determine value to the City with this Program.

9.2 PRESENTATION/RESOLUTION 21-23: ADOPTION OF THE UPDATED WATER CONSERVATION PLAN

Mayor Allen stated that the City has updated its Water Conservation Plan.

**Motion by Council Member Barker
Seconded by Council Member Weir
To approve Resolution 21-23 to
Adopt the updated Water Conservation Plan
Approved unanimously (5-0)
Roll Call Vote**

9.3 MOTION: AWARD CONSTRUCTION CONTRACT FOR THE 2021 CDBG WATER LINE REPLACEMENT PROJECT

Meibos stated that we are going to replace 53 water line valves and install 2 PRV pits throughout the City. He stated that sealed bids ranged from \$436,000 to \$724,000. He stated that the low bid was from Ormand Construction. Meibos stated that the water valves are to control the water during maintenance, breaks, and other issues. He stated that the PRV will support the pressure and help fire flow.

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The engineer bid was \$379,000 with ten percent contingency. Meibos stated that we are \$88,000 over budget for this project at this time. He stated that there are left over funds from previous water projects that can be rolled over. He stated this should cover the remaining part of the project.

**Motion by Council Member West
Seconded by Council Member Seal
To award the construction contract for
the 2021 CDBG water line replacement project
to Ormand Construction.
Approved unanimously (5-0)**

**9.4 PRESENTATION: PRESENTATION ON THE 300 WEST ROAD
RECONSTRUCTION PROJECT PROCESS**

Meibos stated that the City applied for a road reconstruction project in 2013. The amount of the award was 2.7 million dollars. Meibos stated that it is a total reconstruction of the road on 300 West from 5000 South to the Riverdale border. He stated that there are some water line replacements, sewer line replacements, and a few other maintenance issues. Meibos stated that one of the first steps we need to do is the environmental review. He stated that we need to approve an engineer. Meibos stated that we can go to bid or to go for a direct select process. Meibos stated that staff recommends that we select Jones and Associates Engineers to do the design, as they are our engineers and know the history of our infrastructure. He stated that they must submit an estimate under \$200,000 to the state for approval. He stated that they helped prepare the documents for the grants. Meibos stated that he wanted to let Council know of our plans and take any comments. Council Member Barker stated that the grant will be 2.7 million dollars and we would pay \$200,000. Meibos stated that we will not be budgeted fully until 2023, and the project must be completed by 2025.

**9.5 PRESENTATION: A DISCUSSION ON PROPOSED ORDINANCE 21-08
“ACCESSORY DWELLING UNITS”**

Hanson stated that this ordinance is in response to HB82 concerning affordable housing. Hanson stated that the state required every city to allow opportunities for more affordable housing. Hanson stated that we are limited by our footprints. He stated that the proposed ordinance allows a homeowner who lives in their home to follow regulations and zoning regulations to have an auxiliary rental unit in their home. Hanson stated that they would need to follow parameters and we could allow internal accessory dwelling units within the current footprint of the house. Hanson stated they would need to go through all the permitting processes. Hanson stated that we have taken into consideration the solid surface parking solutions are in place. Hanson stated that we have lot sizes from 6000- 10000. Hanson stated that due to our limited lot sizes, it would be hard to allow detached accessory dwelling units on properties. He stated that it is staff recommendation to allow for internal dwelling units with the only limitations to be the limitations allowed by state law. Hanson stated that at this time we do not allow auxiliary units that are detached from the original footprint. Hanson stated that he is unsure if a business license will be required. Mayor Allen stated that this ordinance is required by the state to be put into our code by October 1st. Council Member Barker stated that we could make changes to the ordinance if we wanted. Hanson stated

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that we can make changes, but we cannot be more restrictive than the state code.
Hanson clarified that the owner must live inside the home.

9.6 MOTION/RESOLUTION 21-24: UPDATE TO THE CITY POLICY AND PROCEDURES MANUAL

Hanson stated that we needed to define what a volunteer is. Hanson stated that we are evaluating what we need to do for volunteers whether they are in the VIPS program or not. Hanson stated that we need to clearly define what a volunteer is and what we provide for volunteers in the way of liability. Hanson stated that we have a liability on workman's comp if we are directing the volunteers. Council Member Barker stated that VIPS is covered by the county with liability and workman's comp. Hanson stated that the addition to the policy and procedures manual helps define volunteer roles, training, and liability. Hanson stated that employees who drive City vehicles are subject to a monthly motor vehicle check. This check is evaluated through our insurance company.

**Motion by Council Member West
Seconded by Council Member Weir
To approve Resolution 21-24 to
Update the city Policy and Procedures Manual
Covering volunteers
Approved unanimously (5-0)
Roll Call Vote**

9.7 DISCUSSION/MOTION: APPROVAL OF THE COVID-19 LOCAL ASSISTANCE GRANT PROGRAM MATCHING CONTRIBUTION

Hanson stated that the state is offering 50 million dollars in Covid grant funds with matching funds. Hanson stated that the grant is based on a revolving loan fund. He stated that we need to match the requirements for the fund. Hanson stated that he is asking for approval to apply for the grants to receive the funding. He stated that one is the Water valve replacement project that was spoken about earlier. He stated that the grant would capture the funding that the city will be required to pay for the CDBG grant. Hanson stated that we will be applying for \$150,000. Hanson stated that he has checked with the state and we are not in non-compliance with re-planting issues. Hanson stated another grant he is applying for will replace water piping and help supply the area with a greater water capacity. Another is the city wide AMI water reading system. Hanson stated that we will work in cooperation with Weber Basin Water. Hanson stated that we will use their system to read our water meters and will save the City thousands of dollars yearly. He stated that the grant request will be for \$421,000. Hanson stated that we only recently learned of the opportunity to lace into Weber Basin Water, and therefore this project is not on the TCIP list. Hanson stated that the match has not been officially approved for budget and will be brought back later on to Council. Hanson is asking for permission to apply for these grants. The grants are due September 15, 2021.

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**Motion by Council Member Barker
Seconded by Council Member West
To approve applying for the Covid-19
Local Assistance Program
Approved unanimously (5-0)**

10. COUNCIL COMMUNICATION WITH STAFF

Council Member Barker thanked Amy Miller and the United Methodist Church for the awesome work that they do for the community.

Council Member Barker stated that he spoke to a class officer of the student body at the High School who asked that the City be more involved in the activities of the High School.

Council Member Barker asked to address Mrs. Craynor's issue and would like the City to take a look at it and give her an answer.

Council Member Barker asked what was happening with the Fiber Companies. Hanson stated that he would like to work on a survey to see if there is interest in the City.

Mayor Allen reminded Council that there will be a united day of service in the City to commemorate 9/11.

11. ADMINISTRATION REPORTS

Hanson stated that we have a position open on the Custodian Maintenance Position for the last 6 months.

Hanson stated that we have just had another Public Works position open up. Hanson stated that last time the position was open it took months to fill. He stated that the Public Works staff is down several bodies.

12. UPCOMING EVENTS

September 21st: City Council Meeting 6:00 p.m.

September 29th-October 1st: ULCT Convention: Salt Palace, SLC

September 30th: Planning Commission (tentative) 6:00 p.m.

October 5th: City Council Meeting 6:00 p.m.

13. ADJOURN THE MEETING: MAYOR ALLEN

**Motion by Council Member Barker
Seconded by Council Member Weir
To adjourn the meeting
Approved unanimously
Time 8:23 p.m.**

For more information on these agenda items, please visit our website at www.washingtonterracecity.com

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

CERTIFICATE OF POSTING

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

Effective 5/12/2020

Part 5 Voting Offenses

20A-3a-501 Prohibited conduct at polling place -- Other prohibited activities.

- (1) As used in this section:
 - (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue; and
 - (b) "polling place" means the physical place where ballots are cast and includes the physical place where a ballot drop box is located.
- (2)
 - (a) An individual may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:
 - (i) do any electioneering;
 - (ii) circulate cards or handbills of any kind;
 - (iii) solicit signatures to any kind of petition; or
 - (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.
 - (b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.
- (3)
 - (a) An individual may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.
 - (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest an individual creating an obstruction.
- (4) An individual may not solicit any voter to show the voter's ballot.
- (5)
 - (a) An individual may not knowingly possess or control another individual's voted manual ballot, unless:
 - (i) the individual is an election official or postal worker acting in the capacity of an election official or postal worker;
 - (ii) the individual possesses or controls the voted ballot in accordance with Section 20A-3a-301, relating to emergency ballots;
 - (iii) the possession or control is authorized in order to deliver a military-overseas ballot in accordance with Chapter 16, Uniform Military and Overseas Voters Act;
 - (iv) subject to Section 20A-3a-208, the individual is authorized by a voter to possess or control the voter's voted ballot if the voter needs assistance delivering the ballot due to the voter's age, illness, or disability; or
 - (v) the individual resides in the same household as the voter.
 - (b) A violation of Subsection (5)(a) does not invalidate the ballot.
- (6) An individual who violates any provision of this section is, in addition to the penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.
- (7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

Amended by Chapter 17, 2020 Special Session 6

20A-3a-502 Intimidation -- Undue influence.

- (1) It is unlawful for a person to induce or compel an individual to vote or refrain from voting at an election provided by law or to vote or refrain from voting for a particular individual or measure at an election provided by law, directly or indirectly, by:
 - (a) using force, violence, or restraint;
 - (b) inflicting or threatening to inflict injury, damage, harm, or loss; or
 - (c) by intimidation.
- (2) It is unlawful for a person to, by abduction, force, or fraud, impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any voter, either in voting at any election provided by law or voting or refraining from voting for a particular individual or measure at an election provided by law.
- (3) It is unlawful for a person to:
 - (a) enclose in the salary or wage envelopes of an employee of the person, political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of the employee; or
 - (b) within 90 days before the day of an election provided by law, post or otherwise exhibit, in a location where the person's employees may be working or may be present in the course of employment, any handbill, notice, or placard containing any threat, notice, or information, that if any particular ticket or candidate is or is not elected:
 - (i) work performed by the person's employees will cease in whole or in part;
 - (ii) the workplace will close;
 - (iii) wages of workforce will be reduced; or
 - (iv) other adverse consequences, under the control of the person, will result.
- (4) Violation of this section is a class B misdemeanor.

Enacted by Chapter 31, 2020 General Session

20A-3a-503 Influencing employee's vote.

- (1) It is unlawful for any corporation, or any officer or agent of any corporation, to influence, or attempt to influence, induce, or compel by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or in any manner whatever, any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or measure at that election.
- (2)
 - (a) Any corporation or any officer or agent of that corporation who violates any of the provisions of this section is guilty of a class B misdemeanor.
 - (b) Any corporation violating any of the provisions of this section shall forfeit its charter and right to do business in this state in addition to any other penalties imposed by law.

