

DATE W E D N E S D A Y O C T O B E R 20, 2021

THE COPPERTON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON WEDNESDAY, OCTOBER 20, 2021, PURSUANT TO ADJOURNMENT ON SEPTEMBER 15, 2021, AT THE HOUR OF 6:30 P.M. AT THE BINGHAM CANYON LIONS CLUB, 8725 W HILLCREST ST., COPPERTON, UTAH.

COUNCIL MEMBERS

PRESENT: TESSA STITZER
KEVIN SEVERSON
DAVE OLSEN
KATHLEEN BAILEY
SEAN CLAYTON, Chair

OTHERS IN ATTENDANCE: NATHAN BRACKEN, LEGAL COUNSEL
TRAVIS HARE, LEGAL COUNSEL
SHERRIE SWENSEN, METRO TOWNSHIP CLERK
By: NICHOLE WATT, DEPUTY CLERK



Mayor Clayton, Chair, presided.



Council Member Olsen led the Pledge of Allegiance to the Flag of the United States of America.



Regular Council Meeting

Community Input

Citizen Comments

No one appeared for Citizen Comments.



Unified Fire Authority (UFA)

Ed Walden, UFA, stated the Magna Fire Station is closed due to asbestos abatement. They have broken ground on a new fire station in Midvale. Wildfire season is over, and we have made it through unscathed in the valley. They are gearing up for another camp for new recruits.



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Unified Police Department (UPD)

Detective Harry Holt stated there were nineteen calls for service resulting in seven cases. The Shop with a Shield program is starting early this year to assist Copperton families in need. He asked the Council to get any names for families they have in mind. Council Member Stitzer will get the names to him by next week.



Council Business

Fiscal Items

Mayor Clayton stated the attorney bill was \$2,182.50 for September.

Council Member Stitzer, seconded by Council Member Olsen, moved to approve the invoice in the amount of \$2,182.50 for legal services. The motion passed unanimously.



Public Hearing on Accessory Dwelling Unit Ordinance No. 2021-10-01

The Council reviewed the following Ordinance revising the Copperton Metro Township Code to authorize and regulate accessory dwelling units per H.B. 82:

ORDINANCE NO. 2021-10-01

Date: October 20, 2021

AN ORDINANCE OF THE COPPERTON METRO TOWNSHIP COUNCIL
REVISING THE COPPERTON METRO TOWNSHIP CODE TO AUTHORIZE AND
REGULATE ACCESSORY DWELLING UNITS PER H.B. 82

RECITALS

WHEREAS, Utah Code §10-2a-414(3) provides that Salt Lake County ordinance in effect in 2017 when the Copperton Metro Township (“Copperton”) incorporated shall remain in effect as a Copperton ordinance “until the metro township council amends or repeals the ordinance;” and

WHEREAS, Title 19 of the Copperton Metro Township Code (the “Code”) governs zoning within Copperton; and

WHEREAS, during the 2021 legislative session, the Utah Legislature passed H.B. 82 (Single-Family Housing Modifications), which classified internal accessory dwelling units (“AUD’s”) built within the existing footprint of a single-family home as a permitted use in any area zoned primarily for residential use, subject to certain restrictions, and

WHEREAS, H.B. 82 went into effect on October 1, 2021; and

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WHEREAS, Copperton needs to amend its municipal code to comply with H.B. 82; and

WHEREAS, the Copperton planning and development staff prepared a draft ordinance, which Copperton's attorney has reviewed, that would enact Chapters 19.15 and 15.50 of the Copperton Metro Township Code to authorize and regulate ADU's in accordance with H.B. 82; and

WHEREAS, in identifying the changes needed to comply with H.B. 82, the Copperton planning and development staff and the Copperton attorney consulted with the Copperton Improvement District (the "District"), which supplies water to Copperton and has indicated that its water rights and capacity are limited; and

WHEREAS, the District has enacted requirements of its own to ensure that it will have sufficient water rights and system and source capacity to service ADUs and fulfill its existing water delivery obligations to Copperton residents and to comply with the Safe Drinking Water Act and other requirements; and

WHEREAS, to assist in the fulfillment of its obligations, the District has requested that Copperton: (1) not issue a building permit for an ADU until the District has confirmed in writing that the ADU has complied with the District's water service requirements; and (2) that Copperton amend its building code requirements to require the use water efficient fixtures and appliances in ADUs; and

WHEREAS, after holding a public hearing on September 28, 2021, and taking public comment pursuant to Utah Code Ann. §10-9a-502, the Copperton Planning Commission recommended that the Council adopt the attached ADU ordinance; and

WHEREAS, after holding a subsequent public hearing on October 20, 2021, to receive public comment, the Council desires to adopt the attached ordinance to comply with H.B. 82.

