**PUBLIC NOTICE OF A MEETING**
**OF THE CITY COUNCIL OF PLEASANT VIEW CITY, UTAH**

**September 14, 2021**

Public Notice is hereby given that the City Council of Pleasant View, Utah will hold a Public Meeting in the city office at 520 West Elberta Dr. in Pleasant View, Utah on Tuesday, September 14, 2021, **commencing at 6:00 PM.**

The agenda consists of the following:

**Pledge of allegiance:** Dave Marriott
**Opening Prayer, Reading or Expression of Thought:** Dave Marriott
**Declaration of Conflicts of Interest**
**Comments/Questions for the Mayor & Council** (public – limited to 3 minutes)
**Consent Items:**
- June 22, 2021, August 10, 2021 and August 24, 2021
- Closed Minutes of October 13, 2020 (2 sets), October 27, 2020, November 10, 2020, November 24, 2020, December 8, 2020, December 14, 2020, December 15, 2020, February 9, 2021, February 16, 2020, March 23, 2021, June 22, 2021 (2 sets), and July 13, 2021.

**Business:**

6:05 P.M. 1. Pickleball presentation. *(Presenters: Paul Pitcher and Steve Carlson)*

6:30 P.M. 2. Discussion and possible action to consider approving final subdivision plat and escrow to Osage Court Subdivision located at approximately located at the southeast corner of HWY 89 and 1325 W. (*Action tabled from August 24, 2021*). *(Presenter: Jill Hunt)*

6:40 P.M. 3. Discussion and possible action to consider amending the Mixed-Use Zone Ordinance in Title 20, 2021-8. (*Action tabled from August 24, 2021*). *(Presenter: Jill Hunt)*

7:00 P.M. 4. Discussion and possible action to approve the issuance of a Request for Proposals for Street Lighting Installation, Operation, and Maintenance. *(Presenter: Dana Shuler)*

7:15 P.M. 5. Discussion and possible action to make two appointments to the Planning Commission. *(Presenter: Mayor Call)*

7:30 P.M. 6. Closed Meeting.

7. Discussion and possible action from the closed meetings.

**Other Business**
**Adjournment**

*The City Council at their discretion may change the order and times of the agenda items.*

*In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Pleasant View City Office at 801-782-8529, at least 24 hours prior to the meeting.*

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF PLEASANT VIEW CITY, UTAH**

**June 22, 2021**

**The public meeting was held at City Hall, 520 W Elberta Drive, Pleasant View, Utah and through ZOOM, commencing at 6:01 P.M.**

**MAYOR:**
Leonard Call
**COUNCILMEMBERS:**
Ann Arrington
Kevin Bailey
Steve Gibson
David Marriott
Sara Urry
**STAFF:**
Amy Mabey
Laurie Hellstrom
Tyson Jackson
Ryon Hadley
Jill Hunt
Debbie Minert
**VISITORS:**
Jim Flint
Christy Bailey
Louann Rhees
Darci Mock
Marc Naylor
Cynthia Naylor
Jordan Craven
Coleen Ashcroft
Rulon Ashcroft
Pat Lowder
Danny Olson
Wendi Davis-Cox
Roy Harris
Casey Whiteley
Carson Jones
Tony Pitman
Derek Draper
Shane Lyon
Jerry Naylor
Hope Hogge
Heidi Bradley
Sherri Henrie
Michele Dean
Stuart Gibby
Gary Griffeth
Art Bingham
Justin Urry
Clint Lowder

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**Pledge of Allegiance**: Steve Gibson
**Opening Prayer, Reading or Expression of Thought**: Steve Gibson
**Declaration of Conflicts of Interest:**
None were given.
**Comments/Questions for the Mayor & Council for items not on the agenda:**
Louann Rhees (900 W): I want to talk about the sustainable growth of the city. We have gone from 6,500 population to 11,000 population in a very short period. On

tonight's agenda there is an approval for 10 more homes behind by property and there is 23 more homes off of 1000 W. Do we have a master plan? Where are we going to get the water? Wells dry up. With a 15 to20-year drought I am asking for data on how much water is being used by the citizens of Pleasant View. With more people there is more crime. Do we have enough police officers? Police, water and fire are my issues and are we growing Pleasant View in a responsible manner? Are there restrictions on water lawns with water?

Shane Lyon (1100 W): I brought up a concern on Facebook and got a response in three minutes – how awesome is that. And I got a call from Sergeant Clark within 45 minutes. I am just bringing the attention to speeders on 1100 W with many families and kids on that street. Can there be a 4-way stop at 3100 N?

Clint Lowder (1100 W): kids are clueless of the speeders on 1100 W. I would like to see some speed control.

**Consent Items:**

Motion was made by CM Marriott to approve the consent items (bills of Pleasant View City). 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**Business:**

**1. Recognition of the 2021 Founders Day Grand Marshals-Jerry and Cynthia Naylor and 2021 Founders Day Honorary Grand Marshal-Rulon Ashcroft.** ***(Presenters: Steve Gibson & Sara Urry)***

Jerry and Cynthia Naylor and Rulon Ashcroft were honored this year as the 2021 Founders Day Grand Marshals and the 2021 Founders Day Honorary Grand Marshal.

**2. Discussion and possible action regarding a one-year progress review of an action that granted an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and conducted outside the primary structure on the premises for contractor business at 3400 N 1000 W tabled from May 25, 2021. Requested by Darci Mock.** ***(Presenter: Laurie Hellstrom)***

Mayor Call: This item was tabled from May 25, 2021. I wasn't in attendance. Thanks for Kevin for filling in. I've been somewhat brought up to speed. It was my understanding that you gave them a month to come back with a plan or whatever to address the items that are outside the issue. Laurie you're the presenter. Laurie Hellstrom: all of you have received the staff report. I did forward it to the Mocks so they also have it. We've had some correspondence going back and forth and I did cc'd all of you on those correspondence. Staff recommendations are still the same. We are recommending approval to the one issue where there's the only one person who is a bona fide resident of this premise shall be employed on the premise. We've issued a lot of business businesses like that and we're recommending she can she can have the one office person if she would like to but we are recommending denial of all these other issues: item 'b' that will not physically change the dwelling issue, item 'c' that the business is conducted wholly within the primary structure and item 'f' that will not generate vehicular traffic and not create a demand from municipal services. Those are the reasons for denial. Is it has changed the physical characteristic of the home. It

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does look industrial and in the staff report we actually pulled the different zones and what we would allow for open storage in those zones. In a CP-1, it's a conditional use permit in a CP-2 and a CP-3 it's a permitted use. In a C-2 it's not even listed so it's not even allowed and that's your whole area down along 2700 N. In an MCM which is a mixed commercial manufacturing open storage is not allowed. Then you also have it in the MCM as a conditional use if the open storage is part of the principal use. In those areas if they were to come in and want a business and it had open storage we now would require them to have a masonry wall around their open storage not just a fence of any sort but it would be a masonry wall. We've had several complaints. We received eight complaints and seven of them are different people and one had two complaints. As I said in the emails we do not give out names of complainers. There is increased traffic on that street with all their vehicles going in and out with the employees and their vehicles. It's different than what a regular residential would be. We also noticed that their municipal water usage is a lot more than what a regular home would be. If we do grant this, we gave you a list of different contractors in the city and we have a little map that we dotted where they live, so if these guys get them there's no reason why somebody else would not want to come in and ask for the same exemption and we could have open storage throughout the city. So those are the reasons for denial from the staff. I don't know if you have any questions for me but that's just kind of where we are at. Mayor Call: Okay. So was this information presented at the original meeting that Laurie covered? Laurie Hellstrom: No. We decided we would do a staff report on the staff's reasons. Mayor Call: All right. Questions for Laurie before I turn it over to? CM Bailey: Can you define staff? Laurie Hellstrom: Yes. This actually came from me, Jill in planning and zoning and Debbie in business licensing. CM Bailey: Okay. Thank you. CM Marriott: Laurie the map here, are those home businesses but construction related? Laurie Hellstrom: Yes. We gave you a list, which Debbie printed out the list of businesses that we currently have, and then we actually put them on the map of where they would be in the city. They have business licenses but they do not have open storage, but if this is allowed, this is a possibility of where you may have open storage. Mayor Call: All right. Darci. Darci Mock: I do have a PowerPoint presentation to show pictures and other items as well. So to start with our lot you can see there in red where our lot is located. Our lot itself is two acres and it's a deep lot if you look at it compared to even the subdivision lots. It's significantly larger in nature itself as well as the lots that are right next to it. It's even wider than the standard lot right there. That lot with it being two acres if we were just using it for just manicured land, which it was when we moved in would be two acres of water that would be used which was originally pasture that was fully watered. In 2000 I went back and looked at the history of what it has been sold and kind of the turnover with it. It's been sold in 2001, 2006, 2008, 2013, 2013-14, we purchased it in 2016. We purchased it and when we purchased it within a week after we purchased it we had multiple neighbors come over and say, "oh please tell me you're not just going to sell this again, please tell me you're going to do something with this yard because it's a nightmare". With that as well we've also increased the property value with it to the point that what used to be one of the lowest on the street, now it is one of the highest. *Darci on a PowerPoint presentation shows the council pictures of the property* That's what it looks like to start. That's what the pool area looked like. That's what it looks like now. That's what the front view looked like. That's what the front view looks like now. It didn't happen overnight by any

means. We remodeled the full inside of it. I believe that the reason that it had been flipped so many times is because it was a non-functioning house. We gutted the whole interior. We pulled out all the asbestos. We put everything in that was. There's not a light in that house that is not low. It's all energy-saving. Then the next thing that we started doing last year when we tore the whole yard up, which is where the complaints started, was initially like I said the whole lot was completely all watered. We took all of that and dug out all the sprinklers and re-piped everything. So only the green and the red lines there are now watered. It's a huge water reduction. We do have a pool that we fill this year and we did have a water leak because a lot of this was done at the end of the season last year and we did have a water leak that happened last month that did increase our water usage, but overall our water usage is significantly less than what it was. My point was showing these things is showing that it's a work in progress but it's by nature of the lot it's a work in progress. We're not just flipping it over. We're trying to find a way to make that useful. If you drive up and down 1000 those lots aren't used and manicured the whole way back. If we're looking at how that code is written that it's with the residential feel of the neighborhood, this is along the lines of the residential feel of the neighborhood. The front yard and backyard are manicured to a point and back behind that is a shop area. It's something that they're working on in the backyard. Our business setup is now that we were working in our backyard, our business setup is that we've got a few trucks that we park there at night and our guys come before 7 a.m. and they park in our backyard. Not in the front. They park in the backyard and then they take the trucks. They load them with the equipment that they need for the day and they leave and then when they're done with the day they return. They're not using the equipment on site. It's not a work environment there it's a staging and leaving and coming back and getting in their vehicles and going again. We do store materials but you'll see in a minute what our plan is for that but the work is done off-site. If the equipment is being used, that equipment is being used to further landscape our lot to be able to make it more eco-friendly, as well as more user-friendly so it is more sustainable as well. We don't have any utilities at all that are being used back there with regards to the business. There's no water usage. In fact we have a spigot out there that was used by our pasture for our goats and it wasn't until last week that they realized that wasn't secondary water. They're not using any of that water. There's no need for it. So we're not using any utilities. There's a light that we have out there. That light is solar so there's no draw even on power for it. As for vehicular traffic, how the code is written, it says home occupation shall not generate vehicular traffic not commonly associated with the zone in which it's located. Traffic commonly associated with 1000 West - I made an observation during the same time that the hour that my crew left and the hours that they were returning. 3 out of 10 vehicles were a similar setup as the trucks that were leaving and the trucks that were coming back and that was within a two-hour period. I can get the exact numbers but proportionally it's three out of ten. We're not interrupting traffic. All personal vehicles arrive before 7am and they leave just one at a time. Within the last two weeks we've taken data on when they're leaving and when they're returning. Only a third of the time have they ever had to wait for one vehicle to even get onto the road. We're not impeding traffic because I wanted to make sure if this is a problem. I wanted to make sure that we're not making it worse. We're not having people booked up behind us. It's like I said, just one out of three times do they even have to wait for another vehicle. With swimming lessons you can have up to 40 students a week which

is typically more than once they're coming a week. We're generating significantly less traffic than that. If I have six total guys that show up at once on one day, two per vehicle, I have six guys that come in before seven a.m. and then they're leaving two at a time because they don't all get back at the same time. They don't all leave at the same time because they take different times to just put their truck together and it's typically by 7:15 to 7:30 in the morning that they're leaving. As for the residential feel, the home occupation shall, will not physically change the dwelling to the extent that it would alter the residential character of the dwelling. The dwelling is defined is our home. We have not changed our home. We did have a permit to have an addition put on of which that permit has expired, which we're not going to be putting that addition on. But that was for an addition for a garage with some rooms above it. That doesn't change the nature, even with that, which we're not doing, we're not. We haven't changed the nature of the dwelling itself. The next portion of that same part says alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it's located, furthermore it shall not disrupt the peace and quiet, including radio and television reception of the neighborhood. So with the complaints that have come, when we did have the addition, the complaints, with how the complaints were presented, they were all tied to the addition, not to the business itself. The weeds - there were weeds out there but as I drove up and down 1000 W there's nine properties with weeds higher than 18 inches tall. We don't have the weeds anymore so it's kind of a mute point at that but there's also other properties that have that. As for equipment in the backyard, there's 12 properties on 1000 W with similar types of equipment, a skid steer or a mini excavator that's visible from the street view and that's in the middle of the day not even when they're out being used. So there's 12 properties with a similar type that are not housed in a garage. As for material and open storage there's seven properties on 1000 W with materials visible from the street and stored on their property as well. As for noise the equipment that we use is not being used on our site. I requested the dates that the complaints came in because I have the dates of when we had construction happening and when we had landscaping happening because we did tear the whole yard up. We had people there working on landscaping and I'm extremely grateful that we did right now because I don't want to be using that water that we would have been using right now. I think that as much as they complained at that point I'm extremely grateful that we did that. So with the noise, we don't have that, we've got more noise coming from the pickleball courts every day than we do anything else. I'm not in here begging for a sound barrier from the pickleball courts, as much as my husband who's here would love me to be doing that. We're not asking that. We're just asking to be able to run our business. That isn't any different than what's happening up and down 1000 W. *Darci shows a video to the council*. This is going up and down 1000 W. As we drive up 1000 W you can identify where all of this is but you can see even in front of me there's a truck with a trailer on it. That's what drives up and down that street. We've got equipment over on our left. We've got buildings. I'm not asking to be able to do something that's not being done on that street. When we moved here we moved out of an area that was very similar to Jacob's Mill which is very attractive to a lot of people. We moved here because of this view right here. As we drive up my dad even pointed it out the first time he came to visit, he said "you've got the American dream street", I said what are you talking about dad that doesn't make any sense, he said like "no you drive up that street and you know people on that street they own their own business. They're

working hard. It's like you can see it just by the nature of what's out there". That's the residential character of the street and all of you know as you drive up and down 1000 W that's what it is. I've got a letter from one neighbor saying that he hasn't complained about any noise. I said, "do we make any noise" and both of them said "no we don't". I've got another neighbor here as well that's on my other side. If we want to get into the nitty-gritty, do you ever hear this? But we're not changing any of that. I believe that we're accentuating that feel. I mean, what is the purpose of what we have on that street with deep lots then by nature with those deep lots it's attractive to people with a certain mindset and with a certain desire of how to utilize that. My guess is it's not to mow it unless some of you guys know somebody that really likes to mow. So that's my request is that we can run it like I said. The trucks with trailers throughout the day, that's the atmosphere of 1000 W. Equipment in the backyard. The property's not just the lawn it's storing something. The property is shop or storage equipment. That's what it is up and down 1000 W and it's too much of a lot to water. *Darci shows another picture of the property to the council*. So what we've done within the last year while we didn't put the shop up we did address the things that were making the complaints. We've gotten rid of the weeds in the front. We have leveled out the area that when we did dig the pit for the addition, that's been leveled out. We fully landscaped and controlled the water issues in the front yard and in the backyard. If you look at the green line there, since we were here last month we've planted a privacy hedge fence that will grow up to 15 feet tall along the green line. We've also put up temporary blocks of screen along the yellow and what we're proposing is that by June 2022, that in the red area there will have a shop and by June 2023, that if we still need base with the shop, if we're not able to store all of our equipment and material in the shop, by 2023 we have a masonry wall along the yellow. So that's our proposal. The shop will be something in this manner and the masonry wall will be of that, so that's our request is that with where we are right now that knowing where and what we've done with the property and where we're going with the property and how the code's written is that we can request to be able to continue to run our business. We're not wanting to be there forever. We're wanting to grow and expand, but anybody that has random business knows that you don't do that overnight, you've got to be able to gain capital and then things like Covid would come and it throws your whole world around because steel prices just went crazy. So my request is to let me continue to be a member of the community and not have to move. That's where it comes right now is because when I've been looking at different locations I'm looking at what used to be two thousand dollars to rent is five thousand dollars now to rent. So if I can stay here I can be productive in the community. I can continue to donate a lot of money to different, to the elementaries and the junior highs and the sports programs, and I can continue when a tree falls on my neighbor's yard and their house that I can go over with my equipment and take it off of them for no problem. Then if we have a huge windstorm I've got a dump trailer that we can throw everything in and get it taken care of. That's what I'm asking. I'm not asking for a whole lot of things that are different going on up and down the street. Mayor Call: Okay, thank you. Counsel? *Art Bingham, from the audience, stands up and approaches the podium* Mayor Call: who are you? Darci Mock: he's my neighbor. Art Bingham: my name's Art Bingham. I live next door to Darci and Ryan. So the complaint box is always full of complaints. Very rarely do you get the good things people are doing. Then you guys unfortunately hear all the complaints and then you try to make decisions off of only hearing the complaints.