Renumbered and Amended by Chapter 31, 2020 General Session

20A-3a-504 Violations -- Penalties.

- (1) Except as provided in Subsection (3) or Section 20A-3a-208, an individual is guilty of a class C misdemeanor if the individual:
 - (a) allows the individual's ballot to be seen by another with the intent to reveal how the individual is about to vote;

- (b) states falsely that the individual is unable to mark the individual's ballot;
 - (c) interferes or attempts to interfere with any individual who is inside the voting booth or who is marking a ballot;
 - (d) induces or attempts to induce any voter who is inside a voting booth or who is marking a ballot to vote to show how the voter marked the voter's ballot; or
 - (e) takes a photograph of a ballot, other than the individual's own ballot, at a polling place.
- (2) The election judges and clerks shall report any individual who violates this section to the county attorney or district attorney having state criminal jurisdiction for prosecution.
- (3) Subsection (1) does not prohibit an individual from transferring a photograph of the individual's own ballot in a manner that allows the photograph to be viewed by the individual or another.

Renumbered and Amended by Chapter 31, 2020 General Session

20A-3a-505 False impersonation -- Double voting.

- (1)
- (a) An individual may not:
 - (i) apply for a ballot in the name of another individual, regardless of whether the other individual is living or dead, or is a fictitious person;
 - (ii) after having voted once at an election, apply again at the same election for a ballot in the individual's own name or any other name; or
 - (iii) sign the affidavit on a return envelope for another individual.
 - (b) An individual who violates Subsection (1)(a) is guilty of a third degree felony.
- (2)
- (a) An individual may not aid, assist, counsel, or procure another individual to commit the felony described in Subsection (1)(a).
 - (b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

20A-3a-506 False information on provisional ballot envelope.

- (1) An individual may not wilfully falsify information on a provisional ballot envelope.
- (2) An individual who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

Part 13

Municipal Officers' and Employees' Ethics Act

10-3-1301 Short title.

This part is known as the "Municipal Officers' and Employees' Ethics Act."

Amended by Chapter 147, 1989 General Session

10-3-1302 Purpose.

- (1) The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.
- (2) In a metro township, as defined in Section 10-2a-403, the provisions of this part may not be applied to an appointed officer as that term is defined in Section 17-16a-3 or a county employee who is required by law to provide services to the metro township.

Amended by Chapter 352, 2015 General Session

10-3-1303 Definitions.

As used in this part:

- (1) "Appointed officer" means any person appointed to any statutory office or position or any other person appointed to any position of employment with a city or with a community reinvestment agency under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act. Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the municipality.
- (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.
- (3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (5) "Elected officer" means a person:
 - (a) elected or appointed to the office of mayor, commissioner, or council member; or
 - (b) who is considered to be elected to the office of mayor, commissioner, or council member by a municipal legislative body in accordance with Section 20A-1-206.
- (6) "Improper disclosure" means disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.
- (7) "Municipal employee" means a person who is not an elected or appointed officer who is employed on a full- or part-time basis by a municipality or by a community reinvestment agency

under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act.

- (8) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act, or other applicable provision of law.
- (9) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Amended by Chapter 350, 2016 General Session

10-3-1304 Use of office for personal benefit prohibited.

- (1) As used in this section, "economic benefit tantamount to a gift" includes:
 - (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and
 - (b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.
- (2) Except as provided in Subsection (4), it is an offense for an elected or appointed officer or municipal employee to:
 - (a) disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or employee's official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for the officer or employee or for others;
 - (b) use or attempt to use the officer's or employee's official position to:
 - (i) further substantially the officer's or employee's personal economic interest; or
 - (ii) secure special privileges for the officer or employee or for others; or
 - (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:
 - (i) would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
 - (ii) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
- (3) Subsection (2)(c) does not apply to:
 - (a) an occasional nonpecuniary gift having a value of less than \$50;
 - (b) an award publicly presented in recognition of public services;
 - (c) any bona fide loan made in the ordinary course of business; or
 - (d) a political campaign contribution.
- (4) This section does not apply to an elected or appointed officer or municipal employee who engages in conduct that constitutes a violation of this section to the extent that the elected or appointed officer or municipal employee is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 445, 2013 General Session

10-3-1305 Compensation for assistance in transaction involving municipality -- Public disclosure and filing required.

- (1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.
- (2) Except as provided in Subsection (6), it is an offense for an elected officer, or an appointed officer, who is a member of a public body to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality in which the member is an officer unless the member:
 - (a) files with the mayor a sworn statement giving the information required by this section; and
 - (b) discloses the information required by Subsection (5) in an open meeting to the members of the body of which the officer is a member immediately before the discussion.
- (3) It is an offense for an appointed officer who is not a member of a public body or a municipal employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality by which the person is employed unless the officer or employee:
 - (a) files with the mayor a sworn statement giving the information required by this section; and
 - (b) discloses the information required by Subsection (5) to:
 - (i) the officer or employee's immediate supervisor; and
 - (ii) any other municipal officer or employee who may rely upon the employee's representations in evaluating or approving the transaction.
- (4)
 - (a) The officer or employee shall file the statement required to be filed by this section 10 days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or 10 days before the receipt of compensation by the officer or employee, whichever is earlier.
 - (b) The statement is public information and shall be available for examination by the public.
- (5) The statement and disclosure shall contain:
 - (a) the name and address of the officer or municipal employee;
 - (b) the name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest; and
 - (c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.
- (6) This section does not apply to an elected officer, or an appointed officer, who is a member of a public body and who engages in conduct that constitutes a violation of this section to the extent that the elected officer or appointed officer is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 445, 2013 General Session

10-3-1306 Interest in business entity regulated by municipality -- Disclosure statement required.

- (1) Every appointed or elected officer or municipal employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the municipality in which he is an elected or appointed officer or municipal employee shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the municipality, and again at any time thereafter if the elected or appointed officer's or municipal employee's position in the business entity has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure.

- (2) The disclosure shall be made in a sworn statement filed with the mayor. The mayor shall report the substance of all such disclosure statements to the members of the governing body, or may provide to the members of the governing body copies of the disclosure statement within 30 days after the statement is received by him.
- (3) This section does not apply to instances where the value of the interest does not exceed \$2,000. Life insurance policies and annuities may not be considered in determining the value of any such interest.

Amended by Chapter 378, 2010 General Session

10-3-1307 Interest in business entity doing business with municipality -- Disclosure.

- (1) Every appointed or elected officer or municipal employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity.
- (2) The disclosure statement shall be entered in the minutes of the meeting.
- (3) Disclosure by a municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Sections 10-3-1305 and 10-3-1306.

Amended by Chapter 147, 1989 General Session

10-3-1308 Investment creating conflict of interest with duties -- Disclosure.

Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality which creates a conflict between the employee's or official's personal interests and his public duties shall be disclosed in open meeting to the members of the body in the manner required by Section 10-3-1306.

Amended by Chapter 147, 1989 General Session

10-3-1309 Inducing officer or employee to violate part prohibited.

It is a class A misdemeanor for any person to induce or seek to induce any appointed or elected officer or municipal employee to violate any of the provisions of this part.

Amended by Chapter 241, 1991 General Session

10-3-1310 Penalties for violation -- Dismissal from employment or removal from office.

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part, with the exception of Sections 10-3-1306, 10-3-1307, 10-3-1308, and 10-3-1309, shall be dismissed from employment or removed from office and is guilty of:

- (1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;
- (2) a felony of the third degree if:
 - (a) the total value of the compensation, conflict of interest, or assistance is more than \$250 but not more than \$1,000; or

- (b) the elected or appointed officer or municipal employee has been twice before convicted of violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less;
- (3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or
- (4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

Amended by Chapter 147, 1989 General Session

10-3-1311 Municipal ethics commission -- Complaints charging violations.

- (1) A municipality may establish by ordinance an ethics commission to review a complaint against an officer or employee subject to this part for a violation of a provision of this part.
- (2)
 - (a) A person filing a complaint for a violation of this part shall file the complaint:
 - (i) with the municipal ethics commission, if a municipality has established a municipal ethics commission in accordance with Subsection (1); or
 - (ii) with the Political Subdivisions Ethics Review Commission in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission, if the municipality has not established a municipal ethics commission.
 - (b) A municipality that receives a complaint described in Subsection (2)(a) may:
 - (i) accept the complaint if the municipality has established a municipal ethics commission in accordance with Subsection (1); or
 - (ii) forward the complaint to the Political Subdivisions Ethics Review Commission established in Section 63A-15-201:
 - (A) regardless of whether the municipality has established a municipal ethics commission; or
 - (B) if the municipality has not established a municipal ethics commission.
- (3) If the alleged ethics complaint is against a person who is a member of the municipal ethics commission, the complaint shall be filed with or forwarded to the Political Subdivisions Ethics Review Commission.

Amended by Chapter 461, 2018 General Session

10-3-1312 Violation of disclosure requirements -- Penalties -- Rescission of prohibited transaction.

If any transaction is entered into in connection with a violation of Section 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

- (1) shall dismiss or remove the appointed or elected officer or municipal employee who knowingly and intentionally violates this part from employment or office; and
- (2) may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Amended by Chapter 147, 1989 General Session

Planning Commission Staff Report

Author: Tyler D. Seaman
Subject: Water Efficient Landscape
Date: September 21, 2021
Type of Item: Action



Summary: In light of the current situation with drought it is advised by Weber Basin and our other secondary water providers to require our landscape ordinance to be more focused on efficient ways to conserve water.

Description: Request to amend chapter 13 Public Services to include section 13.10 Water Efficient Landscape.

Background: The 2021 drought has brought landscaping issues to the forefront as communities look for more efficient use of irrigation water. Water providers have devised programs and incentives to encourage better use of landscaping to conserve water.

In consideration of the extreme drought, Mayor and Council recommended to staff to research and implement an ordinance directing property owners of Washington Terrace to improve water efficiency in landscaping and allow the property owners to participate in the incentive programs from Weber Basin Water.

Analysis: Staff has met with Weber Basin to determine the best approach to handling water efficient landscaping in Washington Terrace. Staff recommends the amendment to chapter 13 to align our community on water conservation.

A. Approve the Request: MOTION TO APPROVE AMENDMENTS TO SECTIONS 13.10 WASHINGTON TERRACE MUNICIPAL CODE REGARDING WATER EFFICIENT LANDSCAPE

B. Deny the Request:

**C. Continue the Item: TABLE TO ITEM FOR FURTHER DISCUSSION.
WASHINGTON TERRACE CITY
ORDINANCE**



Weber Basin Water Conservancy District

Flip Your Strip Program Overview

Park strips are one of the largest water wasters in residential and commercial landscapes because they are hot, narrow and when planted in lawn can't be watered effectively. Overhead spray sprinklers are inefficient in areas less than 8' wide. Park strips are also one of the easiest places to begin to change a landscape to be more Utah-friendly and more water-efficient because they require minimal landscape design and are usually on their own irrigation zone. A typical park strip area will require 7,000-10,000 gallons of water per year when planted in lawn.