NOW, THEREFORE BE IT RESOLVED BY THE COPPERTON METRO TOWNSHIP COUNCIL that the attached revisions to the Copperton Metro Township Code are adopted and shall become effective immediately, pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

APPROVED AND ADOPTED in Copperton, Salt Lake County, Utah this 20th day of October, 2021.

Copperton Metro Township Council

By: /s/ SEAN CLAYTON
Mayor

ATTEST

/s/ SHERRIE SWENSEN
Clerk/Recorder

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Mayor Clayton opened the public hearing.

Nathan Bracken stated the legislature passed a law earlier this year stating that any place zoned for single family homes must allow for accessory dwellings to an existing house. To obtain a permit, a resident must get a “will serve” letter from the Copperton Improvement District.

Travis Hair stated the legislature mandated allowance of interior accessory dwelling units. The Ordinance also allows for detached units for lots over 6000 square feet. The units should be owner occupied. The units should be limited to four residents and would typically be about two bedrooms in size. This ordinance is not intended for short-term rental (less than thirty days). The units must be on the same utility services. The homeowner is required to provide additional parking (not street parking); one space for an interior unit and two for detached units. A homeowner can apply for a variance.

Mr. Bracken stated homeowners wishing to build ADUs would be required to apply for a business license instead of using the business registry. This would not be required if the ADU is being used by family.

Mayor Clayton stated this information has been on the Copperton website for ten days. He opened the meeting to public comment.

Ed Walden, Unified Fire Authority, Station 115, Copperton, stated concern about being able to access the dwellings and asked if the ADUs would have separate access.

Mr. Hair stated there would be separate access. The house numbers would be the same but there would be unit numbers.

Council Member Olsen, seconded by Council Member Severson, motioned to approve Ordinance No. 2021-10-01 authorizing and regulating accessory dwellings. The motion passed unanimously.

Public Hearing on Accessory Building Ordinance 2021-10-02

The Council reviewed the following Ordinance revising sections 19.14.020 and 19.14.030 to remove accessory building square footage requirements:

ORDINANCE NO. 2021-10-02

Date: October 20, 2021

RECITALS

AN ORDINANCE OF THE COPPERTON METRO TOWNSHIP COUNCIL
REVISING SECTIONS 19.14.020 AND 19.14.030 TO REMOVE ACCESSORY
BUILDING SQUARE FOOTAGE REQUIREMENTS

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RECITALS

WHEREAS, Utah Code §10-2a-414(3) provides that a Salt Lake County ordinance in effect in 2017 when the Copperton Metro Township (“Copperton”) incorporated shall remain in effect as a Copperton ordinance “until the metro township council amends or repeals that ordinance;” and

WHEREAS, Sections 19.14.020 and 19.14.030 of the Copperton Metro Township Code (the “Code”) govern accessory building requirements within Copperton; and

WHEREAS, Sections 19.14.020 and 19.14.030, as inherited from Salt Lake County, limit the size of accessory buildings to 800 square feet, which the Council believes to be an overly burdensome requirement; and

WHEREAS, after holding a subsequent public hearing on October 20, 2021, to receive public input, the Council has reviewed the proposed revisions and desires to adopt them.

NOW, THEREFORE BE IT RESOLVED BY THE COPPERTON METRO TOWNSHIP COUNCIL that the attached revisions to Sections 19.14.020 and 19.14.030 of the Copperton Metro Township Code are adopted and shall become effective immediately, pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

APPROVED AND ADOPTED in Copperton, Salt Lake County, Utah this 20th day of October, 2021.

Copperton Metro Township Council

By: /s/ SEAN CLAYTON
Mayor

ATTEST

/s/ SHERRIE SWENSEN
Clerk/Recorder

Mayor Clayton opened the public hearing.

Travis Hair stated this ordinance will remove the 800 square foot maximum for accessory dwellings and change it to a 25 percent lot coverage maximum.

Mayor Clayton asked if anyone from the public wished to comment on this ordinance.

There were no comments from the public.