I've been here literally four thousand fifteen days. That's how long I've lived in Pleasant View. I've spent my time, not all my time, but getting to know my neighbors and being up and down the street and being part of our community and feeling like you need to contribute if you want to get something back you have to give something out or put something out. Darcy and Ryan are amazing neighbors. They're amazing people and I hate the concept of like we're going to point at you because I have three fingers pointing back at me. That's what my mom always said don't point at anybody because you got three fingers pointing right back at you. I hate the idea of somehow our happiness is affected on how her property looks. Whether we agree with it or disagree with it. How somehow that's going to affect my happiness level. Number one the noise is pretty intense at my house because I have seven kids and so I don't know if you make any noise or not because we got enough noise at my own place but I love the idea that she can run her business, operate her business. Not all my neighbors are here tonight but I live next door. Our properties connect in the back and I have no complaints. And I know a lot of my neighbors and I haven't had, I've, sometimes you'll hear complaints from somebody else but they won't go directly to the person. I have not heard complaints from our neighbors that are living right around Darcy and Ryan. So I just felt like I needed to stand up and like, be in their corner somewhat that I feel like it's, that we need to value the people way more than we value what something looks like and how we feel something is operating because the people are way more important and that's what makes a good community. And when we treat people like people we'll all be better off for it. Did you guys have any questions for me? Mayor Call: no. Thank you. CM Bailey: I will just piggyback off what you said. I spent yesterday afternoon walking up and down the street knocking on doors and talking to neighbors. Zero complaints. Now they may just saying that because of who I was. I just wanted to, I mean it's not the neighbors that complain. Is it a competitor? I don't know. Is it someone way down the road or way up on the hill driving down? I don't know who's complaining and we don't know. Darci Mock: whoever is complaining has the same type of business. CM Bailey: that's been made obvious, yeah. Hyrum Jones: can I make a comment? I don't know if you can hear me or not. Mayor Call: first I'm going to take CM Urry's comment. She's been waiting. CM Urry: I appreciate your presentation. I appreciate your well thought out message and the things that you've gone through for you now to explain and to inform us of what's going on. It feels very personal because this is your business. It feels like a very personal issue. I guess the way that the law is written in the way the ordinances are written and what Laurie presented it's true. If we allow you, everywhere within an RE-20 zone gets to have what you get to have because of the state law and the way that the law works is everything has to be equal under the law. So we don't grant exceptions. We don't grant things like that. My concern is not maybe everybody would go to quite lengths as you, maybe to take care of your property. So then again I have to think about what would I like next to my house? Because I live in an RE-20. The way that the language is written is it's not just for Darci Mock. It's for everyone who lives in a residential zone. So then we would have to change the ordinance to allow industrial businesses within a residential zone. Darci Mock: It's not an industrial business. CM Urry: okay, a construction business, a storage business, what have you. So we would have to define that for anyone. It can't be just your street. We don't spot zone. It can't be 1000 W. It can't be site selective because everything has to be equitable under the law. That's what I'm trying to get at. It's not just you but it's

everything. Darci Mock: But, but- CM Urry: Hang on. Darci Mock: Okay, sorry. CM Urry: -because everything within is against the zone. It's not specific to you because if we value you and not someone else then things are not being treated fairly or equitably and then we're in a lot of trouble because government is here to protect the individual as well as the masses. When the city council or when the general plan was created, everybody got together and said we want this to be our construction area and we want this to be our industrial area. We want this to be a residential area to protect from different uses. So now we start encroaching and allowing certain uses within residential areas. We start to get into trouble because maybe people on your street are fine with it, but would I be okay with that next to my house? No. To be really honest with you. Would it be okay with somebody else? But I would have to allow it because if you get it- Darci Mock: but it is allowed. CM Urry: well then let's take care of it. Let's start moving forward and enforcing our laws. That's how I feel because I don't think everywhere in a half-acre zone, an RE-20, should be allowed to have that because pretty soon overnight your residential field will change. CM Bailey: So for argument's sake, she's a A-2 zone. CM Urry: That's RE-20 isn't it? CM Bailey: No. It's A-2 and she could have- Darci Mock: I'm A-2. It's listed on it if you go back it's on there. It shows A-2 on the back of it. Mayor Call: go ahead Kevin. CM Bailey: even if it's RE-20. She can have hogs in her backyard. You wouldn't want that next to you either but that's legal, right? She can have a pen full of hogs. Mayor Call: If she's in an A-2- CM Bailey: If she's RE-20 she could still have large animals right? There's been horses there forever, just saying. CM Urry: but that's what they're- Mayor Call: it's Kevin's turn to talk. CM Bailey: I'm just saying if we, we're trying to pull a camel through the eye of a needle here over a stupid ordinance that was written by a human being, in error I believe for several reasons and I'll try to explain. First the ordinance is lacking in that it should say, not in the, it needs to say the business needs to be run in the residence itself, but on the lot. I mean we have businesses that people do work out back, right, in their backyard, in their shop. Mayor Call: Swimming lessons. CM Bailey: Swimming lessons. Like that's not in the house. Yeah, there's, I mean it's flawed. All I'm saying is that you don't have to be a rocket scientist to drive up and down 1000 W and see non-conforming nuisance lots. One of which is not the Mocks. Has it been that way? Yes. It has been a mess. Have they worked their butts off to fix it and make it right? Yes. I think it's immoral and absurd to think that we would punish, I'll use the word punish, I didn't want to, punish one of the few women-owned businesses in Pleasant View because of an ordinance that I think is flawed. And do we need to fix the ordinance? Yes. Is that Darci Mock's fault? Absolutely not. In the communication back and forth with the council and Darci there's been, the accusation was that well there's too many, there's too many exemptions being granted. I don't care if there's 10 exemptions if they all make sense and it's legit. So what if there's one or two, versus a whole bunch. Some of these are like, they smell of being manufactured like the water thing. She had a water leak and she's got a pool, but it wasn't her pool that caused the water to go up. It's like somebody's got an agenda. Somebody doesn't like her business for some reason and it's just unethical. It's wrong people. It's wrong to do it. Where it's not American. Art Bingham: okay Kevin I'm going to add to that- Mayor Call: excuse me, I think CM Urry had the next. CM Urry: No, go ahead. Art Bingham: If you target one business and say, okay we don't believe this is correct you have to go, just like you're saying Sarah, like you have to go and force everywhere. The neighbors, the city around the Mocks as

far as I can see they don't care. Like we don't care if she's operating. CM Urry: but other people in other zones that are equal to that might care and so that's what I'm talking about. Maybe 1000 W necessarily wouldn't care, but other areas would. We don't spot zone. It's not just unique to 1000 W. Everybody gets it if she does. Mayor Call: No. That's not true. CM Marriott: If we follow the law, if your kids go out to a lemonade stand and I show up and say hey where's your business license for the lemonade stand, and then I can call the police, have it removed. If we're following the law to a T. That could be done, right? Mayor Call: Our law allows that if you're seeking something outside, you bring it to the city council, just like it's been done, to ask for an exemption to it. CM Urry: I guess my question- Mayor Call: and that doesn't have to be universal. It has to be what the nature of the business is, what they're asking for, what they're doing. It's the process just like we're doing here today. That's the process. It's not just throw it open to the city. CM Urry: I guess my question is, why would you deny somebody else, that would be my question. If you allow it there why would you say no somewhere else if it's the same zone? Mayor Call: It depends on what they were asking for. That's why that's come before the city council. CM Urry: That's my question. CM Gibson: Mayor, I have some comments. CM Marriott: Mayor we had a comment on their first... Laurie Hellstrom: It's not a public hearing. Cm Marriott: okay. I really appreciate your presentation. That helped me to see what you're thinking about, what you've been doing and we know we gave you a permission permit for a year to do this work. I struggle with the way our ordnance is written right now, because there are several, I think the lot size specifically has a lot to do with what could be done on the property and that's why 1000 W which is primarily one acre plus lots all the way up and down, and there are many businesses on 1000 W. Some of them legitimate and some of them not. I agree with Kevin that we need to make some changes there. I'm not sure how that ordinance should be written and how you can write it to make it RE-20 versus A-2. I mean the lot size has a lot to do with that right. If we went to a normal RE-20 area or an RE-15, it just wouldn't be conducive to do any type of work that you're talking about or any type of business. There's no way that it could happen on those. I guess we would have to discuss those. But I agree with Sarah as well. I don't want to say that hey you know we've granted to you and that we would grant it to anybody in Pleasant View on an RE-20 lot. So I struggle with that because I think business is important to our city. I think home-based businesses are important and we got to figure out some way to make that happen. That being said we had some restrictions and some things we asked for you to do and I don't think those have been met. I know you've tried really hard in the last month, but we had a year and a month to do a lot of the things that you said you were going to do. I have seen a lot of progress. I know you have grand plans for the place. I know all the owners of those properties and I've seen what they've done with your property. I've seen what's happened over the years and I think you're trying to do the right things there. I do struggle with this going forward because, a lot of that hasn't been met, and so that's where I am at right now. But I do lean towards allowing it but I struggle with that because the law of the ordinance and the staff and then what they've gone through, that's not meeting it so... CM Arrington: can I make a point on that? Mayor Call: just a moment. Steve? CM Gibson: I've struggled with this honestly, because I said this last time we go back a year and we made that exemption. And I wish we would have never made it to begin with, but we did so we're down this road a little bit. I echo everything Kevin said. Honestly, I have to go a little bit on his side with

this just because, you know, what would I want if I were there? I have to speak as a city council person. I have to speak and represent a fifth of the city. What do they want? We do have to walk that line. It's just what CM Marriott said. We don't want businesses in all of the city in residential areas but the two-acre lot, I've been to your backyard, you know you've got a nice shop back there. I don't care what you're doing it. You could do whatever you want in it I guess. But you have a nice big shop and I envy that shop, but you know I don't care. I'm not pointing you out and I hate that I feel like we're picking on your business because of a couple things. I just can't in good conscience pull the rug out today. I don't think that that's fair. I really would like to see what things can go because I have a couple businesses as well and dollars have to go through in order to do stuff, to build a shop and they're expensive. Lumbers is out of sight right now so I get it. I just still struggle so much. Again I appreciate the things that CM Bailey said. I'm just a pendulum swinging back and forth on what do I do you know. I'm kind of landing on the side of CM Bailey with this just because I want to see success. I would hope that you could come back in six months and say we have got a wonderful building, we've been able to do this, and we're moving it out and we've made all these wonderful things and we're being a success and we're still loving being a resident of Pleasant View, thank you for working with me. That's what I hope that we can do because that's what I would want if I were in the same position. But we do have to make sure that it's fair and equitable for everybody. That's the struggle. That really is the stupid struggle and you go up and down, and so then we start hammering all the people on 1000 W. What kind of a war are we going to have with that? I don't know. Darci Mock: I appreciate that. I didn't want to, I definitely am not the "woe is me" approach. It's not something that I ever like to present or anything like that. I'm sorry if I'm going to get teary-eyed here, but covid was real to me. I have an auto-immune condition that made me have to quit a teaching job for 18 years that I was very good at to run this business. I was on chemo prior to covid and we, it had been about five years that we had to work through different things to finally find that chemo worked. To be able to have it so I could be functional and not stand up here, right here, and pass out. When covid hit, I couldn't be on chemo and they had to pull that. When they pulled that they took something that was costing me about a hundred bucks a month and the only other option I had was a plasma therapy exchange that is twenty-five hundred dollars a month out of pocket after insurance. My husband works on base and he works for our insurance and my plasma exchange. Our business is what's keeping us going but that's, that plasma therapy right now. That's what's keeping me from falling over right now. So yeah, we did have something that came up and made it so we couldn't build the shop but we did address the things that were making people complain. We addressed the issues in the front. We got our water under control. That wasn't a complaint of anybody but we realized it was not a thing that we wanted to continue, so we did tear up our whole entire yard. We took something that looked like an oasis to us and turned it into a dirt field so we could get a better eco-friendly yard. So yeah, we don't have the building up like we were supposed to but we have addressed the things that were causing the complaints. We do have a plan in place if I get here next year. You grant it to me for a year and if i get here next June and I don't have that shop up, I don't care what sob story I give, I shouldn't be granted that at that point, but I do think that we've addressed the complaints. So I'm asking for a year to be able to get that shop up in place because even with that I'm not, I still have to pay my plasma therapy

exchange. I still have that so I will. We've got a plan to put that shop back there. With even the last week we have that screen up so you can't see anything if you're up at Pleasant View Park. You can't see our backyard anymore. You can't see that. I've got a picture of it here. We can look at as well but you can't see that, but I do have a plan in place. I know that there's other things on the agenda so, are there any other questions? CM Arrington: Yes. Thank you Darci. I appreciate all the work that's gone into that presentation. We asked you last time, it was our recommendation that you came back and tell us what you were going to do to become compliant on these four items. I appreciate the efforts you've done to do that. I owned my own business for years. My sister is a business owner herself and I want you to succeed, but I also am representing Pleasant View citizens too. So I just want you to know, it's not personal, like I really want your business to succeed. I came and did a site visit. Thank you for showing me around the place. I appreciated that. I'll be honest. I don't feel like you represented what the site looks like with the construction, the pieces and stuff. We didn't see that in your presentation. To me it does feel very industrial and whether that matches 1000 W, I think you're right about 1000 W, but the ordinance wasn't written for 1000 W. It was written for Pleasant View. I have to represent Pleasant View and a lot like all these council members are saying this is a very tough decision. There's decisions that are black and white and there's decisions that are just all shades of gray but I'm wondering, I don't want to lead you down a rabbit hole that says if you do this and this, then maybe you'll be compliant in a year and maybe it'll be okay. But if you come back in a year and we go, no that's still not going to meet it, for me I'd rather see you instead of putting your money into a shop and building a shop and a fence and all these things that we're talking about to try and make you compliant, I'd rather see you put that money into, like a rental where you know. My sister runs a lot of the same business you do and she doesn't do that in her backyard in Pleasant View. She has to rent somewhere. As many of these other residents have to that have been listed in our staff report. They have the same types of businesses and they can't run them out of their backyards either. So for me, again not personal, it's just about, we need to make sure neighborhoods feel like neighborhoods in all of Pleasant View. So I don't want to pull the rug out from under you and for me, I like to give you some time to find a place to relocate the construction equipment and supplies and all that stuff. So that's where I'm coming from. Mayor Call: Okay, anybody else? CM Urry: So what would that look like? CM Bailey: I'll go out on a limb, one more time.

CM Bailey: I'll make a motion that we approve the exemptions that have been outlined and grant Darci Mock her business license for an additional year and have her, I hate to bring this back every single year, like every single year, that's not fair to her and her family, but if I had my way I'd just grant her a business license, but this was her idea. So I'll make a motion that we grant her business license with the set exemptions for an additional year, at which time we'll review whether or not she's got her shop built and make a decision then. 2nd by CM Gibson:

Mayor Call: Discussion? CM Urry: just a suggestion and to go along with CM Arrington, instead of reviewing to extend the license, maybe refocus it on finding a place to rent instead of putting more money into your, you know making yourself compliant, because it's very costly rather than investing into a place where you can rent to store offsite. Allowing the exemption, you know the exceptions that the staff has recommended with having your office in your home and things like that, but to find a

place where you can store your business at another site. CM Marriott: Mayor, I'd call it a vote on the first to the second… CM Bailey: let me remind CM Urry that it's not our place to tell her how to run her business. CM Urry: No, that was just my recommendation. Mayor Call: I just, I have one concern with the motion that I'll express then I'll call the vote. That concern is I want to make sure I understand the motion exactly. You expressed something and I have the same concern. It is, you know we say come back in a year and she comes back in the year and the building is built. Do we go through this whole same process again? Darci Mock: I'm willing to take that risk. CM Marriott: but the concern I have is are we going to kick it down the road and at what point, I mean, Darci has mentioned this before, at some point she hopes her business grows enough that she can be off-site and at what point does she decide to do that, and how big will the business grow. I think there's a lot of questions there that I struggle with. Darci Mock: Can I respond to that? Mayor Call: I have to call for the vote.

Voting aye: CM Gibson and CM Bailey. Voting nay: CM Urry, CM Arrington and CM Marriott. Mayor Call: so as I understand that we had two ayes and three nays? Motion defeated.