Weber Basin's Flip Your Strip program is intended to remove turf from park strips and create attractive, low-water alternatives. Weber Basin will rebate \$1.25 per square foot to homeowners that convert the lawn landscaping in their park strip to a more water-efficient area. Program participants will apply for the program using the Utah Water Savers website (www.utahwatersavers.com). Weber Basin's program will vary slightly from the requirements listed on that application, but the application must be completed in full and District staff will work with applicants on any changes specific to the District's program. The program is generally the same. A few of the changes to note include:

- A specific "Flip Your Strip" class will be required of all participants in the Weber Basin program. Classes will be offered on a regular basis.
- The percentage of landscape material required to be put back in place of lawn will be up to the participant but will be required to meet local city ordinances or requirements.
- A pre-inspection may not be needed if the "before" pictures of the park strip submitted on the application are adequate.
- An agreement will be required to be signed by each participant.

District staff will work with participants to make sure they are meeting all the requirements of the program and successfully completing the park strip projects to meet the program objectives.

Program Process

- Participants log in to www.utahwatersavers.com to apply for the program. They will verify eligibility, check deadlines, and ensure funds are available.
- Weber Basin will contact eligible participants to schedule a site visit if needed guide the participant to find the next class required for the program.
- Participant will sign the Program Agreement that will be sent to them via email. This can be signed digitally and returned via email.
- Once participation in class is verified and the agreement is signed, the participant will be authorized to start the project and do the work.
- Photos of each step of the process will be required. This includes once turf is removed, the irrigation system converted to drip, new plants installed and then final product that includes mulch (bark or rock).
- Participant will then schedule a final site visit once all the work is complete. This site visit must happen when water is still on for the season so that the irrigation system operation can be verified.
- The participant will then receive the rebate of \$1.25 per square foot for the area that was converted.

Program Requirements and Restrictions

- Participant must be a residential customer within the District's service area in a city that has modified ordinances to meet water efficient requirements.
- Participant's park strip must be fully landscaped with living, well maintained lawn at the time of the application. (Before photos must verify landscaping and a site visit may be scheduled to verify these conditions. District staff will consider drought water restrictions when assessing the health of the pre-project landscaping.)
- Participant shall remove all the lawn in the park strip and replace it with water-efficient landscaping using drip irrigation.
- All lawn must be removed and converted to other plant material. The percentage of plant material used in the final design will be up to the homeowner but must meet the City requirements per their code for percent cover at maturity. Plants cannot exceed 24 inches tall at maturity with the exception of trees.
- Converted park strips will be watered with a drip irrigation system equipped with a filter, pressure regulator, and proper emitters.
- Converted park strips must be covered by at least 3 inches of mulch permeable to water and air.

- Participant will be advised to not remove any park strip trees as part of conversion, but doing so will not disqualify them from receiving the rebate. Trees must be planted or left in the landscape if required by the City.
- Participant must complete the park strip conversion and notify Weber Basin within 10 months of signing the Agreement.
- Participant must sustain park strip conversion and never reinstall lawn for as long as they own the property.
- Participant must comply with all applicable laws, policies, codes, ordinances and covenants regarding the park strip landscape. Each participant must sign an agreement regarding this compliance.
- Participant waives and releases Weber Basin Water Conservancy District and their contractors or agents from any and all claims and causes of action arising out of the installation and use of devices pursuant to this program.

Weber Basin Water Conservancy District has limited funds for this program each year. The program will continue assuming funding is available. Funding will be monitored, and applications may be stopped if funding becomes unavailable. Any participant approved in the program will be allowed to complete the program and receive the rebate.

**WASHINGTON TERRACE CITY
ORDINANCE 21-07
WATER EFFICIENT LANDSCAPING**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE ADOPTING
CHAPTER 13.10 TO PROVIDE FOR WATER EFFICIENT LANDSCAPING;
SEVERABILITY; AND EFFECTIVE DATE.**

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

WHEREAS, in times of scarcity Utah Code Annotated §10-7-12 allows the Mayor to limit the use of water;

WHEREAS, on or about May 13, 2021, Utah Governor Spencer Cox issued a second Executive Order declaring a state of emergency due to continued drought conditions in Utah;

WHEREAS, water in Utah is an increasingly scarce resource, of limited supply, and are subject to ever increasing demands

WHEREAS, it is the policy of Washington Terrace City to promote the conservation and efficient use of water and to prevent waste of this valuable resource;

WHEREAS, the City recognizes that landscapes provide areas for active and passive recreation;

WHEREAS, landscape design, installation, maintenance and management can and should be water efficient;

WHEREAS, the City desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient;

WHEREAS, the City can accomplish these goals by adopting this ordinance;

WHEREAS, the City has the authority to adopt this Ordinance in accordance with Utah Code Annotated §10-3-702, and hereby exercises its legislative powers in doing so.

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

Section 1: Repealer. Title 2 of the *Washington Terrace Municipal Code* is hereby repealed. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 13.10 of the *Washington Terrace Municipal Code* is enacted to read as follows:

Findings and Purpose:

The City Council finds that it is in the public interest to conserve the public’s water resources and to promote water efficient landscaping. The purpose of this Chapter is to protect and enhance the community’s environmental, economic, recreational, and aesthetic resources by promoting efficient use

of water in the community's landscapes, reduce water waste and establish a structure for designing, installing, and maintaining water efficient landscapes throughout the City.

13.10.020 Definitions.

The following definitions shall apply to this Chapter:

1. "Bubbler" means an irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers emit a trickle, umbrella, or short stream pattern.
2. "Check Valve" means a device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow. Used to prevent pollution or contamination or the water supply due to the reverse flow of water from the secondary irrigation system.
3. "Drip Emitter" means drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.
4. "Effective Precipitation" means the portion of total precipitation which becomes available for plant growth.
5. "Established Landscape" means the point at which plants in the landscape have developed significant root growth into the soil.
6. "Establishment Period" means the first year after installing the plant in the landscape.
7. "Evapotranspiration (ET)" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time, expressed in inches per day, month, or year.
8. "Grading Plan" means the Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape area.
9. "Ground Cover" means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.
10. "Hardscape" means patios, decks, and paths. Does not include driveways and sidewalks.
11. "Irrigation System Audit" means an in-depth evaluation of the performance of an irrigation system that includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
12. "Irrigation Landscaped Area" means all portions of a development site to be improved with plantings and irrigation. Natural open space areas shall not be included in the irrigated landscape area.
13. "Irrigation Efficiency" means the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.
14. "Irrigation Plan" means the irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.
15. "Landscape Architect" means a person who holds a certificate to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.
16. "Landscape Designer" means a person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape

Designers generally focus on residential design and horticultural needs of home landscapes.

17. "Landscape Education Package" means a package that is intended to inform and educate water users in the City about water efficient landscapes. This package should include a listing of water conserving plants, certified landscape designers, landscape architects, certified irrigation designers, and certified irrigation contractors. Information regarding the City's water rates, billing format for water use and commitment to water conservation may also be included.
18. "Landscape Plan Documentation Package" means the preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.
19. "Landscape Zone" means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.
20. "Landscaping" means any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.
21. "Microclimate" means the climate of a very small, restricted area that is different from the surrounding area. These areas include shade areas, sun areas, and areas protected by surrounding structures.
22. "Mulch" means any material such as rock, bark, wood chips or other materials left loose and applied to the soil.
23. "Park Strip" means a typically narrow landscaped area located between the back-of-curb and sidewalk.
24. "Planting Plan" means a Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.
25. "Pop-up Spray Head" means a sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.
26. "Precipitation Rate" means the depth of water applied to a given area, usually measured in inches per hour.
27. "Rehabilitated Landscaping" means altering, repairing, or adding to a landscape to make possible a compatible use, increase curb appeal, decrease maintenance, or similar.
28. "Pressure Compensating" means a drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.
29. "Rotor Spray Head" means a sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.
30. "Runoff" means irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.
31. "Smart Automatic Irrigation Controller" means an automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart Automatic Irrigation Controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather/soil

moisture conditions.

32. "Spray Sprinkler" means an irrigation head that sprays water through a nozzle.
33. "Stream Sprinkler" means an irrigation head that projects water through a gear rotor in single or multiple streams.
34. "Turf" means a surface layer of earth containing grass species with full root structures that are maintained as mowed grass.
35. "Waste of Water" includes, but is not limited to:
 - a. The use of water for any purpose, including outdoor irrigation, that consumes, or for which is applied substantial excess water beyond the reasonable amount required by the use, whether such excess water is lost due to evaporation, percolation, discharges into the sewer system, or is allowed to run into the gutter or street.
 - b. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate health or safety hazards.

13.10.30 Applicability.

This Chapter applies to all new and rehabilitated landscaping for public agency projects, private commercial and industrial development projects, and developer-installed landscaping in multi-family.

13.10.40 Landscape Design Standards.

1. Plant Selection. Exhibit A provides a non-comprehensive list of recommended plants for various landscape situations and conditions, subject to the following:
 - a. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
 - b. Areas with slopes greater than 33% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
 - c. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not a mass planting of any type of plant material requiring uniform overhead spray irrigation.
2. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four (4) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
3. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
4. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
 - a. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 - b. Low-growing trees shall be selected for spaces under utility wires;
 - c. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;

- d. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
- e. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
- f. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

13.10.050 Irrigation Design Standards.

1. Smart Automatic Irrigation Controller. Landscaped areas shall be provided with a smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be setup to operate in “smart” mode.
2. System Design.
 - c. Valves. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
 - d. Drip and Bubblers. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
 - e. Type. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas. Pop-up spray heads shall be at a minimum of four (4) inches in height to avoid blockage from lawn foliage.
 - f. Sprinklers shall have matched precipitation rates with each control valve circuit.
 - g. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
 - h. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
 - i. Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30-mesh screen and shall be cleaned and maintained by the property owner on a regular basis.
 - j. Drip irrigation lines require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.
 - k. Valves with spray or stream sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss from wind, evaporation, or other environmental conditions not suitable for irrigation.
 - l. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

13.10.060 Landscapes in New Single-family Residential Developments.

1. Requirements. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall provide water-efficient landscaping to prospective home buyers, such as the Locascapes design style when the landscape is installed by the homebuilder/developer. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 40% of the total landscaped area.
2. Design. Homebuilders and/or developers who construct model homes for a designated subdivision shall install water-efficient landscaping, such as the Locascapes design style. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 40% of the total landscaped area.
3. Approval. New Construction homes shall have landscaping and irrigation plans approved by the Building Official prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.
4. Models. Model homes shall include an informational brochure on water-efficient landscaping or Locascapes. Locascapes brochures can be obtained from the Building Official.
5. Completion. When buyers or owners are installing their own landscaping on new home construction, a time frame for landscaping to be completed shall be 18 months from the time of occupancy to complete the front yard and no more than three years to complete the total landscape.
6. Prohibition. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - a. Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 40% of the landscaped area; or
 - b. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - c. Have the effect of prohibiting or restricting compliance with this Chapter or other water conservation measures.