Council Member Stitzer, seconded by Council Member Severson, motioned to approve Ordinance 2021-10-2. The motion passed unanimously.

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Public Hearing on Floodplain Ordinance Amendments No. 2021-10-03

The Council reviewed the following Ordinance repealing Chapter 19.74 of the Copperton Metro Code and enacting a new Chapter 19.74 to establish floodplain development standards and flood damage prevention:

ORDINANCE NO. 2021-10-03

Date: October 20, 2021

AN ORDINANCE OF THE COPPERTON METRO TOWNSHIP COUNCIL
REPEALING CHAPTER 19.74 OF THE COPPERTON METRO CODE AND
ENACTING A NEW CHAPTER 19.74 TO ESTABLISH FLOODPLAIN
DEVELOPMENT STANDARDS AND FLOOD DAMAGE PREVENTION

RECITALS

WHEREAS, the Copperton Metro Township (“Copperton”) is a municipality pursuant to Utah Code Ann. § 10-2a-401, *et seq*; and

WHEREAS, one of the natural disaster risks that exist in Copperton is the risk of flooding;
and

WHEREAS, pursuant to Utah Code Ann. §§ 10-3-701 and 10-9a-101 *et seq.* the Utah Legislature delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, Copperton inherited Chapter 19.74 – Flood Damage Prevention Ordinance of the Salt Lake County Code in Chapter 19.74 pursuant to Utah Code Ann. § 10-2a-414, which is now codified as Chapter 19.74 of the Copperton Metro Code (“CMC”); and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) mandates the municipality adopt a flood control development ordinance that adequately covers and addresses the flood control for risks that exist in Copperton to be a member entity of the National Flood Insurance Program (“NFIP”); and

WHEREAS, the current ordinance that was inherited by Copperton, namely Chapter 19.74 of the CMC incorporating Chapter 19.74 of the Salt Lake County Code, has been deemed unsatisfactory by the State and FEMA for covering and addressing Copperton’ flood damage prevention measures due to development; and

WHEREAS, adopting a new ordinance to conform with the regulations of FEMA and the State will ensure Copperton ability to maintain its membership in the National Flood Insurance Program.

WHEREAS, the Copperton Planning Commission has recommended approval of the

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attached ordinance after holding a public hearing to take public comment on the ordinance pursuant to Utah Code Ann. § 10-9a-502 on September 28, 2021.

WHEREAS, the Copperton Metro Township Council held a subsequent public hearing on October 20, 2021, to take public comment on the attached ordinance as recommended by the Planning Commission.

NOW, THEREFORE BE IT ORDAINED: by the Copperton Metro Township Council the following ordinance amendments, repeals, and additions to the Copperton Municipal Code of Ordinances:

- A. Chapter 19.74 is repealed in its entirety and replaced with the form attached hereto as Exhibit A.
- B. This Ordinance will become effective immediately upon its passage and its publication on the Utah Public Notice Website pursuant to Utah Code Ann. § 10-3-711(1)

APPROVED AND ADOPTED in Copperton, Salt Lake County, Utah this 20th day of October, 2021.

Copperton Metro Township Council

By: /s/ SEAN CLAYTON
Mayor

ATTEST

/s/ SHERRIE SWENSEN
Clerk/Recorder

Mayor Clayton opened the public hearing.

Nathan Bracken stated there need to be updates to the floodplain Ordinances to maintain eligibility for FEMA programs, even though Copperton only has one small portion of the town that falls within a 500-year floodplain. Because of this, he and Travis used a FEMA template in order to ensure that FEMA would recognize they complied with the requirements.

There were no comments from the public.

Council Member Stitzer, seconded by Council Member Olsen, motioned to approve Ordinance 2021-10-3. The motion passed unanimously.

MSD Bond Interlocal

Mayor Clayton stated the MSD is preparing to issue a bond for \$20 million that will be backed by B&C road funds. The interest rates are less than 1 percent so it is almost free.

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Copperton's share is around \$100,000 a year and they would be paying about \$40,000 a year. Copperton needs repairs to the stormwater system, which this bond will help to provide.

Nathan Bracken stated each MSD member would get a certain amount that they have discretion to manage. Any unallocated money would require a 2/3 vote to allocate.

Copperton Improvement District Water Conservation

Harvey Seal, Copperton Improvement District, delivered an update on the water usage. He stated Copperton has been complying with conservation requirements.

Council Member Severson asked about the water level.