Motion was made by CM Arrington: I'd like to motion that we grant her approval to have someone come into the home the first, hang on let me do this right, a person, a bona fide resident can be in the home, employed to help with the office work, and that we give them six months to find a place to rent to move their business, relocate. CM Marriott: can we change that motion to a year? CM Arrington: Sure. Mayor Call: Okay so, okay I have a motion on the floor, do I have a second? CM Marriott: Sorry I just think we should amend that motion. CM Arrington: Okay let me restate the motion then. I make a motion that we approve the exemption to allow a person into the home to help with the home occupation, the business part of it, and then I would make the motion that we have them relocate this business in a year's time. Mayor Call: The entire business? CM Arrington: No. Just the backyard construction, type business and keeping the person in the house to help with the business portion. CM Bailey: So they'll be able to still run their business from where it's at? CM Arrington: Yeah, the office work and all that can be run from the home. Darci Mock: To clarify then, it would be allowing one of the exemptions versus four of the exemptions? CM Arrington: Exactly. Darci Mock: can I make a point? Mayor Call: go ahead. Darci Mock: Okay. I'm fine to take the risk of building a shop and then being denied next year. I'm perfectly fine with that, because one way or the other I want a shop back there, because even if I don't have people coming in and out I want some place that I can actually go back and do my work that is secluded, that the different things that I own can be put in there. I'm perfectly fine with taking that risk and having that be there. That's not a problem for me if we come back next year and say no you can't run it. You know you can't have your guys come here and exchange vehicles or anything like that. I'm perfectly fine with that. CM Arrington: With that motion that we've made, that would fit within that too. CM Urry: yes. You could reapply for a business license. CM Arrington: she could go ahead and build that because we've given her a year anyway, and so with the motion that as it's made, that would still be fine. Darci Mock: And then I could present an option to be able to run anything at that point, but it wouldn't be assumed that it would be granted. CM Arrington: Right. CM Urry: I think, reapply for business at that time is that correct? Amy Mabey: To reapply for the exemptions I think? CM Urry: Yes, okay. Mayor Call: Okay. CM Marriott: I'll second the motion mayor.

Mayor Call: I have a motion to second, any further discussion? CM Gibson: I do have a comment, Mayor. Mayor Call: Okay, go ahead CM Gibson. CM Gibson: is the question the actual operation of the business or is it the look? As CM Arrington talked about, it looks like a construction zone. What are we fighting against? Because I don't think anybody's brought up the exchange of vehicles. I don't think that's been a problem. To me it's the look of a construction zone versus a residential area. That's where I have a struggle. I mean we're concerned with a look and we're not concerned, you know, if they were jackhammering or doing something in the back or causing some grief or something. That's a construction on site. I really think you made that comment yourself, it looks like a construction site or zone. I don't know exactly what your words were but, is that fair? CM Arrington: Yeah. Mayor Call: it looks industrial. CM Arrington: but also we do have skid loaders and it's not just the look, it's noise. CM Gibson: but we do have that in other places. I just think it's unfair a little bit. I appreciate what you're saying there. I mean, I'm going to vote against that motion just to put it out there because I just don't think it's fair. If we're looking at a look and we give her a time, especially since covid, that's a year out of everybody's life. For a year and a half of everybody's life that didn't exist in the world. Everybody was home. Things were shut down and I just think that's unfair. Honestly, to put that limitation on this business and to force her to get something because we've already been down that a little bit. So if she builds it she says out of her own mouth, if she builds that and we deny it, if it still looks like an industrial construction zone, she said herself, she'll move. Anyway, I just wanted to clarify that's really the issue, is how it looks. Is that right? CM Marriott: Yeah. Mayor, I have a comment again. Mayor Call: go ahead. CM Marriott: so, looks to me are very important because it adds value to somebody else's property. Your look devalues the person next door, right? I think there's a lot to that and people don't just want to move in or be close to someone like that. I think you're working on that part of it but what I do think is that the motion that's standing right now allows you to prove to us and for you to come back. It may not be granted. I don't know that will be, but I think it accomplishes what everybody's talking about. CM Gibson: I think it accomplishes that too and allows her to make the changes. CM Urry: well, and it offers mercy to something that CM Gibson mentioned before. We put you in a position in granting that and so it offers mercy into something that you even proposed yourself that in a year. So with CM Arrington's motion I think that that accomplishes both hands. It forces you to reapply, but it also allows you to work on the things that you desire to work on. CM Arrington: But I also think that we need to see her in nine months, because if we're saying in a year if it's not compliant that we're going to pull it, then next time if it is a year then we are going to pull the rug out from under her. I would like to have at least that three-month window for her to come back in and see us. CM Urry: So we're not missing what? CM Arrington: See what I'm saying? Mayor Call: Come in to council? CM Arrington: So yeah, come into the council. Mayor Call: Report on her progress? CM Arrington: Yeah. I'd like to see that in nine months instead of a year. If in a year's time we're sending her to find a rental, you know what I'm saying on that? CM Marriott: I mean that's up to her I think right? That's going to be a year from the date here. If she wants to make that known to us prior to that time that she's met all those and apply for it, if not then she has to be compliant at that date. CM Urry: I think it's fair to you to have an expectation. Does that make sense? So that there's no false pretenses. CM Bailey: I think I have a comment when she's done. CM Urry: I'm sorry. Mayor Call: go

ahead CM Bailey. CM Bailey: one parting shot then I'll shut up. If looks are important we got a problem on 1000 W and it's not the Mocks. Mayor Call: That's true. CM Bailey: it's not Mocks if looks are important then there's like six homes we should just demolish. CM Marriott: I agree. CM Urry: No. CM Arrington: I agree. CM Bailey: so she's not the problem. If we are talking about aesthetics, what it looks like, that's the issue. This is like, immoral people, this is wrong. We are here to represent the people that elected us and this is wrong. What we're doing tonight is wrong, sorry. Mayor Call: okay. We have a motion and a second to that motion. Would you like to restate that CM Arrington? Make sure it's- CM Arrington: You want me to restate it? Darci Mock: third time's the charm. Mayor Call: you kind of added a nine-month twist. CM Arrington: well okay. You're right. I'd like to make a motion that we approve the exemption to have one person working in the home to help with the business and to keep the business functioning from inside the home and then I'd like to give the business, I'd like to deny the other ones, and give them one year to find a relocation place. CM Bailey: or reapply? CM Arrington: Yeah. They can come and reapply with the idea though that we are relocating, unless they can show us something otherwise that changes our mind. CM Marriott: That sounds okay. I'm seconding it again. Voting aye: CM Arrington, CM Marriott and CM Urry. Voting nay: CM Gibson and CM Bailey. 3-2

CM Bailey: I just don't think that's right. It just doesn't feel right. CM Marriott: I think it's pretty merciful. Art Bingham: and tell all those other six families they're going to have to relocate as well. You can't target just her. You have to go to everyone and enforce the same law. What you're going to do to her, do to everybody. Mayor Call: so in nine months, maybe reach out to us and see where you're at. We're done with this item.

**3. Discussion and possible action to approve Harris Hills Phase 5 preliminary subdivision for 10 lots located on 1075 W between 4200 N and 4300 N. Requestor Carson Jones. *(Presenter: Jill Hunt)***

Jill Hunt gave a presentation. This is for 10 lots. It will connect 1075 W to 4300 N. there is a protection area for the well. Carson Jones: there is a source protection area to the west. Jill Hunt: on 4300 N the road is 40' curb and gutter one side of the road. CM Arrington: I didn't think we could do ½ streets? Jill Hunt: the road is a regular size width of road but not the full width of 4300 N. Mayor Call: the road is wide enough to qualify as a full road. CM Urry: what does that do to the integrity of the road? CM Bailey: what are the redlines? Jill Hunt: there are minor details on the plans. CM Marriott: do we have drawings of the protection zone? Tyson Jackson: explained the protection zones.

Motion was made by CM Bailey to approve Harris Hills Phase 5 preliminary subdivision for 10 lots located on 1075 W between 4200 N and 4300 N. 2nd by CM Gibson. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**4. Public Hearing - Discussion and possible action to consider a rezone request from RE-20 to RE-15 on property located at 344 W Pleasant View Drive, parcel #17-058-0011, Ordinance 2021-5. Requester: Dixon. *(Presenter: Jill Hunt)***

Jill Hunt: this is on Pleasant View Drive west of Lomond View Nursery.

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Motion was made by CM Bailey to go into a public hearing to consider a rezone request from RE-20 to RE-15 on property located at 344 W Pleasant View Drive, parcel #17-058-0011. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0.

Jill Hunt: this meets the general plan. Legislatively this is up to you. This is not spot zoning. Their intent is to subdivide. Staff recommends but this is up to you guys. RE-20 surrounds this parcel. Mayor Call: the general plan allows 2-3 units per acre. CM Arrington: I am still confused with the site plan. Jill Hunt showed the site plan. Mayor Call: how is this not spot zoning? I am concerned with the driveway on Pleasant View Drive. CM Arrington: since everything is RE-20 surrounding it I vote no RE-15. CM Urry: I was at the planning commission and the planning commission chair and vice chair also expressed some of the same reservations and voted against the rezone because you know again this is just the rezone but they had some serious concerns. Mayor Call: comments from the public? None were given.

Motion was made by CM Bailey to close the public hearing. 2nd by CM Gibson. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0.

Motion was made by CM Arrington to deny the request for the rezone request from RE-20 to RE-15 on property located at 344 W Pleasant View Drive, parcel #17-058-0011. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0.

**5. Discussion and possible action to approve Pleasant View Landing final subdivision for 23 lots located approximately 3350 N Casey Lane. Requestor RW Custom.** ***(Presenter: Jill Hunt)***

Jill Hunt: This is for final. They want to record. Their escrow is legitimate. The only condition before we record is getting an easement for the utility line to the north or pull the line to the southside of the canal. One parcel also needs the taxes to be paid. Mayor Call: I have a couple of concerns. They're asking for a final, and there are some problems with the property that we've been trying to work out, but I think we have a solution. On the plot where they're talking about dedicating the remainder of parcel b, which is where a temporary turnaround is. I would make the suggestion that we do not do that. Our standards say that this should be contained within the subdivision and maintained by the developer. I would give them twelve months to pave it. That way people in the subdivision wouldn't be landlocked. I'm saying we can approve, but I would not recommend the turnabout be dedicated to the city. CM Gibson: will that then function as a turnaround? It doesn't feel like a good area. Mayor Call: Yes. It does meet the requirements. CM Bailey: right now the planned temporary turnaround is on parcel B. What you're saying is we would give final approval for their subdivision and give them one year to work out the details? Mayor Call: Yes. CM Urry: Do we just omit the dedication to the city? Mayor Call: Then RW Construction and the landowners can work it out. If we have it ties our hands. We can't and don't want to hold up Pleasant View Landing. I believe this allows RW Construction flexibility and we still get our temporary turnaround, but if it lasts beyond a year it will be required to be paved. Stuart Gibby: I'd be willing to work with RW Construction to grant an easement as long as we can work out the details you've already delineated. Jill Hunt: we can't record until we get the easement. Mayor Call: they'll either need to pull it back or get the easement. Stuart Gibby: RW Construction is willing to move forward and I as the landowner am

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willing to grant that easement provided. I think we're willing to accept the stipulation that this happens within twelve months. CM Marriott: does this road need to be on a drawing somewhere? I've not seen it in the master plan. Mayor Call: This isn't necessarily something that needs to be in the master plan but it's required in order to not landlock anyone.

Motion was made by CM Bailey to approve Pleasant View Landing as outlined conditioned on RW Construction working out the details of the temporary turnaround as discussed and acquire easement or pull back the improvement in not agree and one year to pave the turnaround and not dedicate back to Pleasant View City. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**6. Public Hearing - Discussion and possible action to consider a text change to the MUW (Mixed Use West) Zone regarding a verbiage change to expand the location of the MUW area. (Ordinance 2021-6) *(Presenter: Jill Hunt)***

Motion was made by CM Bailey to go into a public hearing to consider a text change to the MUW (Mixed Use West) Zone regarding a verbiage change to expand the location of the MUW area. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: So this was brought to me, to look at possible changes to the zone. The idea is to open some possibilities on the Fleming property. As development tries to come through, we're trying to look at all options. So the corrections for the changes that are being proposed, would be to change the verbiage from just having everything from 89 to our west border, north of 2700 N, be allowed to be the mixed-use west, but also to change it to allow the parcels we've listed in the packets to that ordinance. The idea is to open that parcel up to some possible development that might come through. We did have a resident make a comment, and it's a valid comment. There was a concern of previous development along HWY 89, where it was proposed mixed use and ended up being high density the whole way through. Mayor Call: I'm wondering, is it possible, since we're making a text change to this zone, that in the same ordinance we specify that a development agreement is required? I believe Tony's the one that made it and he's here if he wants to comment, but it is a public hearing. I agree, the city's been burnt and every developer I've talked to about this zone is "you will not get this zone unless it's tied to development agreements", because they come in with a commercial plan, and residential, and they built the residential and we've got many examples of where we got vacant ground that's supposed to have commercial. I don't know if we want to send this back and have something added or approve it like this is, and bring it back again? Jill Hunt: I think that would be a great idea. Mayor Call: If we're going to apply this zone, we need to make sure this zone is applied the way we want it applied. CM Urry: I agree that we table this and talk about the text changes, including the development agreement, and specify that commercial must be in, then reduce the percentages of what's allowed on the property for the high density and what that looks like. Mayor Call: Steve had a comment. CM Gibson: I echo one hundred percent agreement with that mayor. We've been burned, and that's why we changed it to begin with. To go backwards, it just doesn't feel right, and I don't want to be burned again. We want commercial development, we want mixed use stuff in some areas, but if we change and open up again we're going to have a station again. So mayor, I agree one hundred

percent. Mayor Call: any members of the public that wish to make a statement? *A man in the audience raises two thumbs* Mayor Call: he's good with what we talked about. Anybody else? If not I'd entertain a motion to close the public hearing.

Motion was made by CM Marriott to close the public hearing. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Motion was made by CM Urry to table to allow staff some time to draft the verbiage and language including a development agreement that specifies commercial first and you know how that would be developed with development agreement and housing development. 2nd by CM Gibson. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**7. Presentation on Fiber-Optics and possible action to consider pursuing an interlocal agreement and setting Open House dates for the public.** ***(Presenters: Casey Whiteley, Gary Griffeth)***

Casey Whiteley and Gary Griffeth gave a power point on fiber. Amy Mabey: I appreciate resident's participation. CM Arrington: I would ask city council to approve to gout out to RFQ's and create an interlocal agreement to look at.

Motion was made by CM Arrington to pursue RFQ regarding fiber and interlocal agreement. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**8. Discussion and possible action to consider amending the Consolidated Fee Schedule for fee increases in Garbage, Recycling and Sewer, Resolution 2021-E.** ***(Presenter: Laurie Hellstrom)***

Laurie Hellstrom presented the information which is written into the resolution. Mayor Call: they are enterprise funds and they should be self-supporting.

Motion was made by CM Urry to amending the Consolidated Fee Schedule for fee increases in Garbage, Recycling and Sewer, Resolution 2021-E. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**9. Discussion and possible action to approve renew Insurance Coverage with the Utah Local Governments Trust with a term of July 1, 2021 to July 1, 2022 for General Liability Insurance, Property Insurance, and Auto Physical Damage Insurance.** ***(Presenter: Laurie Hellstrom)***

Motion was made by CM Gibson to renew Insurance Coverage with the Utah Local Governments Trust with a term of July 1, 2021 to July 1, 2022 for General Liability Insurance, Property Insurance, and Auto Physical Damage Insurance. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**10. Annual discussion with the Pleasant View City Audit Committee.**

Laurie Hellstrom: the reason I put this on the agenda is because we did the fraud assessment last year that the state auditors wanted us to do so we created this audit committee charter. In the charter we're supposed to meet with the city council once a year. This is the last meeting in this year so we're meeting with you just to see if there are any concerns or we meet as a committee do you want us to address anything particularly. You can also bring things up to us later. It's also a check the box. Mayor

Call: you don't have to wait for a special meeting if you know of any fraud or suspect any fraud or have any problems with any our laws regulations or separation of duties or any of that kind of stuff. We always want to be on the up and up. Again it does check boxes but the boxes are a good reason to be checked. If no concerns or questions we'll move on to the next item. I feel very confident in how things are being handled. I hope I never find anything different.

**11. Presentation of the Fraud Risk Assessment for Pleasant View fiscal year 2020-2021.** ***(Presenters: Laurie Hellstrom & Heather Gale)***

Laurie Hellstrom presented the Fraud Risk Assessment for 2020-2021 fiscal year.

Motion was made by CM Gibson to approve the Fraud Risk Assessment for Pleasant View fiscal year 2020-2021 as presented. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**12. Discussion and possible action to consider approving a contract with Gage Arnold for Prosecuting Services.** ***(Presenter: Mayor Call)***

Motion was made by CM Gibson to approve the contract with Gage Arnold for Prosecuting Services. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**13. Discussion and possible action to consider approving the purchase of (2) CV 515 Dump Truck in the amount of $190,000.** ***(Presenter: Tyson Jackson)***

Motion was made by CM Gibson to approve the purchase of (2) CV 515 Dump Truck in the amount of $190,000. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**14. Discussion and possible action for a $10,000 funding agreement extending for a period of three total years with the North Ogden Canal Company for City Storm Water Utility outlays.** ***(Presenter: Mayor Call)***

Mayor Call: Myself and CM Gibson have had several meetings with the canal company. If you remember they came in with a new contract almost a year ago asking us to contribute $15k and sign a new contract. A long-term contract. We wanted to find out what we get for our $15k. I and CM Gibson liked the idea of having a set time frame with a set amount but not changing or redoing our existing contract that was signed in 1977. I think it keeps us in the driver's seat. This would be for a maximum of three years unless you vote to change that, but we're proposing three years at $10k and we would insist on them providing, especially if they ever want to renew this document, what they're doing, what they're maintaining and what is our money going to now. I realize they have an entire canal to maintain and not just in Pleasant View. We have talked about will this $10k be used just in Pleasant View? Where will it be used? Will $10k be used each year? They said they might put in $50k this year and they might save up for three years until they get $30k and do a $30k project. I don't know that we necessarily care as long as we see something for our money. So they're going to come again in three years and ask for an extension and to keep going but we didn't want to enter into a long-term contract that would obligate the city and basically void our current contract so that's kind of where we're at.