13.10.070 Non-residential Developments.

1. Requirements. Commercial, industrial, and institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 15% of the total landscaped area, outside of active recreation areas. If culinary water is used to irrigate the turf there shall only be 10% turf on the total landscape.
2. Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:
 - a. Project Data Sheet. The Project Data Sheet shall contain the following:
 - i. Project name and address;

- ii. Applicant or applicant agent's name, address, phone number, and email address;
- iii. Landscape architect's name, address, phone number, and email address; and
- iv. Landscape contractor's name, address, phone number and email address, if available currently.
- b. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
 - i. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 - ii. Property lines and street names;
 - iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 - iv. Existing trees and plant materials to be removed or retained;
- v. Scale: graphic and written;
- vi. Date of Design;
- vii. Designation of a landscape zone, and
- viii. Details and specifications for tree staking, soil preparation, and other planting work.
- c. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
 - i. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers.
- d. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
 - i. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements, and
 - ii. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

13.10.080 Plan Review and Construction

- 1. General Requirements.
 - a. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins.
 - b. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.

- c. During construction, site inspection of the landscaping may be performed by the City Building Inspection Department.
- d. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the City.
- e. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

13.10.090 Prohibited Watering Practices.

Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.

13.10.100 Enforcement and Penalties.

The Building Official and/or Public Works Director shall be authorized to enforce all provisions of this Chapter. Any consumer who violates any provisions of this Chapter shall be issued a written notice of violation. This notice shall be affixed to the property where the violation occurred. The notice will describe the violation and order that it be corrected, cured or abated immediately or within times specified by the City. Failure to receive a notice shall not invalidate further actions by the City. If the order is not complied with, the City or water service provider may terminate water service to the customer. A consumer who violates this Chapter is guilty of a class B misdemeanor with a fine not to exceed \$1,000.00. A consumer who fails to comply with any order may also receive a civil fine not to exceed \$1,000.00, per day, per violation.

Section 16. Effective Date

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

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

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2021.

Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2021.

PUBLISHED OR POSTED this ____ day of _____, 2021.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Washington Terrace, Utah, hereby certify that the foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) _____, and 3) _____, on the above referenced dates.

City Recorder

DATE: _____

City Council Staff Report

Author: Tom Hanson
Subject: Obsolete RDA Dissolution
Date: September 21, 2021
Type of Item: Action Item Resolution



Summary: In 1997 the Council adopted an RDA that was never user for any RDA activities. In the process of reviewing the new CRA the county realized the existence of the RDA and suggested that we dissolve the existence of the RDA as identified in the attached map. No increment was ever paid out or used regarding this RDA.

Description:

- A. **Topic:** Dissolution of the Adams Avenue Economic Development Project Area.
- B. **Background:** The Adams Avenue Economic Development Project Area was established in 1997 to allow for standard RDA activities to commence. In this case the project area was not used for any RDA activities and was figuratively set aside. No funds passed through the RDA making it obsolete. IN order to proceed with the termination of the RDA, the RDA Board and City Council needs to dissolve the RDA rather than simply let time expire the RDA. As a result of nonuse, and the obsolete nature of the RDA, it is determined that the RDA may be dissolved with no adverse effect.
- C. **Analysis:** Because of the obsolete nature of the Adams Avenue Economic Development Project Area, it is determined that the dissolution of the RDA would be in the best interest of the City and County. Process 1) Council will pass the ordinance the RDA Dissolution. 2) The RDA Board will approve the resolution.

Department Review: Alternatives:

- A. **Approve the Request:** Terminates the RDA as explained.
- B. **Deny the Request:** Holds the RDA on the books indefinitely.
- C. **Continue the Item:** Postpones the need to dissolve the RDA as explained.



Washington Terrace City
Council
Ordinance No. 17-97
— Project Boundary



**CITY OF WASHINGTON TERRACE
ORDINANCE NO 21-09**

DISSOLUTION OF CERTAIN REDEVELOPMENT PROJECT AREAS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
TERMINATING AND DISSOLVING CERTAIN REDEVELOPMENT
PROJECT AREAS AND PROVING AN EFFECTIVE DATE**

WHEREAS, pursuant to Utah Code Ann. 17C-1-702, a project area remains in existence until a resolution dissolving the project area is adopted by the Reinvestment Agency of Washington Terrace City (the "Agency") and an ordinance is adopted by the legislative body; and

WHEREAS, the City Council of Washington Terrace City has determined that it is in the best interest of Washington Terrace to dissolve the project areas listed in Exhibit A; and

WHEREAS, the Agency shall not collect any further tax increment from the project areas listed in Exhibit A; and

WHEREAS, any outstanding funds or obligations pertaining to any of the project areas listed in Exhibit A will be subject to the terms and conditions of that project area's plan;

NOW THEREFORE, the Washington Terrace City Council hereby approves and authorizes the dissolution of the project areas listed in Exhibit A covering the property described on the exhibits attached hereto and made a part hereof.

- 1. Effective Date.** This ordinance shall take effect immediately after publication and posting.

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

MARK C. ALLEN, Mayor,
City of Washington Terrace

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2021.

PUBLISHED OR POSTED this ____ day of _____, 2021.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

AMY RODRIGUEZ, City Recorder

DATE: _____

WASHINGTON TERRACE CITY COUNCIL**ORDINANCE NO. 17-97****AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE ADAMS AVENUE ECONOMIC DEVELOPMENT PROJECT AREA AS THE OFFICIAL REDEVELOPMENT PLAN FOR THE PROJECT AREA.**

WHEREAS, acting pursuant to the Utah Neighborhood Development Act, as amended (the "Act"), Title 17A, Chapter 2, Part 1200 of the Utah Code Annotated, the Washington Terrace Redevelopment Agency ("Agency"), in consultation with the Washington Terrace Planning Commission (the "Planning Commission") has prepared a Redevelopment Plan for the Adams Avenue Economic Development Project Area (the "Proposed Redevelopment Plan");

WHEREAS, the Agency has caused to be prepared and has approved the Agency's Report to Accompany the Redevelopment Plan for the Adams Avenue Economic Development Project Area (the "Agency Report");

WHEREAS, the City Council has considered the Agency Report, the Planning Commission Report, the matters contained in the record of the hearing, and all evidence and testimony for and against the adoption of the Proposed Redevelopment Plan submitted to it at or prior to the Hearing;

WHEREAS, the Agency has determined in its Report that the Project Area meets the requirements of an economic development project area;

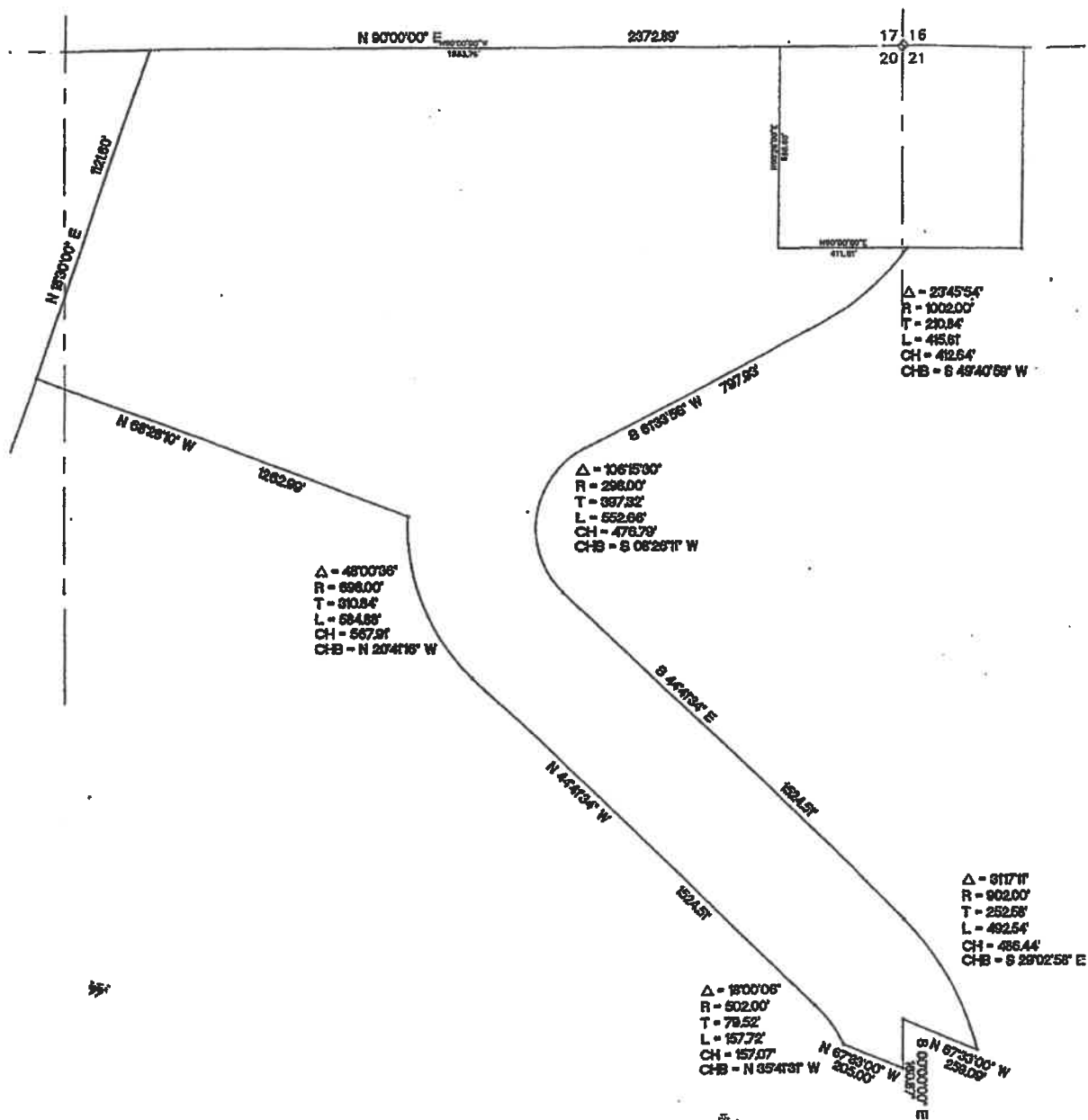
WHEREAS, the Washington Terrace City Council ("Council") concurs in the findings that the Project Area meets the requirements of an economic development project area;