Mr. Seal stated the water level is staying the same.

Mayor Clayton stated there are leaf bags available for residents.

Copperton 2022 Budget Update

Mayor Clayton stated the budget has been tentatively approved at the MSD level. He will send it out to the Council. It is the same as last year. The Council will not vote on the budget until December. They still have quite a bit of COVID money, and the budget will need an amendment to deal with that.

Annexation of Unincorporated Areas

Council Member Stitzer stated she spoke with Ryan Perry and Brendon Murphy and Shannon Price with Rio Tinto. They have been meeting internally, and Ryan will reach out to her in the next few days to report on what they have discussed.

Copperton Code Rewrite

This item was pulled from the agenda.

Wasatch Regional Update - West Bench General Plan

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Council Member Stitzer stated she has a meeting on Monday from 4:00 to 8:00 with the Wasatch Front Regional Council. They're going to be discussing the 2050 road plan regarding the Bonneville Shoreline Trails and the highway that would go through Copperton. She will be in attendance to make sure the amendments are there.

Committee/Board Updates

- Legislative Research Committee

Nathan Bracken noted the legislative session will be busy and will focus on multi-family housing.

- Bingham Cemetery Board

Council Member Stitzer has a service project on November 2 and needs to make sure there is a dumpster available. She had a contracted burial, but the contractor disputed the payment. The MSD resolved this. The contractor did not do a good job and they will try to use someone else in the future. This is the same contractor used by Magna's cemetery. The petty cash fund is depleted, which Mayor Clayton will address. \$1000 should be enough.

- Copperton Community Council

Council Member Stitzer stated the Council will be judging the Halloween decoration contest next week. There will be cash prizes for first, second, and third place. Christmas lighting contest will be announced next month. Bingo has ended. The senior luncheon will take place on December 10 at the Lion's Club. Events will be published in the newsletter and on the webpage. They have received the allocation from the metro.

- Planning Commission

Council Member Severson stated Ranuta Alder will be the chair next year. They need an ordinance to move the commission to three members with two alternatives for November.

Copperton Metro Township Council Member Reports

- Council Member Clayton

Greater Salt Lake Municipal Services District (GSLMSD)

Mayor Clayton stated most of the meeting was focused on the bond issuance. During the other part of the meeting, they terminated the Interlocal Agreement with Olympia Hills because of the intent to annex into Herriman.

Council of Governments (COG)

Nothing to Report

- Council Member Olsen

Unified Police Department (UPD)
Salt Lake Valley Law Enforcement Service Area (SLVLESA)

Council Member Olsen stated the council voted last month for a pay increase for officers. They also discussed the possibility of reaching out to different municipalities for ARPA emergency funds. He will know more after tomorrow's meeting.

- Council Member Bailey

Unified Fire Authority (UFA)
Unified Fire Service Area (UFSA)

Council Member Bailey stated the station is on the list to be retrofitted for seismic problems and is in the design phase. The Chief is going to retire. An ad-hoc committee is getting ready to do interviews and there are two internal candidates being considered.

- Council Member Stitzer

Wasatch Front Waste and Recycling District (WFWRD)

Council Member Stitzer stated she was not able to attend the most recent Wasatch Front Waste and Recycle meeting due to a family emergency. It does not look like a fee increase is coming.

- Council Member Severson

Salt Lake County Animal Services

Council Member Severson stated Animal Services has not met since the last Council meeting. They were asked to go to New Orleans for Hurricane Ida to help relocate some of the animals. He will check into the reimbursement process.



Other Announcements

Citizen Comment

Ms. Ranuta Alder stated she is concerned because drivers are not stopping for school busses. There was an incident where a child was almost hit. Also, the busses are not always on time and sometimes the children wander around due to the long wait.

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Mayor Clayton stated he will check with the School district on options, but he anticipates push-back because members of the community decided not to attend the new elementary school. He would like to have Renata write a letter with as many resident signatures as possible for him to give to his UDOT contact. He also stated the Council will draft a letter to Jordan School District.

Council Member Olsen noted the need to publicize this and other issues on social media, which led to a discussion on the need to finalize the social media policy in November.

Mayor Clayton stated he will follow up with Maridene Alexander about possibly having her moderate the page with appeals going to ALJ.

Announcements

None.

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THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned.

SHERRIE SWENSEN, METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, COPPERTON METRO TOWNSHIP COUNCIL

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