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CM Gibson: Thank you for that comment mayor. I just want to say this is part of our infrastructure. We spend $50k a year to camera and clean out our sewer system. Over three years all the sewer system at $150k and kept up to good shape. So I think this $10k can be paid and kind of put to bed for three years and just let them do it and not have this year after year struggle. It just makes sense. We are utilizing it and dumping water in. This year they're going to benefit from it because we're out of water. From '77 we have not given them very much money and so I just think it's a good compromise. It's something that they can agree on and I say we just go forward.

CM Urry: I like the comments that Mayor Call added with them providing documentation and just a little bit of accountability so that we have something to answer to. I would like to know, do our guys still have to perform maintenance with this if we're giving them the money? Is the maintenance on them, because in the 1977 agreement which states that we have to perform maintenance on certain outlets and so does that stay the same?

Amy Maybe: The '77 agreement is a little bit vague so it doesn't necessarily require us to do maintenance. Tyson and his crew have been very generous in doing maintenance. so I think that's something that's absolutely up to the city.

Mayor Call: It depends on the emergency, and if we need to jump on it.

CM Gibson: It is part of our storm water, I mean if we have stuff backed up or sediment and we have a flooding situation our guys are going to be on it. The canal company's going to be on it too, but we're the first line. You know and I know that several hundred-year storms have come every couple years now and you know it's all hands-on deck. I think that's a good relationship that we have and I don't want to rock that boat. That's another reason you know, Tyson is a huge part of this and I think he feels good about what we've talked about.

Mayor Call: Tyson was involved, and you know we want to make sure that any work we do, we document it, and they acknowledge that we are doing work. I think from here on out the intent, we really did have a good discussion with the canal company, is for both of us to do a little bit better job at documenting.

Amy Maybe: They admitted that there's been maintenance that has been deferred because they maybe didn't manage things quite as well as they should have. So the intent right now is they really want to kind of get on this and I think part of it is being a drier year. They did explain that the projects fluctuate. They can't just do it like a five-year plan and say okay we're going to do x and x because they don't know how much water flow is going to happen so the types of projects they complete for maintenance depended on basically the water flow.

CM Marriott: They did a huge project right along the golf course because the muskrats have made swiss cheese. They could shut the canal off and do that and then have it dry out and make that so there's not a flooding issue. I know that's the canal company's thing. Does anyone else have a comment, or I'll make a motion?

CM Arrington: I just want to make a quick comment. I think it's a fiscally responsible thing to do. I think it benefits both us and them. I'd like the motion to have something in there where we do have some accountability to them and they have some accountability to us. Let's make that formal if we can.

CM Gibson: As the mayor said, they need to save money too. They have user fees and they have these things, so I don't know if I necessarily need to have an

accountability of where this $10k was spent. I just think that we need to make that accountability so it's being done, so that we don't have problems down the road.

CM Urry: To show us how the projects are going?

CM Gibson: To show us what projects are being done and maybe just a little report on what they've done, because we can see that.

CM Urry: Something to show the residents, a written report or something like that, would you be comfortable with that?

CM Gibson: I think we need to be a good steward. They need to be good stewards of the money that the taxpayers are spending. Again, I don't know if I really want to have an accountability of it other than we just don't want the money just to be used somewhere else.

CM Bailey: Can that accountability be written right into the funding agreement? I mean it doesn't need to necessarily be a formal report but just a mention of some accountability.

CM Marriott: I would think they would want to do something like I mentioned because they're going to come back in three years and we're going to say what have you done?

CM Gibson: There's going to have to be something that they're going to have to show.

Amy Maybe: We can absolutely request that, I don't think that that's an issue.

CM Gibson: I think we can request that and I think they would gladly do that in addition. You know this really is us really completing our requirement to have our infrastructure, and us have access to that canal for the next three years unencumbered really. We are going to need some stuff down the road with Skyline and we're going to have to utilize that, so having a good positive relationship with the company is much better than having this fight that we've had year after year. I want to make the motion that we approve the $10k funding for the three-year period with the North Ogden Irrigation Canal Company, and I would like them to be good stewards of that money. I just don't know how to put on conditions, but I don't want to put a condition on necessarily. We could have Mike Humphreys come and do a presentation or something at the beginning of the year.

CM Arrington: I think you're right. I think they'll want to do something, they'll want to come to us.

CM Gibson: They want to be good partners with the city. I'll do that with maybe a little report on the canal's condition.

Amy Maybe: I think we can request that annual report.

CM Gibson: But I don't want to put a stipulation on where the money spent or an accountability necessarily of the money, just what they're doing and kind of just generally that condition. I think Tyson has been a very a good part of that already, I think he knows exactly what's going on and he knows where our water is going out into the city and brought into the canal from the city.

CM Urry: I like what the mayor just said, kind of the condition of how the canal's going, some of the projects they've worked on, because that's worked in the accountability rather than, you've got to show us what you've got and what you've spent the money on. I like that.

CM Gibson: Okay, I'll stand by my motion.

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Motion was made by CM Gibson to extend the funding agreement with North Ogden Canal Company for three more years. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**15. Closed Meeting.**

Motion was made by CM Marriott to go into a closed meeting to discuss pending litigation. 2nd by CM Bailey. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Minutes of the closed meeting are protected records and are filed separately.

Motion was made by CM Bailey to end the closed meeting. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**16. Discussion and possible action from the closed meeting.** None were given.

**Adjournment: 10:15 P.M.**

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# MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF PLEASANT VIEW CITY, UTAH

**August 10, 2021**

**The public meeting was held at City Hall, 520 W Elberta Drive, Pleasant View, Utah, commencing at 6:00 P.M.**

**MAYOR:**
Leonard Call

**COUNCILMEMBERS:**
Ann Arrington
Kevin Bailey
Steve Gibson
David Marriott
Sara Urry

**STAFF:**
Amy Mabey
Laurie Hellstrom
Tyson Jackson
Jill Hunt
Debbie Minert
Stetson Talbot
Ryon Hadley

**VISITORS:**

| | |
|---|---|
| Hayward & Wf Wride | Jeanne Anderson |
| Bob Jolley | Phillip Nelson |
| George Gover | Vernon Mortensen |
| Roger Hartley | Dan Crandell |
| Pamela Raitt | Wallace Raitt |
| Barbara Oman | Derek Draper |
| Judy Sherman | Catharine Graham |
| Dave Scott | Simon Post |
| John Hendrickson | Toby Mileski |
| John McCrary | Stephanie Bezyack |
| Kevin Bezyack | Linda R____ |
| James Bench | Jennifer Bench |
| Stan Bernm | Tony Pitman |
| Spencer Bench | Phil Neilson |

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**Pledge of Allegiance**: Kevin Bailey
**Opening Prayer, Reading or Expression of Thought**: Kevin Bailey
**Declaration of Conflicts of Interest:**

None were given.

**Business:**

**1. Public Hearing – Discussion and possible action to consider increasing the property tax revenue and tax rate and adopt the final budget with the new tax revenue, Resolution 2021-G.**

Motion was made by CM Bailey to go into a public hearing to consider increasing the property tax revenue and tax rate and adopt the final budget with the new tax revenue. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Mayor Call: please pay attention to the discussion. Sometimes we concentrate on what we are going to say instead of listening to what is being said and maybe you can learn something. There has been a lot of misunderstanding with the 16% increase advertised. If you are paying $3k in property taxes only 9% of that is Pleasant View's share. There was a comment that during a closed meeting the city discussed the budget. That discussion was not part of the closed meeting. That happened after the closed meeting. Amy Mabey gave a presentation on property tax (attached to minutes). There have been no determinations made here for consideration. We capture new growth but we get the same amount of money amount each year but the rate changes. Just so you know your market values can be disputed with Weber County. Every community is different and they are not apples to apples. The tax law doesn't care about inflation. We get the same amount. If we don't adjust the rate it reduces our buying power. Options were listed and reviewed with scenarios. A 5% increase would be about a 2% overgrowth. Mayor Call: it is hard to compare cities. Some have fire districts. CM Arrington: can you clarify how the tentative budget works? Amy Mabey: if the city wants to consider an increase we have to do it in advanced and a tentative budget is approved but there will be a finalized budget. Mayor Call: this tax system has been around for a long time. Most cities have reached out to the legislators to help us tackle inflation. There are a lot of moving parts. It also costs more to buy things. Are there any comments from the public?

David Scott: I am against the tax rate. 3% is plenty. I am on a fixed income. I can't ask social security for additional money. I ask you to adjust your budget.

Derek Draper: the mayor's article in the newsletter had a good explanation. I posted the article that you brought up on the budget happening in a closed meeting. How many budget workshops have you posted online? Your newsletter would have clarified a lot of things for me if I had seen it initially. I first saw this in the newspaper. How did you quote in the newspaper? That we haven't heard anything from the public and don't even know if we will. It sounds like you are trying to coverup something for some reason. Because I don't understand how you can have your statement in the article you said you read without knowing about it. in 8/11/2020 TNT it says we have to advertise for a tax increase and no issues because you explain yourselves. Then it didn't happen this year. Why all effort into last year and zero effort this year? Derek asked about impact fees. Mayor Call: this is a hearing for property tax increase. By law that is the only thing that can be on the agenda. Derek Draper: does that cover wages for employees because you have been talking about hiring. When was the last time the city did a compensation study for all the employees? I know police compensated well but what about your staff? Mayor Call: I will address timing. I received a call from the Standard Examiner the night before the article was published and my quote to him is he wanted

to know if we had opposition and no opposition because no one knows about it yet and it has not been made public yet. The first time the public heard about it was the next day and he didn't tell me what the article was about he didn't tell me. In general it was a good article but some taken out of context. You held up a TNT notice from last year. That same notice was published this year and required by law. You saw it las year and the County published it first.

Phil Nelson: Amy Mabey gave a great presentation. These meeting are meant to be uncomfortable by design. You guys doing a good job on this. The only issue is a stated freeze on the tax rate 2018 but it should be floating. By locking see unprecedent increases and continue to see the base line increase. The city needs to bring in revenue and there is inflation. The goal was new growth should keep up with inflation. It is not sustainable if we keep this pace. I encourage a way to sustain such as sales tax and other opportunities. I encourage you not to lock the rate. Mayor Call: that is a problem. I addressed that first the mechanism doesn't work that the state passed that new growth would take care of it but new growth brings new problems, new police officers, a new mind set in the country that bleeds into the community. There are carloads coming in in the middle of night to feed habits and it is a new norm problem. That is not calculated in new growth. We have asked the legislature to help us capture inflation. These meetings are uncomfortable. CM Bailey: our police force is important. And a single officer is not cutting it anymore. We need two police officers. That is a big issue and it is for the officer's safety. Mayor Call: I don't want to dump all this on the police officers. It is a necessity.

Toby Mileski: I don't like tax increases but some is needed. Maybe consider higher density and keep it low.

Hayward Wride: I appreciate the graphics. 17% seems like a lot. An experience 50 years ago as a junior staff member the question that should be asked is how many have you ever had to meet a payroll? That question makes a big difference. If you had to pay personally would you do it? 17% is out of line. Stop it now and reconsider wants and necessities. Many things could be adjusted.

James Bench: thanks mayor and city council. I appreciate the police officers. I plan on retiring here. In 18 years our property tax has gone up 40%. I read your letter and the clarification and that made a big difference. Consider our future livelihood.

Tony Pitman: I thank you for your service. Look at budget and if not to increase the police force would you do it. Think outside the box.

Katherine Graham: I have been here 31 years. Can I get a clarification on the 17% more revenue? Mayor Call: we get about $890k in property tax revenue and it would increase the revenue by 17%. Katherine Graham: Property value based on last year. Will it set precent for years to come? Mayor Call: no. next year the county sets the rate so we get the same and the rate is lowered. Katherine Graham: Weber County auto lowers tax rate. Mayor Call: yes. Katherine Graham: I am opposed to an increase. We all have to tighten belts and city also should tighten belt. You get increase just because the values are goes up. Mayor Call: no. we don't get more revenue but tax rated is lowered. That is why we wanted to keep the tax rate the same to capture that revenue. Unfortunately the home values went up a lot which skewed the whole thing. CM Gibson: component of new growth raise. It was the perfect storm because the values have gone up. We anticipate 5% inflation and help us. people want new gyms, pickleball and no knowledge what goes on and where to pay for it. the roads are

horrible but where get the money. Do we tighten on snow plowing? Katherine Graham: we are all frustrated. Inflation is hitting us everywhere. There are not breaks for seniors in the city on taxes. CM Urry: even basic services have gone up. Filling the gas tank. There is no difference all the costs are going up. All asked for a copy of the budget and what willing to do without. No new employees in the office and no increase. Everyone is tightening here too but I want services. Katherine Graham: seem like more money than anticipated. CM Urry: yes. Katherine Graham: get control of that. Mayor Call: lets look at the options again. CM Gibson: no one wants it. do we do nothing? There is an artificial bubble here.

John Hendrickson: I have enjoyed the discussion. I understand the dilemma. Growth helps but you need the right type. You can't force a business to come in. Resident cost does not cover services. The question is how much in reserve. Laurie Hellstrom: we can carryover 25%. At $857K that is a 19% carryover. John Hendrickson: use some surplus if that feels comfortable for vehicles. Mayor Call: we did look at it. We want to set a goal of 15% to 18% carryover. $857k is not a lot of money. It's all our problem. Our city is growing and having problems. We are all in this together. John Hendrickson: another officer may be a good reason what is the ratio? Mayor Call: 1 officers per 1,000 population. John Hendrickson: what is the crime rate? 1 officer per 1,000 is not excessive.

George Gover: I am here to protest. I realize we need more police. The biggest problem is we have a major high school with no income. That increases the population by that and stretches our police service and no commercial and no income. What is the tax structure? Undeveloped property is not producing what we need to sustain growth. Mayor Call: the county assessor assesses properties per state law. CM Gibson: we have a lot of industrial business and opening up on Rulon White on 2700 N and Parkland. People don't see it. We are activity developing that. We would love to bring in businesses. CM Urry working on zoning and we are working on it. We want and do have some. CM Marriott: the best thing we can do is to spend money in Pleasant View. CM Urry: a note with the tax structure for sales tax. Shop in Pleasant View first and then stay in Weber County to buy. We are helping property owner with commercial. The mayor is working hard. Mayor Call: we are working to be ready. The biggest stumbling block is getting access from UDOT.

Motion was made by CM Marriott to end the public hearing. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

CM Gibson: 5% is an ideal cushion. Amy Mabey: a 5% equals $5 annually to residential properties and $9.29 annually to commercial properties. CM Gibson: that is ½ of the cost of an officer. CM Marriott: 5% is reasonable and still do our job and may do some belt tightening. CM Arrington: I agree. We should not fall to far behind. It is hard to play major catchup. 5% is tightening but still cover some inflation costs. Mayor Call: I don't want to go 5 or 6 years and the raise taxes 35%.

Motion was made by CM Bailey to increase the property tax by the 4.97% which is a tax rate of .000941 with a revenue of $875,638 and Resolution 2021-G. 2nd by CM Urry. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Amy Mabey: I will post this to the website. Mayor Call: you can see all the information on Weber County's website.