WHEREAS, the Planning Commission and the Agency have recommended the adoption of the proposed Redevelopment Plan with the modifications, if any, that have been incorporated by the modification Resolution and the Agency has submitted the same to the Council for its action;

WHEREAS, the Council has concurred in the modifications, if any, recommended by the Agency and the Planning Commission in the Proposed Redevelopment Plan, has made the recommended modifications in the Proposed Redevelopment Plan, and has overruled all objections to the adoption of the Proposed Redevelopment Plan received by the Council at or prior to the Hearing, whether written or oral, except insofar as such objections are the basis for the modifications recommended by the Agency and subsequently made by the Council;

WHEREAS, the Council has determined that the owners of less than forty percent (40%) of the area of the property included within the Project Area proposed in the Proposed Redevelopment Plan as modified (the "Official Redevelopment Plan"), excluding property

EXHIBIT "A"
LAND USE MAP



ET 1899282 BK2300 PG791

WTCORD17-97

EXHIBIT "B"

BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 21 T5N R1W, SLB&M SAID POINT BEGINS 389.13 FEET WEST OF THE NORTHWEST CORNER OF SECTION 21 T5N R1W, SLB&M (BASIS OF BEARING SOUTH ALONG THE WEST LINE OF SAID SECTION 21) THENCE;

S 00°28'00" W 658.60 FT. THENCE;
 N 90°00'00" E 411.81 FT. TO A NON-TANGENT CURVE TO THE RIGHT; THENCE
 SOUTHWESTERLY 415.61 FT. (R = 1002.00, DELTA = 23°45'54", T = 210.84,
 CH = 412.64, CHB = S 49°40'59" W) TO A TANGENT LINE;
 THENCE
 S 61°33'58" W 797.93 FT. TO A TANGENT CURVE TO THE LEFT; THENCE
 SOUTHWESTERLY 552.66 FT. (R = 298.00, DELTA = 106°15'30", T = 397.32,
 CH = 476.79, CHB = S 08°26'11" W) TO A TANGENT LINE;
 THENCE
 S 44°41'34" E 1,524.51 FT. TO A TANGENT CURVE TO THE RIGHT; THENCE
 SOUTHEASTERLY 492.54 FT. (R = 902.00, DELTA = 31°17'11", T = 252.58,
 CH = 486.44, CHB = S 29°02'58" E) TO A NON-TANGENT
 LINE; THENCE
 N 67°33'00" W 259.09 FT. THENCE;
 S 00°00'00" W 180.87 FT. THENCE;
 N 67°33'00" W 205.00 FT. TO A NON-TANGENT CURVE TO THE LEFT; THENCE
 NORTHWESTERLY 157.72 FT. (R = 502.00, DELTA = 18°00'06", T = 79.52, CH = 157.07,
 CHB = N 35°41'31" W) TO A TANGENT LINE; THENCE
 N 44°41'34" W 1,524.51 FT. TO A TANGENT CURVE TO THE RIGHT; THENCE
 NORTHWESTERLY 584.88 FT. (R = 698.00, DELTA = 48°00'36", T = 310.84, CH =
 567.91, CHB = N 20°41'16" W) TO A NON-TANGENT
 LINE; THENCE
 N 68°28'10" W 1,262.99 FT. THENCE;
 N 18°30'00" E 1,121.60 FT. TO THE NORTH LINE OF SECTION 20, THENCE
 S 90°00'00" E 1983.76 FT. ALONG SAID NORTH LINE TO THE POINT OF
 BEGINNING.

CONTAINS; 3,833,550 QS. FT. / 88.006 ACRES

1899282 BK2300 PG792

WTCORD17-97

City Council Staff Report

Author: Tom Hanson
Subject: Public Facility Rental Agreements
Date: September 21, 2021
Type of Item: Discussion / Action



Summary: Over the past several months staff has been reviewing and making edits to our public property rental policies, procedures, and rental agreements. This process began as an attempt to formalize the agreements and set clear rules and guidelines for pavilion rentals and the limited use of other public buildings. The Updated rental agreements or “rental application” have been updated to clearly define the appropriate use of the facilities. The definitions and clarity in the policy are set to eliminate or minimize confusion with facility renters. The policies, procedures and application are more of a clarification of the policy rather than an complete change to the policy.

The fee schedule is determined in the budget process and was formalized at that time. There is no change in the fee structure.

Description: Public Facility Rental Agreements

- A. **Topic:** Formalization of rental policies and procedures and updated application for park rental agreements
- B. **Background:** Over the past several months we have determined the policies and procedures need to reflect what is expected when a patron rents one of the cities facilities. We found that some of the cities expectations were more of an “understanding” rather than a written policy. We also found some of the language in the policies and the applications had some minor conflicting messages. The policy edits are to set a consistent boiler plate and clear understanding for safe, clean, and efficient use of the facility rentals.

Staff feels that the edits to the policy will improve customer satisfaction and and improve the experience for those renting the city facilities.
- C. **Analysis:** It is staff recommendation that council approve the edits to rental applications and the policy and procedures for park rentals. The edits will improve the user experience and minimize damage to city owned assets.

WASHINGTON TERRACE CITY SENIOR CENTER/CIVIC CENTER - RULES AND REGULATIONS

BUSINESS HOURS: 801-393-8681 • AFTER-HOURS PHONE: 801-629-8221

1. Reservations are on a first come, first served basis.
2. Please be aware that the rental reservation is for the Senior Center/Civic Center only. The parking lot is still available to the public at all times.
3. A seven working day advance notice is required for all reservations. The deposit will be forfeited if the reservation is not cancelled 48 hours in advance. Refunds for deposits will be sent via check. This could take up to three weeks.
4. Only Washington Terrace Civic groups and non-profit organizations that provide a direct benefit to the City will be allowed to use the building at no cost. (i.e. Lion's Club, Booster Club, Recreation Board, WFFL & WBBA Terrace Teams ONLY, and other approved organizations benefiting the City)
5. Federally registered non-profit organizations may rent the building; however, a cleaning deposit and rental fee is required.
6. Facility is not available for use for any City employee or Elected Official.
7. Building may be rented from 8 a.m. until 9:30 p.m.
8. No alcoholic beverages or smoking are allowed in public buildings UCA32A-12-20
9. City employee will wait only 15 minutes from scheduled time to open building. If the employee must return, an additional \$5.00 fee may be charged.
10. Two hours may be allowed for decorating if prior arrangements are made at the time of reservation or with the director. Decorations should not damage the building in any way. Any tape used must be completely removed at the end of the reservation period. Reasonable time will also be allowed for cleanup.
11. Any cost for repair of damages will be billed to the user.
12. The City of Washington Terrace, its employees or agents will not be held responsible for any injuries or liabilities that may occur during the use of the Senior Center/Civic Center.
13. Any outside equipment such as rented or personal picnic tables, chairs, generators, vending machines, etc must be approved by the Director prior to the day of the reservation.
14. The facility and restrooms will be clean before the starting time indicated on the reservation form. The City will not be responsible for cleaning the facility and restrooms after the beginning of the reservation.
15. Vehicles may not be driven, or parked, on the grass, unless prior approval is acquired from the Director.
16. Damages to the facility will be the responsibility of the person/organization reserving the facility. Damage costs will be taken out the cleaning/damage deposit.
17. It is against City ordinance to scratch, cut, injure or deface any of the buildings, trees, fences, structures or other City property. All City, County, State and Federal laws and ordinances must be followed and will be enforced by Weber County Sheriff's Office.
18. Violation of the Noise Ordinance 9.08.080 may result in forfeiture of the deposit.
19. If damage or cleaning exceeds the deposit, applicant will be responsible for the difference.
20. Any violation of the above rules may result in additional fees and or criminal charges to you and/or organization.

WASHINGTON TERRACE CITY PARKS – NOISE ORDINANCE

9.08.080 Specific Noise Prohibitions

The following acts are declared to be in violation of these rules and regulations:

1. Radios, Television Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices. Using, operating, or permitting, the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound:
 1. Between the hours of ten p.m. and seven a.m. in a way that is plainly audible beyond the property boundary of the source; or
 2. On public property, public rights-of-way, or private property at any time so as to be plainly audible fifty feet (15.25 meters) from the device. Permits to exceed the limits of this section may be issued for special events on public property by the chief of police, building official or chief administrative officer upon approval from the agency operating the public property.
2. Public Loudspeakers. The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of Section 9.08.090, or cause a noise disturbance, unless a permit is first obtained as provided by Section 9.08.110 or approval is granted in a master festival license.
3. Fireworks or Explosives. The use of explosives, fireworks, discharge guns or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining a permit as provided by Section 9.08.110. The provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.
4. Commercially Zoned Premises.
 1. Outdoor Speakers. Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining. As defined in the Land Management Code conditional use approval review, music is limited to eleven a.m. to ten p.m. and may not emanate beyond the boundaries of the outdoor dining area.
5. Powered Model Mechanical Devices. Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices, between the hours of ten p.m. and seven a.m. or in such a way as to violate Section 9.08.090.
6. Standing Motor Vehicles. Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached thereto either in violation of Section 9.08.090, or in such a way as to cause a disturbance in a residential zone for a consecutive period of fifteen minutes or longer.

9.08.090 Noise Levels

The making and/or creating of excessive or unusually loud noise or sound within the city as identified in the following subsection (A), or identified and measured in the manner prescribed in subsection (B), or in violation of restricted hours as outlined in subsection (C) is unlawful.

1. On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of fifty feet or on private property, as to be plainly audible at the property line.
2. The noise shall be measured at a distance of at least twenty-five feet from the source of the device upon public property or within the public right-of-way or twenty-five feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of sixty-five decibels shall be considered to be excessive and unusually loud.

9.08.110 Relief From Restrictions

Requests for relief from the noise restrictions in these rules and regulations may be made by the building official as it pertains to building issues and by the chief of police as it pertains to special events and community or private functions or events. Upon granting relief, any conditions outlined and agreed upon shall be complied by the applicant and failure to do so will cause the relief agreement to be suspended.

9.08.140 Enforcement

The police department and building department may, upon discovery or report of a violation or violations of this chapter, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the city prosecutor's office for review and issuance of an information and summons to court to answer the charges.

9.08.150 Penalty

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a Class "C" misdemeanor, pursuant to UCA Section 26-23-6, as amended. If a person is found guilty of a subsequent similar violation within two years, he/she is guilty of a Class "B" misdemeanor, pursuant to UCA Section 26-23-6, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation. The city attorney may initiate legal action, civil or criminal, requested by the department to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the department in removing or abating any nuisance or other noise disturbance.