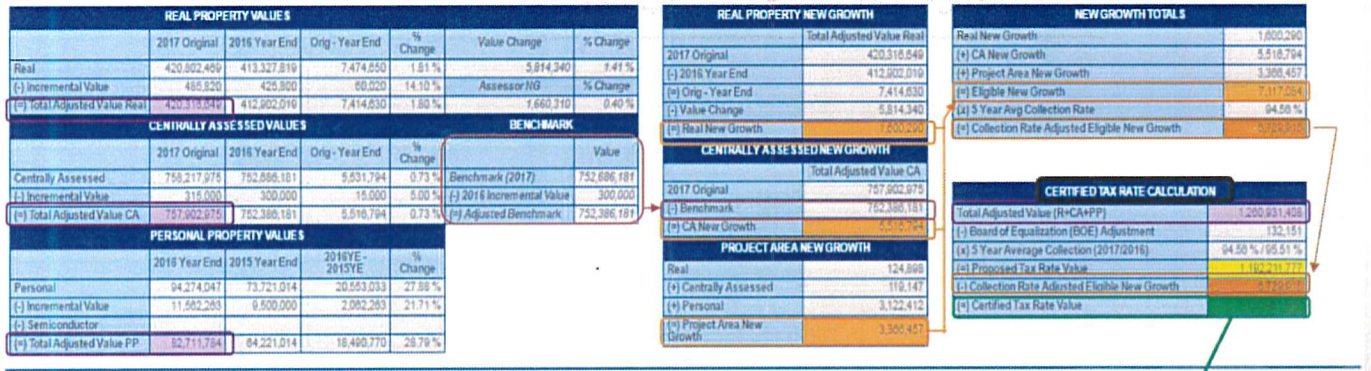
**Adjournment: 7:35 P.M.**

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# Fiscal Year 2021-22

## Property Tax Rate Considerations

# Certified Tax Rate Calculation



**REAL PROPERTY VALUES**

| | 2017 Original | 2016 Year End | Orig - Year End | % Change | Value Change | % Change |
|---|---|---|---|---|---|---|
| Real | 420,802,469 | 413,327,819 | 7,474,650 | 1.81 % | 5,814,340 | 1.41 % |
| (-) Incremental Value | 485,820 | 425,800 | 60,020 | 14.10 % | Assessor NG | % Change |
| (=) Total Adjusted Value Real | 420,316,649 | 412,902,019 | 7,414,630 | 1.80 % | 1,660,310 | 0.40 % |

**CENTRALLY ASSESSED VALUES**

| | 2017 Original | 2016 Year End | Orig - Year End | % Change |
|---|---|---|---|---|
| Centrally Assessed | 758,217,975 | 752,886,181 | 5,331,794 | 0.73 % |
| (-) Incremental Value | 315,000 | 300,000 | 15,000 | 5.00 % |
| (=) Total Adjusted Value CA | 757,902,975 | 752,386,181 | 5,516,794 | 0.73 % |

**BENCHMARK**

| | Value |
|---|---|
| Benchmark (2017) | 752,686,181 |
| (-) 2016 Incremental Value | 300,000 |
| (=) Adjusted Benchmark | 752,386,181 |

**PERSONAL PROPERTY VALUES**

| | 2016 Year End | 2015 Year End | 2016YE - 2015YE | % Change |
|---|---|---|---|---|
| Personal | 94,274,047 | 73,721,014 | 20,553,033 | 27.88 % |
| (-) Incremental Value | 11,562,263 | 9,500,000 | 2,062,263 | 21.71 % |
| (-) Semiconductor | | | | |
| (=) Total Adjusted Value PP | 82,711,784 | 64,221,014 | 18,490,770 | 28.79 % |

**REAL PROPERTY NEW GROWTH**

| | Total Adjusted Value Real |
|---|---|
| 2017 Original | 420,316,649 |
| (-) 2016 Year End | 412,902,019 |
| (=) Orig - Year End | 7,414,630 |
| (-) Value Change | 5,814,340 |
| (=) Real New Growth | 1,600,290 |

**CENTRALLY ASSESSED NEW GROWTH**

| | Total Adjusted Value CA |
|---|---|
| 2017 Original | 757,902,975 |
| (-) Benchmark | 752,386,181 |
| (=) CA New Growth | 5,516,794 |

**PROJECT AREA NEW GROWTH**

| | |
|---|---|
| Real | 124,899 |
| (+) Centrally Assessed | 119,147 |
| (+) Personal | 3,122,412 |
| (=) Project Area New Growth | 3,366,457 |

**NEW GROWTH TOTALS**

| | |
|---|---|
| Real New Growth | 1,600,290 |
| (+) CA New Growth | 5,516,794 |
| (+) Project Area New Growth | 3,366,457 |
| (=) Eligible New Growth | 7,117,084 |
| (x) 5 Year Avg Collection Rate | 94.56 % |
| (=) Collection Rate Adjusted Eligible New Growth | 6,729,818 |

**CERTIFIED TAX RATE CALCULATION**

| | |
|---|---|
| Total Adjusted Value (R+CA+PP) | 1,250,931,408 |
| (-) Board of Equalization (BOE) Adjustment | 132,151 |
| (x) 5 Year Average Collection (2017/2016) | 94.56 % / 95.51 % |
| (=) Proposed Tax Rate Value | 1,182,231,777 |
| (-) Collection Rate Adjusted Eligible New Growth | 6,729,818 |
| (=) Certified Tax Rate Value | |

| Budget Code | Budget Name | 2016 Year End Adjusted Budgeted Revenue | Calc. Certified Tax Rate | 2016 Year End Proposed Tax Rate | % Change | Certified Tax Rate Revenue WO New Growth | New Growth Revenue | Certified Tax Rate Revenue W/ New Growth | Auditor's Certified Tax Rate | Auditor's Certified Rate Revenue | Proposed Tax Rate | Calculated Budgeted Revenue | Final Tax Rate | Final Budgeted Revenue |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 10 | General Operations | $ 1,352,331 | | 0.001145 | -0.35 % | | $ 7,677 | $ 1,360,314 | | | | | | |
| 30 | Library | $ 98,029 | | 0.000083 | 0.00 % | | $ 555 | $ 98,954 | | | | | | |
| 540 | Health | $ 80,235 | | 0.000051 | 0.00 % | | $ 543 | $ 80,803 | | | | | | |
| 950 | Multicounty Assessing & Collecting | $ 12,987 | | 0.000011 | | | | | | | | | | |
| 955 | County Assessing & Collecting | $ 496,052 | | 0.000420 | -0.48 % | | $ 2,813 | $ 498,345 | | | | | | |
| | | $ 2,019,635 | 0.001693 | 0.001710 | -0.21 % | $ 2,007,021 | $ 11,394 | $ 2,018,415 | | | | | | |

**Revenue ÷ Value = Rate**

**$1,352,331 ÷ 1,185,481,862 = .001141 (rounded)**

Screen information can be found at www.taxrates.utah.gov

# Property Taxes

## Primary Property *(includes Residential)*

Full-time residential dwelling. Taxed at 55% of Market Value

## Non-Primary Property *(includes Commercial)*

Taxed at 100% of Market Value

# Property Tax History



| YEAR | TAX RATE | TAX LEVY + growth | | |
|---|---|---|---|---|
| 2008 | 0.001938 | $775,570 | | |
| 2009 | 0.001217 | $536,424 | ← | *(separated from fire department)* |
| 2010 | 0.001337 | $542,456 | | |
| 2011 | 0.001327 | $554,539 | | |
| 2012 | 0.001387 | $588,861 | | |
| 2013 | 0.001346 | $580,976 | | |
| 2014 | 0.001293 | $585,105 | | |
| 2015 | 0.001247 | $611,922 | | |
| 2016 | 0.001188 | $634,888 | | |
| 2017 | 0.001243 | $726,781 | ← | *(property tax increase)* |
| 2018 | 0.001130 | $771,978 | | |
| 2019 | 0.001076 | $753,873 | | |
| 2020 | 0.001076 | $855,000 | ← | *(estimate: Tax Levy + growth. Property tax increase)* |
| 2021 | 0.001076 | $1,001,261 | ← | *(Tax Levy only - if maintain tax rate. Otherwise $857K w/ certified rate)* |

# Property Tax Comparison's with surrounding Cities

Weber County Cities
2019 Certified Tax Rates:

| | |
|---|---|
| Plain City | .000361 |
| Hooper City | .000427 |
| Farr West City | .000517 |
| Uintah City | .000736 |
| Harrisville City | .000875 |
| Riverdale City | .000972 |
| Pleasant View City | .001076 |
| North Ogden City | .001082 |
| Huntsville Town | .001274 |
| Roy | .002123 |
| South Ogden City | .002700 |
| Washington Terrace | .002863 |
| Ogden City | .002876 |

Weber County Cities
2020 Certified Tax Rates:

| | |
|---|---|
| Plain City | .000336 |
| Hooper City | .000401 |
| Farr West City | .000478 |
| Uintah City | .000677 |
| Harrisville City | .000802 |
| Riverdale City | .000921 |
| Pleasant View City | .001076 |
| Huntsville Town | .001161 |
| North Ogden City | .001180 |
| Washington Terrace | .001820 |
| Roy | .001959 |
| Ogden City | .002651 |
| South Ogden City | .002700 |

# UTAH STATE TAX COMMISSION

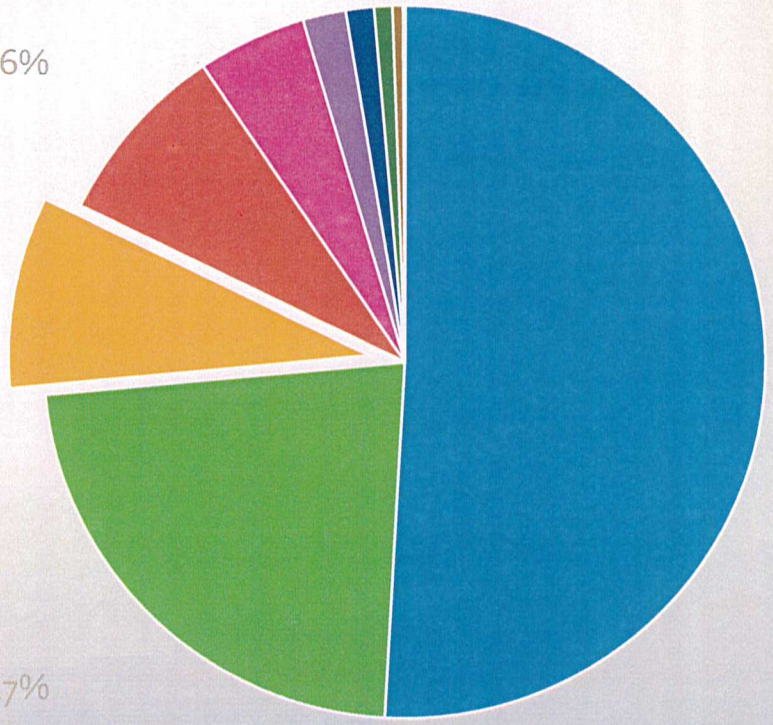
PROPERTY TAX DIVISION

## 2020 Tax Rates by Tax Area

WEBER COUNTY

| | | Auditor'sCertified Rate | Proposed Rate | Final Adopted Tax Rate |
|---|---|---|---|---|
| **Tax Area 011 - 0000** | | | | |
| 1010 | WEBER | 0.002643 | 0.002616 | 0.002616 |
| 1015 | MULTICOUNTY ASSESSING & COLLECTING LEVY | 0.000012 | 0.000012 | 0.000012 |
| 1020 | COUNTY ASSESSING & COLLECTING LEVY | 0.000240 | 0.000240 | 0.000240 |
| 2020 | WEBER COUNTY SCHOOL DISTRICT | 0.005868 | 0.005868 | 0.005868 |
| 3070 | PLEASANT VIEW CITY | 0.001001 | 0.001076 | 0.001076 |
| 4005 | WEBER BASIN WATER CONSERVANCY DISTRICT | 0.000146 | 0.000146 | 0.000146 |
| 4010 | CENTRAL WEBER SEWER IMPROVEMENT DISTRICT | 0.000564 | 0.000564 | 0.000564 |
| 4020 | BEN LOMOND CEMETERY MAINTENANCE DISTRICT | 0.000054 | 0.000054 | 0.000054 |
| 4080 | WEBER COUNTY MOSQUITO ABATEMENT DISTRICT | 0.000094 | 0.000094 | 0.000094 |
| 4320 | WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES D | 0.000222 | 0.000241 | 0.000241 |
| 4330 | NORTH VIEW FIRE DISTRICT | 0.000961 | 0.001037 | 0.001037 |
| **Total for Tax Area 011 - 0000** | | **0.011805** | **0.011948** | **0.011948** |

# Property Taxes - Breakdown



# Pleasant View City - Property Taxes

- Certified Tax Rate adjusts based on property values for city to capture same general revenue as the prior year, accounting for some new growth, unless adjusted
- During the budget process, the City determined to look possibly maintaining the rate – unaware that this would create an increase of about 16% in revenues
- Not adjusting the Certified Tax Rate can decrease buying power and incrementally allow the city to do less with the same dollar amount of property taxes



1998



2008



2018

#cheerioSpringdeCarmen

# Pleasant View City - Property Taxes

- After learning of what maintaining the rate means to revenue, two additional rate options are being considered
- The process for rate consideration remains open to the public for input and involvement

# Property Tax Rate Considerations

| | Certified Tax Rate | City Revenue | Increase in Revenues |
|---|---|---|---|
| ***FY2021 Total Taxable Value: $773,380,078*** | | | |
| **FY2021 Adopted:** Property Tax Rate and Revenue | 0.001076 | $832,157 | N/A |
| ***FY2022 Total Taxable Value: $930,540,356*** | | | |
| **Option 1:** No Inflationary Adjustment, Captures Only New Growth | 0.000922 | $857,958 | 3.01% |
| **Option 2:** Maintain Certified Tax Rate - 17% Increase | 0.001076 | $1,001,261 | 16.89% |
| **Option 3:** Modified Rate - 10% Increase | 0.000994 | $924,957 | 10.03% |
| **Option 4:** Modified Rate - 5% Increase | 0.000941 | $875,638 | 4.97% |

# Option One

*No Inflationary Adjustment, Captures New Growth Only*

**Residential Valued at $489,000** – No City Approved Increase

**Commercial Valued at $489,000** – No City Approved Increase

* Assessed rates may modify the amount of tax received from individual residents and commercial entities from year-to-year

# Option Two

*Maintain Certified Tax Rate –* **+ 17% or $169,104**

**Residential Valued at $489,000 – $289.39 (+$41.42)**

**Commercial Valued at $489,000 – $526.16 (+$75.30)**

* Assessed rates may modify the amount of tax received from individual residents and commercial entities from year-to-year

# Option Three

*Modified Certified Tax Rate –* **+ 10% or $92,800**

**Residential Valued at $489,000 – $289.39 (+$19.37)**

**Commercial Valued at $489,000 – $526.16 (+$35.21)**

* Assessed rates may modify the amount of tax received from individual residents and commercial entities from year-to-year

# Option Four

*Modified Certified Tax Rate –* **+ 5% or $43,481**

**Residential Valued at $489,000 – $289.39 (+$5.11)**

**Commercial Valued at $489,000 – $526.16 (+$9.29)**

* Assessed rates may modify the amount of tax received from individual residents and commercial entities from year-to-year

# Use of Modified Rate Funds

- Fiscal Longevity - Capture inflationary adjustment
- Newly added Police Officer and Administrative Staff Positions
  - *City Staff = Quality and Level of City Services*
  - *Enhance Public Safety*
- Outstanding capital and equipment needs
  - *Facilities improvements, increased efficiencies, aging fleet, deferred maintenance*
- General improvements and city growth
- Maintain rainy day funds

# Questions



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF PLEASANT VIEW CITY, UTAH**

**August 24, 2021**

**The public meeting was held at City Hall, 520 W Elberta Drive, Pleasant View, Utah, commencing at 6:00 P.M.**

**MAYOR:**
Leonard Call (absent)
**COUNCILMEMBERS:**
Ann Arrington
Kevin Bailey *(Mayor Pro-tem)*
Steve Gibson
David Marriott
Sara Urry
**STAFF:**
Amy Mabey
Laurie Hellstrom
Jill Hunt
Ryon Hadley
Stetson Talbot
James Kortright
**VISITORS:**

| | |
|---|---|
| Dana Shuler | Chris Bailey |
| Derek Draper | David Park |
| Chad Winward | Dave Laloli |

**Pledge of Allegiance**: Sara Urry
**Opening Prayer, Reading or Expression of Thought**: Sara Urry
**Declaration of Conflicts of Interest:**
CM Bailey: I have an item on the agenda.
**Comments/Questions for the Mayor & Council for items not on the agenda:**
Mayor Pro-tem Bailey: the Mayor is excused from this meeting. He had back surgery.

Derek Draper: the minutes are not updated on the website. Laurie Hellstrom: they have not been typed yet. Derek Draper: there are only impact fees for water, sewer, garbage and why not have impact fees for everything that has an impact like police, computers, training, the website, etc. That would be money into the city. I am a term limit guy to keep corruption out. CM Gibson has done two terms. The road closure was worked out and the Mayor called. CM Urry: impact fees are regulated by the state on what is allowed to charge for impact fees.
**Consent Items:**
Motion was made by CM Gibson to approve the consent items (minutes of July 13, 2021 and July 27, 2021 (2 sets) and the bills of Pleasant View City). 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**Business:**

**1. Discussion and possible action to grant an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and to conducted activities outside the primary structure on the premise for a preschool at 1091 W 3050 N. Requester: Megan Cluff.** ***(Presenter: Laurie Hellstrom)***

Laurie Hellstrom presented the information from the staff memo for both items #1 & #2. CM Gibson: make sure the kids have a gated area. Megan Cluff: yes. The backyard. Also I am asking for help with 8 kids in a classroom. There are 3 classes M/T/TH and W/F mornings with different drop off times. I have talked to my neighbors. CM Urry: you are asking for two exemptions. CM Gibson: when are the impacts to the neighbors? Megan Cluff: just operating between September and May.

Motion was made by CM Marriott to grant an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and to conducted activities outside the primary structure on the premise for a preschool at 1091 W 3050 N. 2nd by CM Gibson. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**2. Discussion and possible action to grant an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and to conducted activities outside the primary structure on the premise for a RV & Misc. Repairs at 3061 N 1000 W. Requester: Kevin Bailey.** ***(Presenter: Laurie Hellstrom)***

CM Bailey: the same conditions. I have signed affidavits from the neighbors. CM Urry: from the street I don't see it. CM Bailey: we fix RV roofs. There are other businesses on the street. CM Arrington: what is the number of RV's and where are they located? CM Bailey: in the shop or outside if they are too big. My son comes to help with the things I can't do. CM Urry: are the RVs on impervious surface? CM Bailey: yes. I work on one at a time. CM Gibson: is there any noise associated with it? CM Bailey: I have a wood shop inside the shop. No. I will run a drill or a leaf blower when needed. CM Gibson: can you pull them in okay? CM Bailey: yes. There is a pasture in the back. I also have RV trailers that belong to me and friends and family on the lot.

Motion was made by CM Marriott to grant an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and to conducted activities outside the primary structure on the premise for a RV & Misc. Repairs at 3061 N 1000 W. 2nd by CM Arrington. Voting aye: CM Arrington, CM Gibson, CM Marriott and CM Urry. Abstained vote: CM Bailey. 4-1

**3. Public Hearing. Discussion and possible action to consider amending the Mixed-Use Zone Ordinance in Title 20, Ordinance 2021-8.** ***(Presenter: Jill Hunt)***

Jill Hunt: this is the MU Zone (Mixed Use) in the Title 20. There where changes to the definitions and a clarification on the residential portion in the MU West Zone. MU East added both on 2700 N and 2550 N frontages. The MU Central is the same as the MU West but shrunk the area. The MU West the area was shrunk but a corner was added. CM Arrington: 25% of the footprint for residential? Jill Hunt: you can only go so high with residential. You have to look at the whole project to make sure we get commercial. For residential, the site work has to be completely done for the commercial

pads. You need the key component first to get residential. CM Gibson: we have been promised commercial in the past and never get commercial.

Motion was made by CM Gibson to go into a public hearing to consider amending the Mixed-Use Zone Ordinance in Title 20. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: there is an option for shared parking. CM Arrington: not have enough parking is a problem. Is that enough parking? I would like to up that. Jill Hunt: too little or to much parking is a problem. We are looking for a happy medium. CM Urry: they would need to do a study for adequate parking. Dana Shuler: parking study only when there is shared parking. CM Urry: Dana consulted with others on parking. They need to prove but only when it involves residential. CM Arrington: any household needs at least two parking spaces. CM Gibson: no place to park is a nightmare. Jill Hunt: we need a good average. But parking doesn't give them money. CM Gibson: we should learn from other's mistakes. Amy Mabey: it depends on the type of commercial. Big Box or franchise have requirements and they don't want to use all the land for parking. CM Gibson: I would like some flexibility but how do you write that into the ordinance? Mayor Pro-tem Bailey: we will see it upfront and adjust as it happens. CM Urry: we don't want to write flexibility into the language. CM Gibson: why is Parkland in that area? I don't want that there. Jill Hunt: there are no zones currently zoned MUW but it is up to the council to rezone. CM Gibson: why are we not adding that area that is currently zoned A-2? Mayor Pro-tem Bailey: that was left out on purpose. CM Arrington: we need to spell out 'office warehouse'. What about the uses 'bottling works – non alcohol'? Jill Hunt: it is an older code and it needs to be updated. The state regulates alcohol production. CM Arrington: why can't contractor/construction equipment be within 100' of Hwy 89? CM Urry: that was already in the code. Amy Mabey: probably for aesthetics. Mayor Pro-tem Bailey: any questions from the public? Derek Draper: in the MUE, why make mixed commercial in a prime area? Jill Hunt: MUW is the only one that allow a mix with residential. The MUE allows for mixed commercial uses. CM Urry: there was no language changes for the MUE and no housing element. Mayor Pro-tem Bailey: we see apartments in the MUE and that is the purpose for this with teeth.

Motion was made by CM Gibson to go out of the public hearing. 2nd by CM Marriott. Discussion. Matt Laloli: I live in Plain City. Why is the mixed use on West and not on the East? Mayor Pro-tem Bailey: it already it exists there. CM Gibson: we don't want apartments in the city but change it a little.

Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

CM Gibson: I feel that this is not put together and I would like to go a couple of weeks to clear up some things. I am happy with the direction we are going.

Motion was made by CM Gibson to table action for two weeks and polish and finish this ordinance as discussed. 2nd by CM Bailey.

Mayor Pro-tem Bailey: can this be put off for two weeks? Amy Mabey: you need to feel comfortable and two week will not kill anything. This is not based on an applicant. I want to give a shoutout to CM Urry, Jill Hunt and Dana Shuler for their help on this. CM Gibson: I just feel that it is rushed.

Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**4. Public Hearing. Discussion and possible action to consider amending the A-5 Zone Ordinance, Ordinance 2021-9. *(Presenter: Jill Hunt)***

Motion was made by CM Arrington to go into a public hearing to consider amending the A-5 Zone Ordinance. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: the change is under the section 'lot coverage'. This is in a sensitive area and we need to be careful on how much is covered. Currently the limit is 10%. This change will give us options to give options. CM Marriott: how did some get over this amount of impervious surfaces? Jill Hunt: some we don't know how. Jill Hunt showed the site plan. As you see it is already over the 10%. CM Urry: switch something out. Jill Hunt: we would work with the resident and they would work with the city and they would take out something, in this case the tennis court, and decrease the amount of impervious surface and then be closer to being in compliance. CM Marriott: where did the 10% come from? Is this in the water shed area? Jill Hunt: we would work with them to reduce the amount of coverage and allow more water to go back into the ground. CM Marriott: all water goes back into the ground. CM Gibson: so, one residence with a 5-acre lot, I don't know about the 10%, but they are allowed up to ¼ acre of grass and some have more. I agree with CM Marriott. The whole area is a recharge area. That is why we should look at clusters. CM Urry: I like this idea. CM Gibson: I hate to take out the tennis court. Jill Hunt: there is a lot of asphalt with this. CM Gibson: avoid the asphalt. Jill Hunt: looking at pavers. Mayor Pro-tem Bailey: 10% is the number since it is in Pole Patch. Amy Mabey: as staff we can research the 10%. CM Gibson: as things affect the water shed, why 10%. Jill Hunt: this example they have 16%-18% without the tennis court. CM Urry: without the trade they are way over the 20%. CM Gibson: we need to protect the water. David Park: that is my lot. I have a 1927 pipe organ from Fox Theater that I want to move to my home and want a music room. It is 3,000 sq.ft.. In 2017 there was 12% to 13% coverage prior to the 2nd shop and not be aware of the ordinance it was granted. The city has been nothing but courteous and helpful with this project. I am stuck and can't build. The option is to take out the tennis court. Give up 5000 sq.ft. and add 3,000 sq.ft. and take the impervious surface amount down to 12%. Chad Winward: I support David Park to allow him to fulfill his dream and he will share with others. I thank all that have been involved and I hope you approve this tonight. Derek Draper: is it possible to address the 10% by adding a detention pond and put in drains? Dana Shuler: the property is in a water shed. There are regulations against that and diverting in certain soils. The 10% is also for soil erosion and wildlife. Mayor Pro-tem Bailey: any comments? No other comments made.

Motion was mad eb CM Gibson to end the closed meeting. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Motion was made by CM Gibson to approve Ordinance 2021-9 as recommended by staff and see where the 10% came from and address that in a future meeting. 2nd by CM Urry. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**5. Discussion and possible action to award the Pleasant View Drive Water Transfers and Storm Drain Spot Repair Project. *(Presenter: Dana Shuler)***

Dana Shuler: this is to clean-up the water system to 1100 W and Hwy 89. This went out to bid with three bidders. There is a transfer of 38 water services. We tried to

transfer 3 services to Bona Vista but those need to be worked on. We gave them some flexibility on the start time but there are liquidated damages if they go over. CM Gibson: it seems like a lot of money to hook into a pipe. Dana Shuler: there is a lot of clean up work and storm drain repairs also. CM Marriott: it seems like we are getting beat up on the price. Dana Shuler: all three are good contractors.

Motion was made by CM Bailey to approve the award of the Pleasant View Drive Water Transfers and Storm Drain Spot Repair Project to Leon Poulsen in the amount of $343,511. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**6. Discussion and possible action to consider approval of Amendment 1 to the Development Agreement for the Rulon White Business Park Subdivision.** ***(Presenter: Dana Shuler)***

Dana Shuler: this is the joint development agreement. Some changes were made to the city's project and we need to change the development agreement. The change was at the intersection is was going to be concrete and now it will be asphalt which saved $120k.

Motion was made by CM Arrington to approve the Amendment 1 to the Development Agreement for the Rulon White Business Park Subdivision. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**7. Discussion and possible action to consider approving a Long-Term Storm Water Management Agreement with Arnold Machinery.** ***(Presenter: Jill Hunt)***

Jill Hunt: the quality of the storm water will be with them. They are in charge of maintenance and it will be recorded on the lot. Dana Shuler: this is a low impact regulation. If the property owner fails to report to the city it gives the city authority to maintain and charge the property.

Motion was made by CM Urry to approve the Long-Term Storm Water Management Agreement with Arnold Machinery. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**8. Discussion and possible action to approve a lease purchase agreement for two Police Fleet Vehicles with Zions Bank Public Finance, Resolution 2021-H.** ***(Presenter: Ryon Hadley)***

Ryon Hadley: this is for two police vehicles. The lease is with Zions and there is a resolution. The vehicles are for the two new employees.

Motion was made by CM Gibson to approve the lease purchase agreement for two Police Fleet Vehicles with Zions Bank Public Finance, Resolution 2021-H. 2nd by CM Arrington. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

**9. Closed Meeting.**

No closed meeting.

**10. Discussion and possible action from the closed meetings.**

No closed meeting.

**Other Business:**

Ryon Hadley: we are staying busy. Our 12th officer started last week. Officer Smith. We promoted Officer Done to Sergeant.

Amy Mabey: we have our new phone system.

CM Bailey: our Jones and Associates did the engineering on the Veterans Monument at no charge and a visual rendering. Thank you Dana Shuler.

CM Arrington: we are continuing Fiber RFP interviews. We will be approaching the city council on where to put the pickleball courts.

CM Urry: I thank all that were involved in work on the MUW ordinance.

**Adjournment: 8:06 P.M.**

DRAFT

# City Council
# Staff Report

## Osage Court Final Subdivision
## September 14, 2021

BASIC INFORMATION

| | |
|---|---|
| **Applicant:** | John Hansen |
| **Owner:** | Pheasant Landing LLC *John Hansen* |
| **Acreage:** | 4.25 |
| **Lots:** | 8 lots |
| **Location:** | South East Corner of 1325 W & Hwy 89 |
| **Current Zoning District:** | **RE-15** |

RECOMMENDATION

Staff recommends **approval.**

**Findings:**

1) All requirements of the Fire Chief are met. ✓
2) All requirements as stated in Title 18 of the Planning View City Code are met. ✓
3) All other local and State requirements are met and maintained. ✓

ANALYSIS

**Compliant**

### 17.08 - FINAL SUBDIVISION APPLICATION AND APPROVAL

**17.08.020 Requirements for Final Subdivision Applications**: All Final Subdivision Applications shall provide the following information;

1. Application. A Final Subdivision Application, provided by the City, completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Final Subdivision Application shall be accompanied by the application fees, those items found on the check list provided with the application, and documents and items as found herein.

*Completed 09/09/2021*

2. Final Subdivision Plat. The applicant shall submit a final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Weber County Recorder for recordation together with plans as required herein. The final subdivision plat shall be prepared in permanent ink and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). A minimum of one (1) 11x17 size, five (5) 24x36 size paper copies, and a digital copy in a format acceptable to the City Engineer

shall be required. The final subdivision plans shall include any revisions or additions, as required by the City Council, as part of preliminary subdivision approval. The final subdivision plat shall show
the following:

*Completed*

3. Title Report. A Title Report, no older than 30 days, shall be provided.

*Abstract verified. Completed*

4. Tax Clearance. A tax clearance from the Weber County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.

*Completed*

5. Final design and construction drawings for all proposed or required public improvements, prepared as required by the City Engineer and designed as required by the City, including the profiles and cross sections of all existing and proposed streets, all storm drainage and flood control facilities, the elevations and location of fire hydrants, required culinary and secondary water facilities, sanitary sewer facilities, land drain facilities, storm water pollution prevention plans, and all other provided and required public facilities and improvements. A minimum of one (1) 11x17 size and five (5) 24x36 size paper copies, and a digital copy in a format acceptable to the City Engineer shall be required. One approved, two sets of mylar copies and a digital copy shall be supplied to the city engineer.

*Mylars with signatures*

6. Other agencies. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by other agencies including but not limited to the following:

*Complete - Permitting for access onto UDOT road. Received approval letter. Survey Letters*

7. Other Final Subdivision Application Information and Materials. The following information is required to be presented as part of the Final Subdivision Application:

*Escrow Agreement is present, and amount is posted*

**Public Comment**
*There have been no comments currently.*

*This item was noticed in the Standard Examiner and on the State Public Notice Website.*

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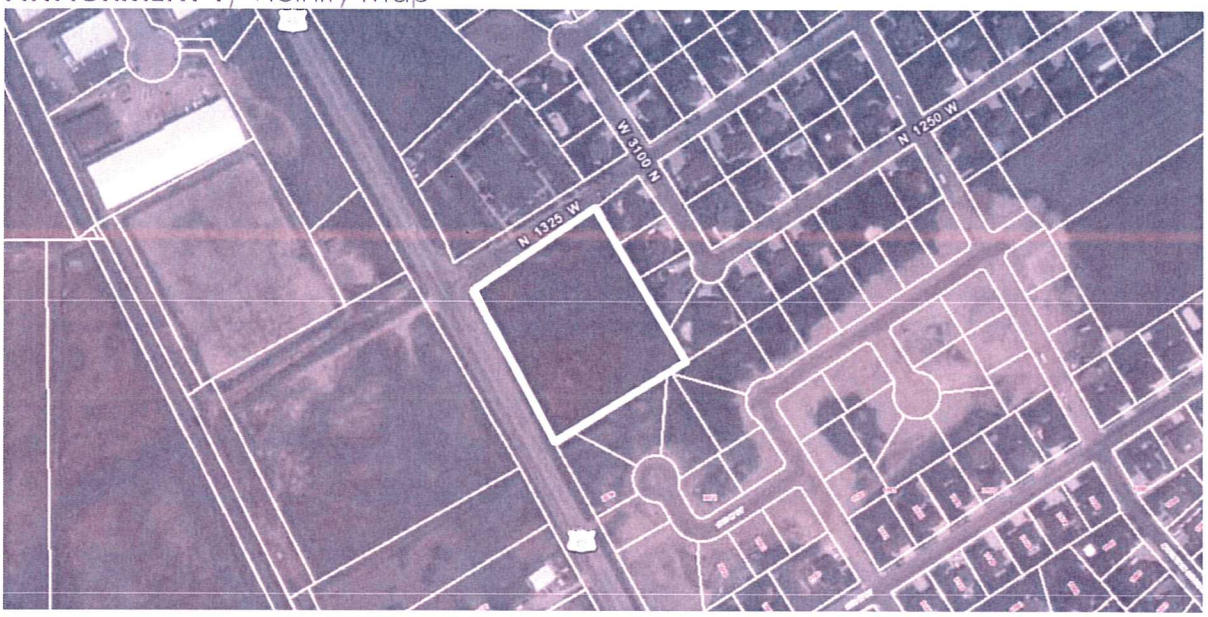
STAFF CONTACT

Jill Hunt
jhunt@pleasantviewcity.com
801-782-8529 Ext: 466

## ATTACHMENTS

1) Vicinity Map
2) Project Picture
3) Escrow Agreement

## **ATTACHMENT 1**) Vicinity Map



## **ATTACHMENT 2)** Project Picture




## **ATTACHMENT 3)** Escrow Agreement

When recorded, please return to:
Laurie Hellstrom, City Recorder
Pleasant View City
520 Elberta Dr.
Pleasant View, Utah 84414

# ESCROW AGREEMENT
## For Osage Court

This Escrow Agreement ("Agreement") is made this 3rd, day of September, 2021, by and between Pleasant View City, a municipal corporation of the State of Utah located in Weber County ("City"), and Pheasant Landing LLC, of Pleasant View, Utah ("Developer"), and Bank of Utah, of Ogden, Utah, ("Escrow Agent"). City, Developer, and Escrow Agent may be referred to individually as "Party" or collectively as "Parties."

### RECITALS

Whereas City has granted Developer approvals for the construction of improvements and recordation of a proposed subdivision of land in Pleasant View City, Weber County, Utah. The subdivision is to be known as Osage Court ("Project"). Exhibit "A" delineates the subdivision area and is attached as Exhibit A. Project contains Weber County Parcel number(s): 19-207-0001.

Whereas Developer now desires to enter into this escrow agreement as security for improvements required for a development project, in compliance with the ordinances and standards of the City, and with specific development approval requirements.

Now, therefore, the Parties hereto mutually agree as follows:

### AGREEMENT

1. **Appoint of Escrow Agent.** Bank of Utah is hereby appointed Escrow Agent, and as Escrow Agent shall hold, in a separate escrow account, the sum specified in paragraph two (2) of this Agreement, subject to the terms and conditions set forth herein. Should Escrow Agent breach any part of this Agreement, it shall pay to City any damages as the result of its breach, including providing of the funds from the escrow account that were erroneously dispersed to complete the improvements described in this Agreement and reasonable attorney fees and costs.

2. **Deposit in Escrow.** Developer shall deposit with Escrow Agent in Account No. 21659067 the sum of $ 211,025.32, which is the amount of money equal to 115% of the cost of the improvements to be installed as required by the City Subdivision Ordinance, as per the City-approved Engineer's Estimate (see Exhibit B) ("Escrow Amount").