WASHINGTON TERRACE CITY PARKS - RULES AND REGULATIONS

BUSINESS HOURS: 801-393-8681 • AFTER-HOURS PHONE: 801-629-8221

1. Pavilions are available for reservation seven days a week, excluding holidays, beginning approximately two weeks before Memorial Day in May & continuing until mid-October. Pavilions are reserved on first come, first served basis.
2. Please be aware that the rental reservation is for the Bowery only. The park will remain open to the public at all times. This includes the parking lot, restrooms, and playgrounds.
3. A seven working day advance notice is required for all reservations and/or cancellations. The pavilion fees and all deposits must be paid in full to have the pavilion reserved. If a reservation is canceled with a seven-day or greater notice, then a full refund minus a \$10.00 handling fee will be given. If less than a seven-day notice, 50% of the fee and the deposit will be refunded for a pavilion reservation. If the cancellation notice given is less than three days, no refund will be given on the fee and the deposit will be refunded. No refunds will be issued due to weather or other unforeseen conditions. Refunds for deposits will be sent via check. This could take up to three weeks.
4. A pavilion may be reserved on either a morning schedule, which begins at 8:00 a.m. and continues until 2:00 p.m. or an afternoon schedule, which begins at 4:00 p.m. and continues to 10:00 p.m. You may also reserve both times and opt-in for an all-day rental.
5. Any outside equipment such as rented or personal picnic tables, chairs, generators, vending machines, etc. that will be placed in the pavilion or park must be approved by the Parks and Public Works department prior to the day of the reservation.
6. Pavilions & restrooms will be clean before the starting time indicated on the reservation form. The Parks and Public Works department will not be responsible for cleaning the pavilions and restrooms after the beginning of the reservation.
7. Electricity & water are special requests that must be made at the time of the reservation and refundable deposit(s) paid at the time the reservation is made.
8. If a park barbecue pit is used, all charcoal coals must be extinguished and left in the pit. Please do not place coals in the park garbage cans or on the grass. If you use a personal BBQ, do not place on tabletops, and do not dispose of grease or oil on lawns, restroom facilities, or anywhere in the park. Please make arrangements for proper disposal.
9. Nails and or staples may not be used on the table or pavilion walls. Tape used must be completely removed at the end of the reservation period. If the park pavilion is properly cleaned, then the reservation cleaning/damage deposit will be mailed to you within 3 weeks.
10. All dog owners must clean up after their dogs. Dogs must be kept on a leash at all times.
11. Vehicles may not be driven, or parked, on the grass, unless prior approval is acquired from the Parks and Public Works department.
12. Damages to any sprinkler heads, circuit breakers and lights in or around the pavilion will be the responsibility of the person/organization reserving the pavilion. Damage costs will be taken out the cleaning/damage deposit.
13. No alcoholic beverages are allowed on Washington Terrace City Park.
14. It is against City ordinance to scratch, cut, injure or deface any of the buildings, trees, fences, structures or other City property. All City, County, State and Federal laws and ordinances must be followed and will be enforced by Weber County Sheriff's Office.
15. NO water slides, ice blocking, bounce houses or inflatables of any kind, are allowed in any city park.
16. Any use of portable propane heaters must be approved Parks and Public Works department prior to scheduled event.
17. Violation of the Noise Ordinance 9.08.080 may result in forfeiture of the deposit.
18. If damage or cleaning exceeds the deposit, applicant will be responsible for the difference.
17. Any violation of the above rules may result in additional fees and or criminal charges to you and/or organization.

WASHINGTON TERRACE CITY PARKS – NOISE ORDINANCE

9.08.080 Specific Noise Prohibitions

The following acts are declared to be in violation of these rules and regulations:

1. Radios, Television Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices. Using, operating, or permitting, the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound:
 1. Between the hours of ten p.m. and seven a.m. in a way that is plainly audible beyond the property boundary of the source; or
 2. On public property, public rights-of-way, or private property at any time so as to be plainly audible fifty feet (15.25 meters) from the device. Permits to exceed the limits of this section may be issued for special events on public property by the chief of police, building official or chief administrative officer upon approval from the agency operating the public property.
2. Public Loudspeakers. The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of Section 9.08.090, or cause a noise disturbance, unless a permit is first obtained as provided by Section 9.08.110 or approval is granted in a master festival license.
3. Fireworks or Explosives. The use of explosives, fireworks, discharge guns or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining a permit as provided by Section 9.08.110. The provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.
4. Commercially Zoned Premises.
 1. Outdoor Speakers. Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining. As defined in the Land Management Code conditional use approval review, music is limited to eleven a.m. to ten p.m. and may not emanate beyond the boundaries of the outdoor dining area.
5. Powered Model Mechanical Devices. Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices, between the hours of ten p.m. and seven a.m. or in such a way as to violate Section 9.08.090.
6. Standing Motor Vehicles. Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached thereto either in violation of Section 9.08.090, or in such a way as to cause a disturbance in a residential zone for a consecutive period of fifteen minutes or longer.

9.08.090 Noise Levels

The making and/or creating of excessive or unusually loud noise or sound within the city as identified in the following subsection (A), or identified and measured in the manner prescribed in subsection (B), or in violation of restricted hours as outlined in subsection (C) is unlawful.

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2. The noise shall be measured at a distance of at least twenty-five feet from the source of the device upon public property or within the public right-of-way or twenty-five feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of sixty-five decibels shall be considered to be excessive and unusually loud.

9.08.110 Relief From Restrictions

Requests for relief from the noise restrictions in these rules and regulations may be made by the building official as it pertains to building issues and by the chief of police as it pertains to special events and community or private functions or events. Upon granting relief, any conditions outlined and agreed upon shall be complied by the applicant and failure to do so will cause the relief agreement to be suspended.

9.08.140 Enforcement

The police department and building department may, upon discovery or report of a violation or violations of this chapter, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the city prosecutor's office for review and issuance of an information and summons to court to answer the charges.

9.08.150 Penalty

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a Class "C" misdemeanor, pursuant to UCA Section 26-23-6, as amended. If a person is found guilty of a subsequent similar violation within two years, he/she is guilty of a Class "B" misdemeanor, pursuant to UCA Section 26-23-6, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation. The city attorney may initiate legal action, civil or criminal, requested by the department to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the department in removing or abating any nuisance or other noise disturbance.



VICTORY PARK BOWERY - 275 East 4400 South

Pavilion (1)
Playground (Yes)
Electricity (Yes)
Water (Yes)
Tables (7)
Group Size (70)
Restroom (Yes)

VICTORY PARK BOWERY RENTAL APPLICATION

Deposit (Required): \$50.00

☐ 8 AM – 2 PM \$25.00

☐ 4 PM – 10 PM \$25.00

☐ ALL DAY \$50.00

Total: \$ _____

Applicant Information

Full Name: _____ Date: _____
Last First M.I.

Mailing Address: _____
(For refund check) *Street Address Apartment/Unit #*

City State ZIP Code

Phone: _____ Email: _____

Reservation Date Requested: _____ Party / Group Description: _____

IMPORTANT – PLEASE READ:

Keys are not required for Victory Park reservations. Bathrooms and other amenities will be made available prior to arrival. On the date of your rental, if the Bowery needs attention (overflowing garbage cans, graffiti, messes, etc.) please call the City Hall offices during normal business hours, (801) 393-8681. For after hours, please call Weber County 24-Hour Non-Emergency Dispatch, (801) 629-8221 and notify them to contact the Washington Terrace Public Works on-call personnel. The on-call responder may call you back or meet you at your location. Cancellations must be made 48 hours prior to the reservation.

Disclaimer and Signature

I have received a copy of the Rules & Regulations and the Washington Terrace City - Noise Ordinance. I agree to abide by all terms and conditions:

Signature: _____ Date: _____

☐ Date Availability	☐ Rental Form Completed	☐ Receipt #	☐ Name/Phone #/Time Slot has been added to Calendar
☐ Verify WO was closed & that refund can be issued	☐ Complete Check Request	☐ Attach WO to Check Request	☐ WO # (open within 7 days of rental date)



SENIOR CENTER CIVIC RENTAL RENTAL APPLICATION

Not available for general public rental

SENIOR CENTER CIVIC CENTER – 4601 S 300 W

Group Size (200)
Electricity (Yes)
Water (Yes)
Restrooms (Yes)

Deposit (Required): \$250.00

☐ **Kitchen** \$25.00

☐ **First Hour** \$70.00

☐ **Each Add. Hour** \$10.00

Total: \$ _____

Applicant Information

Full Name: _____ Date: _____
Last First M.I.

Mailing Address: _____
(For refund check) *Street Address Apartment/Unit #*

City State ZIP Code

Phone: _____ Email: _____

Reservation Date Requested: _____ Group Description: _____

IMPORTANT – PLEASE READ:

Only Washington Terrace Civic groups and non-profit organizations that provide a direct benefit to the City will be allowed to use the building at no cost. (i.e. Lion's Club, Booster Club, Recreation Board, WFFL & WBBA Terrace Teams ONLY, and other approved organizations benefiting the City)

Federally registered non-profit organizations may rent the building; however, a cleaning deposit and rental fee is required.

Facility is not available for use for any City employee or Elected Official.

Disclaimer and Signature

I have received a copy of the Rules & Regulations and the Washington Terrace City - Noise Ordinance. I agree to abide by all terms and conditions:

Signature: _____ Date: _____

☐ Date Availability	☐ Rental Form Completed	☐ Receipt #	☐ Name/Phone #/Time Slot has been added to Calendar
☐ Verify WO was closed & that refund can be issued	☐ Complete Check Request	☐ Attach WO to Check Request	☐ WO # (open within 7 days of rental date)



ROHMER PARK BOWERY RENTAL APPLICATION

ROHMER PARK BOWERY - 5100 South 650 West

Pavilion (1)
Playground (Yes)
Electricity (Yes)
Water (Yes)
Tables (18)
Group Size (180)
Restroom (Yes)
Stage (Yes)
Grills (2)
Volleyball (Yes)

Deposit (Required): \$50.00

☐ **8 AM – 2 PM** **\$25.00**

☐ **4 PM – 10 PM** **\$25.00**

☐ **ALL DAY** **\$50.00**

Total: **\$** _____

Applicant Information

Full Name: _____ Date: _____
Last First M.I.

Mailing Address: _____
(For refund check) *Street Address Apartment/Unit #*

City _____ State _____ ZIP Code _____
Phone: _____ Email _____

Reservation Date Requested: _____ Party / Group Description: _____

IMPORTANT – PLEASE READ:

Keys are not required for Rohmer Park reservations; however, to access the stage and/or lights you will need to obtain keys from City Hall no earlier than 3 business day prior to your reservation date. Bathrooms and other amenities will be made available prior to arrival. On the date of your rental, if the Bowery needs attention (overflowing garbage cans, graffiti, messes, etc.) please call the City Hall offices during normal business hours, (801) 393-8681. For after hours, please call Weber County 24-Hour Non-Emergency Dispatch, (801) 629-8221 and notify them to contact the Washington Terrace Public Works on-call personnel. The on-call responder may call you back or meet you at your location. Cancellations must be made 48 hours prior to the reservation.