The Escrow Amount shall be divided as shown in Engineer's Estimate.

Escrow Agent certifies it has received and is in possession of the funds as described above. If at any time prior to completion of the subdivision or acceptance of the improvements by the City, the City determines the amount held by Escrow Agent is not sufficient to complete the required improvements and the contingency and guarantee amounts required, Developer agrees to deposit the additional amounts into the escrow account within 30 days of receiving written notice from the City. The City shall not issue any building permits in the subdivision if the cost of improvements and the security amount falls below the amount required in this agreement.

3. **Application of Escrow Funds.** It is agreed by all Parties that the funds indicated in paragraph two (2) of this Agreement shall be used exclusively for the purpose of paying for the costs, materials, construction, and installation of all improvements required by the City's Subdivision Ordinance and development approvals. The undersigned, including the Escrow Agent, further agree that the funds held in the escrow account shall be distributed by Escrow Agent to Developer only upon written authorization by an authorized officer of the City. City authorization will be made upon the City's stationary, indicating review and approval by the City.

4. **Limitation on Application of Funds.** The Developer shall not withdraw from the escrow account, nor shall the Escrow Agent permit any withdrawal from the escrow account, funds identified as guarantee funds in paragraph five (5) below, except as provided in paragraph six (6).

5. **Guarantee Funds.** A guarantee sum equal to 10% of the cost of the improvements to be installed, or $ 25,669.53, as shown in Exhibit B, shall remain with Escrow Agent for a period of at least one (1) year after the conditional acceptance of the improvements by the City. In the event the escrow funds do not pay for and complete in full all of the improvements required, then, upon demand by the City, Developer agrees to immediately place in escrow account, with Escrow Agent, all additional amounts necessary to complete the improvements. Developer may not use guarantee funds to complete the improvements but must place additional money in escrow account.

Unless other appropriate security is provided, a 10% guarantee fund shall be held in escrow to warrant and guarantee that the required improvements installed by Developer remain in good condition for a period of one (1) year after the date of conditional acceptance by the City as required by the City Subdivision Ordinance and development approvals.

6. **Default on Improvements.** Should Developer fail to complete the improvements required by the City Subdivision Ordinance and development approvals within two (2) years of the effective date of this Agreement, the City may declare the funds on deposit with the Escrow Agent forfeited, and the proceeds of the account may be used by the City to complete the improvements required by the City Subdivision Ordinance. The City may also, at its sole discretion and after written request from the Developer, grant the Developer one (1) additional year to install the improvements by sending the Developer written notice of the extension by certified mail, with a

copy also sent to the Escrow Agent.

At the end of the required period or additional year, if the improvements have not been completed, the funds on deposit with the Escrow Agent shall be forfeited, and the City may use the funds to install the improvements if sufficient funds are available to complete the improvements. If the funds remaining in escrow are not sufficient to complete the improvements, the funds remaining in escrow shall be forfeited to the City for use on the Project at the discretion of the City.

All demands by the City to Developer to perform corrections or completion of improvements shall be made by certified mail, with a copy also sent to the Escrow Agent. If the defect is not corrected or improvements are not completed within 30 days following service of such demand, the City may correct the defect or complete the improvements and charge the Developer such costs, unless Developer requests in writing, served by certified mail, with a copy likewise served upon the Escrow Agent by certified mail, a hearing before the Pleasant View City Council within the 30-day period of time respecting the alleged defects or incompletions. The Escrow Agent, upon receiving written notification from the City of the defect and that the City has incurred the cost of correcting the defect, shall pay to the City or to the subcontractor as specified by the City, from the escrow account the cost of correcting the defect, and the Escrow Agent shall be held harmless by the parties for its payments to the City or subcontractor.

After the successful completion of the improvements and all other requirements of the City Subdivision Ordinance and this Agreement, any funds in the escrow account, other than guarantee funds, not used to install the improvements or to pay other costs associated with the completion of the subdivision shall be returned to the Developer.

7. **Completion of Guarantee.** Once the guarantee period has been completed, no sooner than one (1) year after the City has given Conditional Acceptance of the improvements, at the request of the Developer, the City shall perform a final inspection, and, if the required improvements remain substantially free from latent defects during the guarantee period, the City shall certify such fact to Escrow Agent, who shall release to the Developer any funds still held in the escrow account, and Escrow Agent shall be discharged of its obligations to the City. Should defects be identified by the City, the Developer shall make necessary repairs or corrections at the sole cost of Developer, and, once accepted by the City, funds shall be released as found herein.

8. **Miscellaneous.** This Agreement does not supersede, but implements the City Subdivision Ordinance and all other ordinances, regulations, agreements, and approvals applicable to the subdivision of land and the construction of homes or other units thereon, and Developer agrees to comply in all respects with the provisions of the ordinances, regulations, agreements, and approvals. If any party shall breach any term of this agreement, the breaching party shall pay to the non-breaching party(ies) reasonable attorney fees incurred whether the fees are incurred before or after a suit is filed.

**ESCROW AGENT:**

Tiffany Butler

By: Tiffany Butler
Its: Commercial Loan Documentation Team Lead (CLDTL)

**DEVELOPER:**

John W. Hansen

**PLEASANT VIEW CITY:**

_____

By: (name)
Its: Mayor

Attest: _____
City Recorder

Approved as to Form: _____
City Attorney

## ACKNOWLEDGMENT OF ESCROW AGENT

STATE OF UTAH }
§
COUNTY OF Weber }

On the 3 day of Sept, 2021, personally appeared before me Tiffany Butler, who being by me duly sworn did say that he/she is the CLOTL of Bank of Utah, a corporation, and Escrow Agent named in the foregoing Escrow Agreement, and that the Escrow Agreement is signed on behalf of said corporation by his/her signature under authority of its Board of Directors, and said CLOTL acknowledged to me that the said corporation executed the same and Escrow acknowledges that there is on deposit at Bank of Utah a sum of money in the amount of $ 204,025.72, pursuant to the terms of the Escrow Agreement.

Witness my hand ~~and official seal~~.

*Notary Public signature*

STEVEN DIAMOND
Notary Public - State of Utah
Comm. No. 707231
My Commission Expires on
Jul 16, 2023

*(seal)*

Steven Diamond
*(Printed Name)*

ACKNOWLEDGEMENT OF DEVELOPER

State of Utah

County of Weber

On the 8th day of September 2021, personally appeared before me, John W. Hansen as Manager of Pheasant Landing, LLC, a Utah Limited Liability company, who being by me duly sworn, did say that he signed this document on behalf of said limited liability company and did so in accordance with the authorities granted to him in the operating agreement of said limited liability company.

Notary Public

MICHAEL L. HENDRY
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 699268
COMM. EXP. 03/28/2022

EXHIBIT A
SUBDIVISION AREA

# EXHIBIT B
# ENGINEER'S ESTIMATE

# City Council Staff Report

## Updated Mixed Use Ordinance
## September 14, 2021

CHANGES MADE

**20.40.105 Definitions:**

C. "Office/warehouse facility, small scale," shall be defined as an office/warehouse facility having total building square footage not to exceed 10,000 sq. ft. (includes main and accessory buildings).

**Under Mixed Use West:**

A. Permitted Uses

1. Contractor/construction equipment yards and/or facilities; may not be located east of the railroad tracks and not within 100 ~~500~~ feet of Hwy 89 right of way ~~the freeway~~.

B. Conditional Uses

Under D residential component.

3. Percentage of Development

a. When separate residential and commercial buildings are proposed, a maximum of 25% by total Project area may be utilized for the residential component of a Mixed-Use West Project.

b. When any mixed use buildings (i.e. buildings containing both residential and commercial space) are proposed, a maximum of 25% of the total building square footage for the Project shall be used for the residential component of a Mixed Use West Project.

~~Fixed the numbering following~~

**Under Mixed Use Central:**

A. Permitted uses:

1. Equipment or appliance ~~light~~ repairs and/or service enclosed within a building.

B. Conditional Uses

1. Contractor/construction equipment yards and/or facilities; Contractor yard shall ~~may not~~ be located not less than ~~within 200~~ 100 feet from Highway 89.

# Chapter 20.40 – Mixed Use Zones

## SECTION I GENERAL PROVISIONS

**20.40.100 Purpose.** The purpose of the Mixed Use Zones is to provide areas for development compatible with the major arterial highway corridors. It is intended that a variety of retail and office be intermixed in the area to create a walkable environment for workers, shoppers, residents and visitors while accommodating automobile traffic to regional services dependent upon a major transportation facility. It is also intended that some mixed use areas will include commercial and industrial uses in a planned environment consistent with such uses and compatible with other adjacent uses. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.105 Definitions.**

A. "Project" shall be defined as any development for which preliminary plat or site plan approval has been proposed or granted.

B. "Living space" shall be defined as the area within a residence consisting of interior livable area and does not include exterior hallways, balconies, patios, common or limited common area(s), or garages.

C. "Office/warehouse facility, small scale," shall be defined as an office/warehouse facility having total building square footage not to exceed 10,000 sq. ft. (includes main and accessory buildings).

**20.40.110 Parking and Access.**

A. General. Unless otherwise stated in this chapter, parking areas and access shall meet requirements of Chapter 18.44 of this code. Strategies for walkable commercial development shall be implemented where appropriate.

B. Access and street location. Access to public streets and roads and the placement of such roads and access shall be subject to City approval and the following:

1. Along Highway 89 and 2700 North, UDOT approval shall be required for all access.

2. On street intersections connecting to Highway 89 and 2700 North, there shall be no curb cuts closer than 100 feet to that intersection. Corner lots on all other streets shall have no curb cuts closer than 60 feet to the intersection. The City may require greater distances as uses and conditions dictate.

3. All access and street placement shall be subject to specific City approval based on the UDOT Cooperative Agreement and the City's Master Street Plan.

(Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

**20.40.120 Architectural and Site Standards.** All development shall incorporate components of Chapter 18.43 - Design Requirements of the City that are appropriate to the type of project or design alternatives approved by the City. Site plan approval shall be required of all developments. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

**20.40.130 Other Requirements**

The following provisions shall apply:

A. Private Covenants: If applicable, the developer shall submit a proposed declaration of covenants to the City for review and record the accepted covenants with the condominium map or subdivision plat for the project.

B. Grading and Drainage: All developments shall be graded according to the city engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel in a manner acceptable to the City.

C. Easements: Buildings may not be located within public easements.

D. Maintenance: All developments shall be privately maintained by the owners.

E. Phasing Plan: If a phased development is proposed, a project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan. A development agreement shall be required for all phased development.

F. Utilities and street improvements.

1. Complete utility plans shall be provided.

2. Streets and appropriate access shall be required and plans for placement of such shall be approved by the City based on the UDOT Cooperative Agreement and the City's Master Street Plan. Plans for completion of improvements to adjacent and/or any required new streets shall be provided by the developer and be subject to City approval.

G. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.140 Use Regulations.** Uses may be conducted only in accordance with the following regulations:

A. Only those uses listed as permitted, conditional or accessory uses as set forth in this chapter may be conducted. A conditional use permit must be obtained prior to establishing a conditional use.

B. All uses shall be conducted within completely enclosed buildings, except those customarily associated with outside use such as auto sales, as determined by the City or unless otherwise allowed in this chapter, or those temporary uses customarily conducted in the outdoors, including Christmas tree

lots, fireworks stands and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) 1-week periods per year.

C. Accessory uses and buildings may be conducted or used only in conjunction with allowed permitted and conditional uses. Accessory uses or buildings include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are customarily incidental and subordinate to the principal permitted or conditional use on the premises.

D. There shall be no storage of trash or debris nor any used, wrecked or neglected materials, equipment or vehicles. No commercial materials, goods or inventory may be stored in open areas, except for temporary display items which may be located only on private property no closer than ten feet from any public right of way. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in specific areas approved for such purpose by the City and shall be screened from view through the use of solid fencing, a minimum of six (6) feet high and shall be an accessory use to the principal use. Fencing and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable material includes, but not limited to tilt-up concrete, masonry block, brick, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored for longer than twenty-four hours unless stored within a completely enclosed building.

F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored for longer than twenty-four hours, except in conjunction with an approved use, or approved development or construction activities on the property.

G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area unless part of an approved business for such or except in conjunction with a single-family dwelling, and must be in accordance with City requirements.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.150 Lot Requirements**

A. Width. Minimum lot width shall be as established with development approval. Each lot or parcel must front on or have legal access to a public or private street.

B. The following area requirements shall apply:

1. Minimum Project Area: The minimum area of any Project shall

be one acre.

2. Minimum Lot Area: Minimum lot area shall be as established with development approval.

C. Prior Created Lots: Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of the zone shall be brought into conformance with the requirements of this chapter prior to or with new development. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

### 20.40.160 Yard Requirements

A. Yard requirements shall be as established with development approval. (Ord.2015-8, dated12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

### 20.40.170 Development Review

A. All uses proposed may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of City codes regarding development review in the preparation and review of development proposals. Appropriate site plan and conditional use reviews shall be included.

B. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City.

C. Development agreements may be required and included in development approvals. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

## SECTION II
## MIXED USE WEST

### 20.40.200 Description and Intent.

A. Description. The areas in which the Mixed Use West zone may be applied includes: 1) the area bounded by 2700 North the railroad tracks, approximately 2800 North, and the west city boundary, and 2) the area bounded by approximately 2550 North, Highway 89, 2700 North, and the railroad tracks.

B. Intent.

1. The Mixed Use West areas are intended to encourage general commercial, light manufacturing, and industrial uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.

2. Retail services, professional business parks, and manufacturing/industrial uses are promoted when they are complementary and can function as a unified cohesive development with

adjacent uses.
(Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.210 Uses.**

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West zone.
2. Business parks.
3. Manufacturing within an enclosed building.
5. Warehousing/distribution.

B. The following are conditional uses:

1. Automobile sales, new and/or used.
2. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs, parts retailing.
3. Community uses.
4. Contractor/construction equipment yards and/or facilities; may not be located east of the railroad tracks and not within 100 feet of Hwy 89 right of way.
5. Equipment and/or appliance repairs and/or service enclosed within a building.
6. Gas stations, convenience stores.
7. Hospitals.
8. Lumber, building material retail sales.
9. Mixed uses (residential/retail/office/industrial).
10. Motorcycle, snowmobile, other similar recreation equipment sales and/or service.
11. Office/warehouse facilities, small scale.
12. Outdoor storage as part of a principal use with an approved conditional use permit.
13. Public or quasi-public facilities, utility facilities.
14. Recreational vehicle or boat sales.
15. Recreational facilities, non-motorized.
16. Self storage facilities.
17. Sexually Oriented Businesses, not within 500 feet of UDOT controlled roads, nor east of the railroad tracks.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Development Review Committee.

D. Additional Requirements for Mixed Use with a Residential Component.

1. Development Agreement. If a residential component is desired, developer shall enter into a development agreement with the City.

2. If a phased development is proposed, each phase shall comply with the provisions of this section.

3. Percentage of Development.

a. When separate residential and commercial buildings are proposed, a maximum of 25% by total Project area may be utilized for the residential component of a Mixed Use West Project.

b. When any mixed use buildings (i.e. buildings containing both residential and commercial space) are proposed, a maximum of 25% of the total building square footage for the Project may be used for the residential component of a Mixed Use West Project.

4. Density. The residential component shall be limited to 20 units per acre, with a minimum of 900 square feet of living space per unit.

5. Timing of Approvals and Building Permits.

a. The commercial site plan shall be submitted prior to or concurrently with the residential site plan. Approval of the residential site plan shall not occur until 1) the commercial site plan has received approval, and 2) a commercial building permit has been issued by the City.

b. Commercial Building Permits.

i. Required site improvements per Chapter 17.12.010.2 shall be complete prior to the issuance of building permits.

ii. With the issuance of the first commercial building permit, developer may be issued building permits for up to 33% of the residential component of the Project (based on the total number of proposed units).

iii. Upon completion (i.e. issuance of certificate of occupancy) of 33% of the total commercial building square footage, developer may be issued building permits for up to 67% of the residential component.

iv. Upon completion of 67% of the total commercial building square footage, developer may be issued building permits for up to 100% of the residential component.

6. Parking.

a. Residential Parking. The residential component of the Project shall contain the following parking requirements: 1.8 spaces per unit plus 0.25 guest spaces per unit (all calculations shall round up to the nearest whole number). Garages and driveways of at least the minimum dimensions of standard parking spaces (9-ft by 18-ft) may count toward resident parking requirements but shall not count towards guest parking requirements

b. Shared Use Parking. Shared use parking in multi-family, commercial, or manufacturing zoning district may be allowed if it

can be established that the on-site use(s) characteristically result in peak demand for parked vehicles at different hours, days, or seasons than the off-site use(s).

i. Study. A shared use parking study shall be submitted for review for approval of shared use parking. The parking study shall include the following: the location and identity of each use that will share the facility; the total parking requirement for each use; the projected hours of operation of each use and the hours during which the peak parking demand will be experienced; the number of existing and/or proposed parking spaces; a site plan that provides for a distance of not more than 500 feet from the development site's property boundary measured along the shortest available pedestrian route of access to the shared parking facility; and a site plan that demonstrates that the proposed shared parking facility will comply with all standards required by this Code for parking lot development.

ii. Review and Authorization. The study shall be reviewed by the Development Review Committee to determine whether the uses will make use of the shared spaces at different times of the day, week, month, or year. The planning commission, following a recommendation from the Development Review Committee, may authorize shared use of a parking area subject to the following conditions:

a. The study demonstrates to the satisfaction of the City that uses sharing the parking area are unlikely to produce a substantial demand for parking at the same time;

b. Required parking spaces reserved for persons with disabilities shall not be reduced; and

c. Ongoing shared use of the parking area is assured by an agreement reviewed and accepted by the City which provides at least the following: 1) the parking area shall be continuously available; 2) all spaces shall be available without charge; 3) all parking spaces shall be available perpetually to all uses utilizing the parking; and 4) additional parking shall be provided up to the amount otherwise required under this chapter if the Development Review Committee determines, based on parking counts, that a shared parking area does not satisfy the off street parking demand of the uses involved.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

# SECTION III MIXED USE CENTRAL

**20.40.300 Description and Intent.**

A. Description. The area in which the Mixed Use Central zone may be applied is bounded by Highway 89, 2700 North, the railroad tracks, and 2800 North.