Disclaimer and Signature

I have received a copy of the Rules & Regulations and the Washington Terrace City - Noise Ordinance. I agree to abide by all terms and conditions:

Signature: _____ Date: _____

Key Release/Return

Key Number: Released to: _____ Date: _____
Returned by: _____ Date: _____

☐ Date Availability	☐ Rental Form Completed	☐ Receipt #	☐ Name/Phone #/Time Slot has been added to Calendar
☐ Verify WO was closed & that refund can be issued	☐ Complete Check Request	☐ Attach WO to Check Request	☐ WO # (open within 7 days of rental date)



BUILDING & PLANNING

Staff Report

Author: Tyler D. Seaman, Community Development

Subject: Discussion and motion to move forward with Internal Accessory Dwelling Unit Ordinance

Date: Sept 7, 2021

Type of Item: Discussion/Action

Summary: Staff would propose an amendment to the land use ordinance allowing for internal accessory dwelling units. That complies with House Bill 82 which was adopted in 2021 by the Utah State Legislature. A public hearing was held at Planning Commission on August 26, 2021. The Planning Commission voted to recommend approval of the ordinance.

Description: Washington Terrace City seeks to amend Chapter 17.48 of the City's land use regulations to permit internal accessory dwelling units to conform to the new State Law adopted by the State Legislature in 2021 that mandates internal accessory dwelling units under certain circumstances. This Ordinance is required to maintain regulatory authority over internal accessory dwelling units and the City must adopt these regulations before the deadline on October 1, 2021.

Background: Due to the increase in home values across Utah it is required by our legislators mandates all cities to permit internal accessory dwelling units as a measure to support affordable housing within each jurisdiction. One of the requirements by the State Legislature is to allow for internal accessory dwelling units in the single-family zones.

Analysis: In Washington Terrace City we have a high ratio of low to moderate income housing available. Our community is made up of 3 different types of lot sizes from the 6,000 to 10,000 square feet. Due to our limitations in lot sizes, it would be challenging to allow for accessory dwelling units to be detached from the single-family unit. There are limitations to parking, setbacks, and other safety issues. Because of the state mandate it would be Staff's recommendation to allow for the internal accessory dwelling units to be internal in nature. Staff has integrated into the Ordinance the only limitations that are permitted under State Law. The Planning Commission cannot make this Ordinance contrary to the provisions in State Law.

Approve the Request: The City Council may make a motion approving the adoption of Section 17.48.030 relating to internal accessory dwelling units.

Deny the Request: The City Council may deny the Ordinance which would expose the City to internal accessory dwellings without any regulations before the October 1, 2021 deadline.

Continue the Item: The City Council may table the discussion to the next meeting, however, they must adopt the regulation before the October 1, 2021 deadline.

**CITY OF WASHINGTON TERRACE
ORDINANCE NO 21-08**

INTERNAL ACCESSORY DWELLING UNIT REGULATIONS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE CITY, UTAH,
ADOPTING INTERNAL ACCESSORY DWELLING REGULATIONS IN THE
LAND USE ORDINANCE TO CONFORM TO STATE LAW; SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

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

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the Utah State Legislature has mandated internal accessory dwelling units under limited circumstances;

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

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

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

Section 1. Repealer. Any Ordinance that conflict with this Ordinance is repealed.

Section 2. Amendment. Section 17.48.030 is hereby adopted to read as follows:

17.48.030. Internal Accessory Dwelling Units.

1. Eligibility. In accordance with Utah Code 10-9a-530.1a, an internal Accessory Dwelling Unit (ADU) is eligible for a permit if such ADU is:
 - a. Located in the primary dwelling;
 - b. Placed within the footprint of the primary dwelling as described in state law at the time the ADU created;
 - c. Not used for vacation rental or short-term rental; and,
 - d. Used only for residential long-term rental of thirty (30) consecutive days or longer and not be advertised as such.
2. Local Requirements. In accordance with Utah Code 10-9a-530-4, the City:
 - a. Does not require the installation of a separate utility meter for an ADU.
 - b. Each ADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.

- c. The owner of the primary dwelling creating an ADU shall:
 - i. Include one additional on-site parking space on an improved surface of concrete or asphalt, regardless of whether the primary dwelling is existing or new construction; and
 - ii. Replace all parking spaces contained within a garage or carport converted to an ADU.
- 3. Limitations. The following limitations apply to the creation or occupancy of any ADU:
 - a. Only one (1) ADU per primary dwelling is permitted consistent with this section.
 - b. No ADU shall be created or occupied within a mobile home as defined under Utah Code 57-16-3.
 - c. No ADU shall be created or occupied without the owner of the primary dwelling obtaining all permits and licenses for the ADU from the City and any other affected entity.
 - i. The unit shall be required to be inspected as part of the building permit process by the building official.
 - ii. All new construction shall comply to adopted building code requirements.
 - d. No ADU will be approved where the primary dwelling is served by a failing septic tank.
 - e. No ADU shall be created or occupied where the primary dwelling lot is six thousand (6,000) square feet or less in size.
 - f. No external accessory dwelling unit are allowed.
 - g. No ADU shall be created or occupied unless the primary dwelling is also used as the owner's primary dwelling.
- 4. Licensing. The owner of any ADU shall obtain a business license in accordance with Title 3 and Chapter 3.15 of the municipal code.

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

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

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

Mayor

ATTEST:

City Recorder

RECORDED this _____ day of _____, 20____.

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

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

_____, 2)_____, and 3)_____on the above referenced dates.

City Recorder

DATE:_____



City of Washington Terrace
Redevelopment Agency Meeting
Tuesday, September 21, 2021
following the Regular City Council Meeting
City Hall Council Chambers
5249 South 400 East, Washington Terrace City

1. **ROLL CALL**

2. **INTRODUCTION OF GUESTS**

3. **CONSENT ITEMS**

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

3.1 **APPROVAL OF AGENDA**

3.2 **APPROVAL OF MEETING MINUTES FROM JULY 20, 2021**

4. **NEW BUSINESS**

4.1 **MOTION/RESOLUTION 21-25: A RESOLUTION DISSOLVING CERTAIN REDEVELOPMENT PROJECT AREAS**

Dissolution of an Economic Development Project Area (EDA), established in 2002.
The EDA area was never used.

5. **COMMENTS CONSIDERED**

6. **ADJOURNMENT OF MEETING: CHAIR ALLEN**

CERTIFICATE OF POSTING

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

For Packet Information, please visit our website at www.washingtonterracecity.org

City of Washington Terrace

Minutes of a Redevelopment Meeting
Held on July 20, 2021
Following the Regular City Council Meeting
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

CHAIR, BOARD, AND STAFF MEMBERS PRESENT

Chair Allen
Board Member Seal
Board Member Brown
Board Member Weir
Vice- Chair Barker
Board Member West
City Manager Tom Hanson
City Recorder Amy Rodriguez

Others Present

Randy Sant, Cody Harris, Nathan Howard, Brett DeGroot, Trent Nelson, Scott Simpson, Linda Crowton, Jill Christiansen

1. ROLL CALL

2. INTRODUCTION OF GUESTS

3. CONSENT ITEMS

3.1 APPROVAL OF AGENDA

3.2 APPROVAL OF MEETING MINUTES FROM JUNE 15, 2021

Items 3.1 and 3.2 were approved by general consent.

4. NEW BUSINESS

4.1 MOTION/RESOLUTION 21-20: PARTICIPATION AGREEMENT WITH GOLDENWEST CREDIT UNION FOR THE SOUTH POINT REDEVELOPMENT AND PROJECT AREA; BUILDING ONE

Hanson stated that Randy Sant has been working with our legal team to create the agreement with Golden West Credit Union. Hanson stated that we would like them approved the contracts with the provision for any edits that are grammatical or minor after legal review.

Sant stated that building number one is anticipated to be completed by the end of 2023.

The building has to be built and a certificate of occupancy must be issued by 2025.

Sant reviewed and explained the terms of the agreements for both buildings.

He stated that building number two has to be completed by January 1, 2028.

Sant stated that Golden West has every intention of building both buildings.

He stated that once both buildings have received occupancy, a tax increment will be generated for both buildings.

Sant stated that Golden West has an obligation to build a 84,500 sq foot building with occupancy before we have any obligation to give the incentive to them, noting that we do not have any obligation after Dec 31, 2024 if they do not receive the certificate of occupancy. If that date is not met, they will not receive the incentive.

Motion by Board Member barker

Seconded by Board Member Weir

To approve Resolution 21-20

**Participation agreement with Golden West Credit Union for the
South Pointe redevelopment and project area building one**

Subject to legal review

Approved unanimously (5-0)

Roll Call Vote

**4.2 MOTION/RESOLUTION 21-21: PARTICIPATION AGREEMENT WITH
GOLDENWEST CREDIT UNION FOR THE SOUTHEAST
REDEVELOPMENT AND PROJECT AREA; BUILDING 2**

Motion by Board Member West

Seconded by Board Member Weir

To approve Resolution 21-21

**Participation agreement with Golden West Credit Union for the
Southeast redevelopment and project area building two**

Subject to legal approval

Approved unanimously (5-0)

Roll Call Vote Barker

5. COMMENTS CONSIDERED

There were no comments considered.

6. ADJOURNMENT OF MEETING: CHAIR ALLEN

Motion by Board Member Seal

Seconded by Board Member Barker

To adjourn the meeting

Approved unanimously (5-0)

Time: 8:29 p.m.

Date Approved

City Recorder

City Council Staff Report

Author: Tom Hanson
Subject: Obsolete RDA Dissolution
Date: September 21, 2021
Type of Item: Action Item Resolution



Summary: In 1997 the Council adopted an RDA that was never user for any RDA activities. In the process of reviewing the new CRA the county realized the existence of the RDA and suggested that we dissolve the existence of the RDA as identified in the attached map. No increment was ever paid out or used regarding this RDA.

Description:

- A. **Topic:** Dissolution of the Adams Avenue Economic Development Project Area.
- B. **Background:** The Adams Avenue Economic Development Project Area was established in 1997 to allow for standard RDA activities to commence. In this case the project area was not used for any RDA activities and was figuratively set aside. No funds passed through the RDA making it obsolete. IN order to proceed with the termination of the RDA, the RDA Board and City Council needs to dissolve the RDA rather than simply let time expire the RDA. As a result of nonuse, and the obsolete nature of the RDA, it is determined that the RDA may be dissolved with no adverse effect.
- C. **Analysis:** Because of the obsolete nature of the Adams Avenue Economic Development Project Area, it is determined that the dissolution of the RDA would be in the best interest of the City and County. Process 1) Council will pass the ordinance the RDA Dissolution. 2) The RDA Board will approve the resolution.

Department Review: Alternatives:

- A. **Approve the Request:** Terminates the RDA as explained.
- B. **Deny the Request:** Holds the RDA on the books indefinitely.
- C. **Continue the Item:** Postpones the need to dissolve the RDA as explained.



Washington Terrace City
Council
Ordinance No. 17-97
— Project Boundary



Data Sources: Maxar, City of Washington Terrace. T. Mathews 9/15/2021

WASHINGTON TERRACE CITY

RESOLUTION NO. 21-25

RESOLUTION APPROVING THE WASHINGTON TERRACE REDEVELOPMENT AGENCY DISSOLVING CERTAIN REDEVELOPMENT PROJECT AREAS

WHEREAS, pursuant to Utah Code Ann. 17C-1-702, a project area remains in existence until a resolution dissolving the project area is adopted by the Redevelopment Agency of Washington Terrace City (the "Agency") and an ordinance is adopted by the legislative body; and

WHEREAS, the Redevelopment Agency (the "Agency") created the Economic Development project areas listed in Exhibit A: and

WHEREAS, the Agency has determined that it is in the best interest of the Agency and Washington Terrace to dissolve the project areas listed in Exhibit A; and

WHEREAS, the Agency shall not collect any further tax increment from the project areas listed in Exhibit A; and

WHEREAS, any outstanding funds or obligations pertaining to any of the project areas listed in Exhibit A will be subject to the terms and conditions of that project area's plan;

NOW THEREFORE, the Agency hereby approves and authorizes the dissolution of the project areas listed in Exhibit A covering the property described on the exhibits attached hereto and made a part hereof.

PASSED AND ADOPTED by the City Council of Washington Terrace City, Utah this ____ day of _____ 2021.

Mayor Mark C. Allen,
City of Washington Terrace

ATTEST:

AMY RODRIGUEZ, City Recorder

Roll Call Vote
Council Member Scott Barker ____
Council Member Jeff West ____
Council Member Larry Weir ____
Council Member Carey Seal ____

WASHINGTON TERRACE CITY COUNCIL**ORDINANCE NO. 17-97****AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE ADAMS AVENUE ECONOMIC DEVELOPMENT PROJECT AREA AS THE OFFICIAL REDEVELOPMENT PLAN FOR THE PROJECT AREA.**

WHEREAS, acting pursuant to the Utah Neighborhood Development Act, as amended (the "Act"), Title 17A, Chapter 2, Part 1200 of the Utah Code Annotated, the Washington Terrace Redevelopment Agency ("Agency"), in consultation with the Washington Terrace Planning Commission (the "Planning Commission") has prepared a Redevelopment Plan for the Adams Avenue Economic Development Project Area (the "Proposed Redevelopment Plan");

WHEREAS, the Agency has caused to be prepared and has approved the Agency's Report to Accompany the Redevelopment Plan for the Adams Avenue Economic Development Project Area (the "Agency Report");

WHEREAS, the City Council has considered the Agency Report, the Planning Commission Report, the matters contained in the record of the hearing, and all evidence and testimony for and against the adoption of the Proposed Redevelopment Plan submitted to it at or prior to the Hearing;

WHEREAS, the Agency has determined in its Report that the Project Area meets the requirements of an economic development project area;

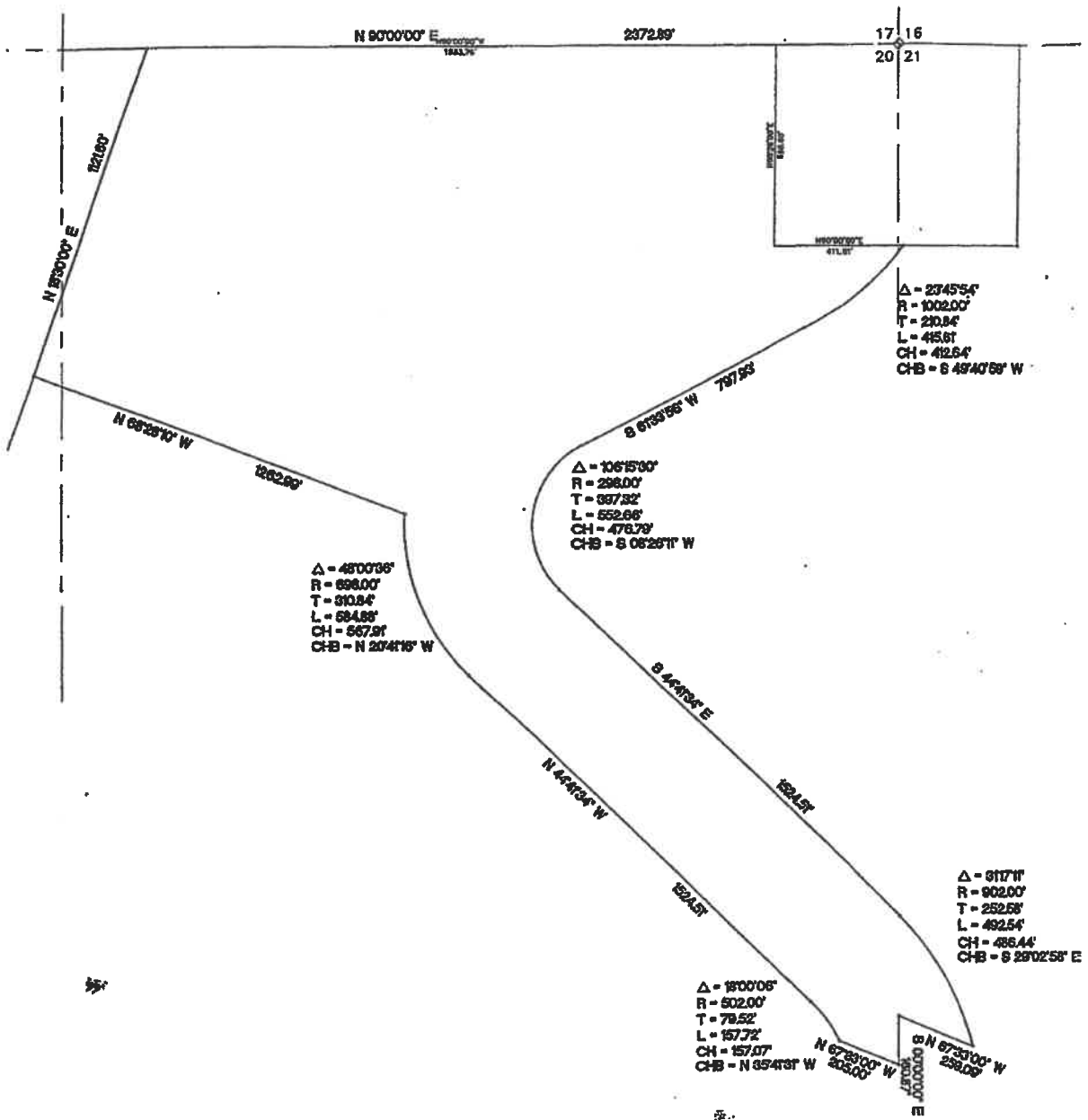
WHEREAS, the Washington Terrace City Council ("Council") concurs in the findings that the Project Area meets the requirements of an economic development project area;

WHEREAS, the Planning Commission and the Agency have recommended the adoption of the proposed Redevelopment Plan with the modifications, if any, that have been incorporated by the modification Resolution and the Agency has submitted the same to the Council for its action;

WHEREAS, the Council has concurred in the modifications, if any, recommended by the Agency and the Planning Commission in the Proposed Redevelopment Plan, has made the recommended modifications in the Proposed Redevelopment Plan, and has overruled all objections to the adoption of the Proposed Redevelopment Plan received by the Council at or prior to the Hearing, whether written or oral, except insofar as such objections are the basis for the modifications recommended by the Agency and subsequently made by the Council;

WHEREAS, the Council has determined that the owners of less than forty percent (40%) of the area of the property included within the Project Area proposed in the Proposed Redevelopment Plan as modified (the "Official Redevelopment Plan"), excluding property

EXHIBIT "A"
LAND USE MAP



Es 1899282 BK2300 PG79 1

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EXHIBIT "B"

BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 21 T5N R1W, SLB&M SAID POINT BEGINS 389.13 FEET WEST OF THE NORTHWEST CORNER OF SECTION 21 T5N R1W, SLB&M (BASIS OF BEARING SOUTH ALONG THE WEST LINE OF SAID SECTION 21) THENCE;

S 00°28'00" W 658.60 FT. THENCE;
 N 90°00'00" E 411.81 FT. TO A NON-TANGENT CURVE TO THE RIGHT; THENCE
 SOUTHWESTERLY 415.61 FT. (R = 1002.00, DELTA = 23°45'54", T = 210.84,
 CH = 412.64, CHB = S 49°40'59" W) TO A TANGENT LINE;
 THENCE
 S 61°33'58" W 797.93 FT. TO A TANGENT CURVE TO THE LEFT; THENCE
 SOUTHWESTERLY 552.66 FT. (R = 298.00, DELTA = 106°15'30", T = 397.32,
 CH = 476.79, CHB = S 08°26'11" W) TO A TANGENT LINE;
 THENCE
 S 44°41'34" E 1,524.51 FT. TO A TANGENT CURVE TO THE RIGHT; THENCE
 SOUTHEASTERLY 492.54 FT. (R = 902.00, DELTA = 31°17'11", T = 252.58,
 CH = 486.44, CHB = S 29°02'58" E) TO A NON-TANGENT
 LINE; THENCE
 N 67°33'00" W 259.09 FT. THENCE;
 S 00°00'00" W 180.87 FT. THENCE;
 N 67°33'00" W 205.00 FT. TO A NON-TANGENT CURVE TO THE LEFT; THENCE
 NORTHWESTERLY 157.72 FT. (R = 502.00, DELTA = 18°00'06", T = 79.52, CH = 157.07,
 CHB = N 35°41'31" W) TO A TANGENT LINE; THENCE
 N 44°41'34" W 1,524.51 FT. TO A TANGENT CURVE TO THE RIGHT; THENCE
 NORTHWESTERLY 584.88 FT. (R = 698.00, DELTA = 48°00'36", T = 310.84, CH =
 567.91, CHB = N 20°41'16" W) TO A NON-TANGENT
 LINE; THENCE
 N 68°28'10" W 1,262.99 FT. THENCE;
 N 18°30'00" E 1,121.60 FT. TO THE NORTH LINE OF SECTION 20, THENCE
 S 90°00'00" E 1983.76 FT. ALONG SAID NORTH LINE TO THE POINT OF
 BEGINNING.

CONTAINS; 3,833,550 QS. FT. / 88.006 ACRES

1899282 BK2300 PG792

WTCORD17-97