B. Intent.

1. The Mixed Use Central area is intended to encourage commercial, office, retail and small business manufacturing uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.

2. Retail service professional business parks and manufacturing uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses, particularly residential.

3. Quality of materials, design excellence, a high level of architectural quality, including landscaped street themes, and appropriate land uses are the foundation of this Zone. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.311 Uses.**

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West Zone.
2. Automobile sales, new and/or used.
3. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs, parts retailing.
4. Bottling works, non-alcoholic.
5. Business parks.
6. Equipment or appliance repairs and/or service enclosed within a building.
7. Manufacturing within an enclosed building.
8. Motorcycle, snowmobile, other similar recreation equipment sales and/or service.
9. Office/warehouse facilities, small scale.
10. Recreational vehicle or boat sales.
11. Warehousing/distribution.

B. The following are conditional uses:

1. Community uses.
2. Contractor/construction equipment yards and/or facilities; Contractor yard shall be located not less than 100 feet from Highway 89.
3. Gas stations, convenience stores.
4. Hospitals.
5. Lumber, building material retail sales.
6. Outdoor storage as part of a principal use with an approved conditional use permit.

7. Public or quasi-public facilities.
8. Recreational facilities, non-motorized.
9. Self storage facilities.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Development Review Committee.

D. Sexually Oriented Businesses are prohibited. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

## SECTION IV MIXED USE EAST

**20.40.400 Description and Intent.**

A. Description. The area in which the Mixed Use East zone may be applied is along 2700 North and 2550 North from approximately 900 West to the east city boundary.

B. Intent.

1. This area is intended to provide a range of uses focusing on retail and office commercial. The overall mix should consist of office, retail, and restaurant developed in a coordinated, complimentary fashion with significant public spaces and amenities.

2. The area is intended to provide for specific uses in a planned commercial setting which will be compatible and complimentary with adjacent uses including nearby residential neighborhoods and will promote a high level of architectural and landscaping excellence.

3. Enhancements of the architectural quality and landscaping themes are required.

4. Streetscape treatments are required. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.410 Uses.**

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West Zone.

B. The following are conditional uses:

2. Community uses.
3. Gas stations, convenience stores.
4. Public or quasi-public facilities.
5. Recreational facilities, non-motorized.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Development Review Committee..

D. Sexually Oriented Businesses are prohibited. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**ORDINANCE 2021-8**

**AN ORDINANCE AMENDING CHAPTER 20.40 – MIXED USE ZONES OF THE PLEASANT VIEW CITY MUNICIPAL CODE TO EXPAND THE LOCATION OF THE MUW AREA.**

**WHEREAS**, Pleasant View City finds that the amendments to Chapter 20.40 of the Zoning Ordinance is consistent with the City's General Plan and further promotes and supports businesses in the City; and

**WHEREAS**, Pleasant View City finds that such an amendment is in the best interest of the City; and

**WHEREAS,** Section 10-9a-503 (1) and (2) of the Utah State Municipal Code provides for the amendment of municipal ordinances after receiving a recommendation from the Planning Commission; and,

**WHEREAS,** The Pleasant View City Planning Commission has made a positive recommendation of the proposed amendment;

**NOW THEREFORE**, Be it hereby ordained that:

**SECTION ONE**: Chapter 20.40 – Mix Use Zones Ordinance shall hereby be amended as follows:

# Chapter 20.40 – Mixed Use Zones

## SECTION I
## GENERAL PROVISIONS

**20.40.100 Purpose.** The purpose of the Mixed Use Zones is to provide areas for development compatible with the major arterial highway corridors. It is intended that a variety of retail and office be intermixed in the area to create a walkable environment for workers, shoppers, residents and visitors while accommodating automobile traffic to regional services dependent upon a major transportation facility. It is also intended that some mixed use areas will include commercial and industrial uses in a planned environment consistent with such uses and compatible with other adjacent uses. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.105 Definitions.**

A. "Project" shall be defined as any development for which preliminary plat or site plan approval has been proposed or granted.

B. "Living space" shall be defined as the area within a residence consisting of interior livable area and does not include exterior hallways, balconies, patios, common or limited common area(s), or garages.

C. "Office/warehouse facility, small scale," shall be defined as an office/warehouse facility having total building square footage not to exceed 10,000 sq. ft. (includes main and accessory buildings).

**20.40.110 Parking and Access.**

A. General. Unless otherwise stated in this chapter, parking areas and access shall meet requirements of Chapter 18.44 of this code. Strategies for walkable commercial development shall be implemented where appropriate.

B. Access and street location. Access to public streets and roads and the placement of such roads and access shall be subject to City approval and the following:

1. Along Highway 89 and 2700 North, UDOT approval shall be required for all access.

2. On street intersections connecting to Highway 89 and 2700 North, there shall be no curb cuts closer than 100 feet to that intersection. Corner lots on all other streets shall have no curb cuts closer than 60 feet to the intersection. The City may require greater distances as uses and conditions dictate.

3. All access and street placement shall be subject to specific City approval based on the UDOT Cooperative Agreement and the City's Master Street Plan.

(Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

**20.40.120 Architectural and Site Standards.** All development shall incorporate components of Chapter 18.43 - Design Requirements of the City that are appropriate to the type of project or design alternatives approved by the City. Site plan approval shall be required of all developments. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

**20.40.130 Other Requirements.**

The following provisions shall apply:

A. Private Covenants: If applicable, the developer shall submit a proposed declaration of covenants to the City for review and record the accepted covenants with the condominium map or subdivision plat for the project.

B. Grading and Drainage: All developments shall be graded according to the city engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel in a manner acceptable to the City.

C. Easements: Buildings may not be located within public easements.

D. Maintenance: All developments shall be privately maintained by the owners.

E. Phasing Plan: If a phased development is proposed, a project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan. A development agreement shall be required for all phased development.

F. Utilities and street improvements.

1. Complete utility plans shall be provided.

2. Streets and appropriate access shall be required and plans for placement of such shall be approved by the City based on the UDOT Cooperative Agreement and the City's Master Street Plan. Plans for completion of improvements to adjacent and/or any required new streets shall be provided by the developer and be subject to City approval.

G. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.140 Use Regulations.** Uses may be conducted only in accordance with the following regulations:

A. Only those uses listed as permitted, conditional or accessory uses as set forth in this chapter may be conducted. A conditional use permit must be obtained prior to establishing a conditional use.

B. All uses shall be conducted within completely enclosed buildings, except those customarily associated with outside use such as auto sales, as determined by the City or unless otherwise allowed in this chapter, or those temporary uses customarily conducted in

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the outdoors, including Christmas tree lots, fireworks stands and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) 1-week periods per year.

C. Accessory uses and buildings may be conducted or used only in conjunction with allowed permitted and conditional uses. Accessory uses or buildings include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are customarily incidental and subordinate to the principal permitted or conditional use on the premises.

D. There shall be no storage of trash or debris nor any used, wrecked or neglected materials, equipment or vehicles. No commercial materials, goods or inventory may be stored in open areas, except for temporary display items which may be located only on private property no closer than ten feet from any public right of way. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in specific areas approved for such purpose by the City and shall be screened from view through the use of solid fencing, a minimum of six (6) feet high and shall be an accessory use to the principal use. Fencing and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable material includes, but not limited to tilt-up concrete, masonry block, brick, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored for longer than twenty-four hours unless stored within a completely enclosed building.

F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored for longer than twenty-four hours, except in conjunction with an approved use, or approved development or construction activities on the property.

G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area unless part of an approved business for such or except in conjunction with a single-family dwelling, and must be in accordance with City requirements.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.150 Lot Requirements.**

A. Width. Minimum lot width shall be as established with development approval. Each lot or parcel must front on or have legal access to a public or private street.

B. The following area requirements shall apply:

1. Minimum Project Area: The minimum area of any Project shall be one acre.
2. Minimum Lot Area: Minimum lot area shall be as established with development approval.

C. Prior Created Lots: Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of the zone shall be brought into conformance with the requirements of this chapter prior to or with new development. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

**20.40.160 Yard Requirements.**

A. Yard requirements shall be as established with development approval. (Ord.2015-8, dated12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.170 Development Review.**

A. All uses proposed may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of City codes regarding development review in the preparation and review of development proposals. Appropriate site plan and conditional use reviews shall be included.

B. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City.

C. Development agreements may be required and included in development approvals. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

## SECTION II
## MIXED USE WEST

**20.40.200 Description and Intent.**

A. Description. The areas in which the Mixed Use West zone may be applied includes: 1) the area bounded by 2700 North the railroad tracks, approximately 2800 North, and the west city boundary, and 2) the area bounded by approximately 2550 North, Highway 89, 2700 North, and the railroad tracks.

B. Intent.

1. The Mixed Use West areas are intended to encourage general commercial, light manufacturing, and industrial uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.

2. Retail services, professional business parks, and manufacturing/industrial uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.210 Uses.**

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West zone.
2. Business parks.
3. Manufacturing within an enclosed building.
5. Warehousing/distribution.

B. The following are conditional uses:

1. Automobile sales, new and/or used.
2. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs, parts retailing.
3. Community uses.
4. Contractor/construction equipment yards and/or facilities; may not be located east of the railroad tracks and not within 100 feet of Hwy 89 right of way.
5. Equipment and/or appliance repairs and/or service enclosed within a building.
6. Gas stations, convenience stores.
7. Hospitals.
8. Lumber, building material retail sales.
9. Mixed uses (residential/retail/office/industrial).

10. Motorcycle, snowmobile, other similar recreation equipment sales and/or service.
11. Office/warehouse facilities, small scale.
12. Outdoor storage as part of a principal use with an approved conditional use permit.
13. Public or quasi-public facilities, utility facilities.
14. Recreational vehicle or boat sales.
15. Recreational facilities, non-motorized.
16. Self storage facilities.
17. Sexually Oriented Businesses, not within 500 feet of UDOT controlled roads, nor east of the railroad tracks.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Development Review Committee.

D. Additional Requirements for Mixed Use with a Residential Component.

1. Development Agreement. If a residential component is desired, developer shall enter into a development agreement with the City.

2. If a phased development is proposed, each phase shall comply with the provisions of this section.

3. Percentage of Development.

a. When separate residential and commercial buildings are proposed, a maximum of 25% by total Project area may be utilized for the residential component of a Mixed Use West Project.

b. When any mixed use buildings (i.e. buildings containing both residential and commercial space) are proposed, a maximum of 25% of the total building square footage for the Project shall be used for the residential component of a Mixed Use West Project.

4. Density. The residential component shall be limited to 20 units per acre, with a minimum of 900 square feet of living space per unit.

5. Timing of Approvals and Building Permits.

a. The commercial site plan shall be submitted prior to or concurrently with the residential site plan. Approval of the residential site plan shall not occur until 1) the commercial site plan has received approval, and 2) a commercial building permit has been issued by the City.

b. Commercial Building Permits.

i. Required site improvements per Chapter 17.12.010.2 shall be complete prior to the issuance of building permits.

ii. With the issuance of the first commercial building permit, developer may be issued building permits for up to 33% of the residential component of the Project (based on the total number of proposed units).

iii. Upon completion (i.e. issuance of certificate of occupancy) of 33% of the total commercial building square footage, developer may be issued building permits for up to 67% of the residential component.

iv. Upon completion of 67% of the total commercial building square footage, developer may be issued building permits for up to 100% of the residential component.

6. Parking.

a. Residential Parking. The residential component of the Project shall

contain the following parking requirements: 1.8 spaces per unit plus 0.25 guest spaces per unit (all calculations shall round up to the nearest whole number). Garages and driveways of at least the minimum dimensions of standard parking spaces (9-ft by 18-ft) may count toward resident parking requirements but shall not count towards guest parking requirements

b. Shared Use Parking. Shared use parking in multi-family, commercial, or manufacturing zoning district may be allowed if it can be established that the on-site use(s) characteristically result in peak demand for parked vehicles at different hours, days, or seasons than the off-site use(s).

i. Study. A shared use parking study shall be submitted for review for approval of shared use parking. The parking study shall include the following: the location and identity of each use that will share the facility; the total parking requirement for each use; the projected hours of operation of each use and the hours during which the peak parking demand will be experienced; the number of existing and/or proposed parking spaces; a site plan that provides for a distance of not more than 500 feet from the development site's property boundary measured along the shortest available pedestrian route of access to the shared parking facility; and a site plan that demonstrates that the proposed shared parking facility will comply with all standards required by this Code for parking lot development.

ii. Review and Authorization. The study shall be reviewed by the Development Review Committee to determine whether the uses will make use of the shared spaces at different times of the day, week, month, or year. The planning commission, following a recommendation from the Development Review Committee, may authorize shared use of a parking area subject to the following conditions:

a. The study demonstrates to the satisfaction of the City that uses sharing the parking area are unlikely to produce a substantial demand for parking at the same time;

b. Required parking spaces reserved for persons with disabilities shall not be reduced; and

c. Ongoing shared use of the parking area is assured by an agreement reviewed and accepted by the City which provides at least the following: 1) the parking area shall be continuously available; 2) all spaces shall be available without charge; 3) all parking spaces shall be available perpetually to all uses utilizing the parking; and 4) additional parking shall be provided up to the amount otherwise required under this chapter if the Development Review Committee determines, based on parking counts, that a shared parking area does not satisfy the off street parking demand of the uses involved.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

## SECTION III MIXED USE CENTRAL

### 20.40.300 Description and Intent.

A. Description. The area in which the Mixed Use Central zone may be applied is

bounded by Highway 89, 2700 North, the railroad tracks, and 2800 North.

B. Intent.

1. The Mixed Use Central area is intended to encourage commercial, office, retail and small business manufacturing uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.

2. Retail service professional business parks and manufacturing uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses, particularly residential.

3. Quality of materials, design excellence, a high level of architectural quality, including landscaped street themes, and appropriate land uses are the foundation of this Zone. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.310 Uses.**

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West Zone.
2. Automobile sales, new and/or used.
3. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs, parts retailing.
4. Bottling works, non-alcoholic.
5. Business parks.
6. Equipment or appliance repairs and/or service enclosed within a building.
7. Manufacturing within an enclosed building.
8. Motorcycle, snowmobile, other similar recreation equipment sales and/or service.
9. Office/warehouse facilities, small scale.
10. Recreational vehicle or boat sales.
11. Warehousing/distribution.

B. The following are conditional uses:

1. Community uses.
2. Contractor/construction equipment yards and/or facilities; Contractor yard shall be located not less than 100 feet from Highway 89.
3. Gas stations, convenience stores.
4. Hospitals.
5. Lumber, building material retail sales.
6. Outdoor storage as part of a principal use with an approved conditional use permit.
7. Public or quasi-public facilities.
8. Recreational facilities, non-motorized.
9. Self storage facilities.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Development Review Committee.

D. Sexually Oriented Businesses are prohibited. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

## SECTION IV
## MIXED USE EAST

**20.40.400 Description and Intent.**

A. Description. The area in which the Mixed Use East zone may be applied is along 2700 North and 2550 North from approximately 900 West to the east city boundary.

B. Intent.

1. This area is intended to provide a range of uses focusing on retail and office commercial. The overall mix should consist of office, retail, and restaurant developed in a coordinated, complimentary fashion with significant public spaces and amenities.

2. The area is intended to provide for specific uses in a planned commercial setting which will be compatible and complimentary with adjacent uses including nearby residential neighborhoods and will promote a high level of architectural and landscaping excellence.

3. Enhancements of the architectural quality and landscaping themes are required.

4. Streetscape treatments are required. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.410 Uses.**

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West Zone.

B. The following are conditional uses:

2. Community uses.
3. Gas stations, convenience stores.
4. Public or quasi-public facilities.
5. Recreational facilities, non-motorized.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Development Review Committee..

D. Sexually Oriented Businesses are prohibited. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**SECTION TWO:** This ordinance shall take effect immediately upon approval and posting.

**DATED** this _____ day of September, 2021.

PLEASANT VIEW CITY, UTAH

_____
Leonard M. Call, Mayor

Attest:

_____
Laurie Hellstrom, City Recorder

Posted this ____ day of _____, 2021

This ordinance has been approved by the following vote of the Pleasant View City Council:

CM Arrington _____
CM Bailey _____
CM Gibson _____
CM Marriott _____
CM Urry _____