



MEETING NOTICE AND AGENDA
AMENDED

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, April 13, 2023, starting at 7:00 PM in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**. The meeting will be streamed on YouTube, and the link to the meeting will be posted on www.KaysvilleLive.com.

Public comment is only taken during a meeting for Action Items, “Call to the Public”, or for a public hearing. **Those wishing to speak during these times must sign-up in person before the meeting begins.** Comments may also be directed to the City Council via email to publiccomment@kaysville.gov. Emailed comments will NOT be read out-loud at the meeting.

CITY COUNCIL Q&A – 6:30 PM

The City Council will be available to answer questions or discuss any matters the public may have.

CITY COUNCIL MEETING – 7:00 PM

The agenda shall be as follows:

- 1) OPENING
 - a) Presented by Council Member Nate Jackson
- 2) CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
- 3) PRESENTATIONS AND AWARDS
 - a) A Proclamation declaring April 29, 2023 as Arbor Day
 - b) Employee of the Quarter Award for Jeff Fillin
 - c) Police Chief of the Year Award for Sol Oberg
- 4) DECLARATION OF ANY CONFLICTS OF INTEREST
- 5) CONSENT ITEMS
 - a) Approval of Minutes of March 2, 2023 City Council Meeting
 - b) Approval of Minutes of March 16, 2023 Joint Work Session
 - c) Approval of Minutes of March 16, 2023 City Council Meeting
 - d) Approval of Minutes of March 27, 2023 Special Council Meeting
- 6) ACTION ITEMS
 - a) A Resolution Declaring a Local Emergency due to Significant Winter Runoff Damage in the Orchard Ridge Subdivision
 - b) Consideration of Enacting a new Section of City Code 17-5 Water Efficient Landscape Standards
- 7) COUNCIL MEMBERS REPORTS

8) CITY MANAGER REPORT

9) ADJOURNMENT

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services, or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235 at least 24 hours in advance of the meeting to be held.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on April 7, 2023.

A handwritten signature in black ink, appearing to read "Annemarie Plaizier", written over a horizontal line.

Annemarie Plaizier
City Recorder

Proclamation
“ARBOR DAY”
April 29th, 2023

WHEREAS, Kaysville City, Utah has committed considerable time and resources to the urban forest and has chosen to set aside a special day for the planting of trees; and

WHEREAS, This Holiday called “Arbor Day” is observed in every state in the union and through out the world; and

WHEREAS, trees can reduce the erosion of topsoil, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify the community; and

WHEREAS, wherever they are planted, trees are a source of joy and spiritual and mental renewal.

NOW, THEREFORE, I, Tami Tran, Mayor of Kaysville City, do hereby proclaim April 29th, 2023 as Arbor Day. I also urge all citizens to support efforts to protect our trees and woodlands and to support our urban forestry program.

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

Tami Tran, Mayor



KAYSVILLE CITY COUNCIL

March 2, 2023

Minutes of a regular Kaysville City Council meeting held on March 2, 2023 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson, and Council Member Perry Oaks

Others Present: Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Information Systems Manager Ryan Judd, Fire Chief Paul Erickson, Firefighter James Wade, Firefighter Spencer Brothers, Bailey Frampton, Jayce Frampton, Carole Walker, Cheryl Tarbet, Kim Lee, Blake Montgomery, Marilyn Johnson, Erica Harper, Juliann Bradshaw, Tom Eads, Scott White, Juleen White, Allen Anderson, Katie Nolan, Erin Young, Becky Hope, Rich Shaw, Brent Dewsnap, Martha Rushforth, Careylynn Adamson, Drew Adamson, Julia Jenkins, Alan Jenkins, Annette Allred, Lee Allred, Mitch Probert, Val Starkey, Laurene Starkey, Clarissa Parker, Tavan Parker, Angela Wade, H. Lynn Galbraith, LeVar Thompson, Susan Lee, Ed Davis, Avery Taylor, Rebecca Taylor, Jill Dredge, Nedra Saunders

OPENING

Council Member Blackham opened the meeting by recognizing the city's crossing guards and thanked them for their service. Council Member Blackham offered a prayer and then led the audience in the pledge of allegiance.

CALL TO THE PUBLIC

Avery Taylor said that she moved to Kaysville about a year ago, is attending Kay's Creek Elementary, and that she loves her neighborhood. Miss Taylor said that she was sad to hear that their neighborhood bike and scooter path might be ruined by more cars and big trucks coming through their neighborhood, and asked that the city do all they can to protect their neighborhood by not letting the gas stations have entrances onto their street (Westgate Lane).

Rebecca Taylor thanked the council for their efforts on behalf of the Westgate neighborhood, and thanked all others who have tried to advocate for the residents of Westgate and for the kids that attend Kay's Creek Elementary. Mrs. Taylor said that the neighbors did not show up to speak at tonight's city council meeting to ask the council to eliminate the proposed gas station in their neighborhood, but time is running out and they are running out of options. The neighbors are asking the council, as their elected advocates, to protect their neighborhood by doing all they can to eliminate access to the gas station from the Westgate neighborhood. Mrs. Taylor said that when they had the opportunity to move back to Utah, they spent a lot of time trying to find a place where they could settle down and they chose Kaysville because of the semi-rural feel. They liked the Westgate neighborhood because they felt that it was safe and a good place for their kids to grow up. Mrs. Taylor gave the city council a photo of the kids in their neighborhood standing in front

of where the proposed entrance to the gas station would be located on Westgate Lane. Mrs. Taylor said that an entrance to a gas station onto a residential road isn't just a safety concern, but they are also concerned about the economic impact this gas station will have on their homes. Building a gas station in their neighborhood will shatter residents' dreams of what this neighborhood should be. As the council considers the difficult task of balancing a landowner's rights with the well-being of the community, the neighbors hope that the council will remember the kids and the neighbors living here. The neighbors are asking their elected advocates to do all they can in order to prevent access from the gas station onto Westgate Lane.

Blake Montgomery said that he lives directly across from where the proposed Kum & Go gas station entrance will be on Westgate Lane. Last week a letter was sent to the council asking that the council take action on this development and put a moratorium in place. The neighbors were hoping that a moratorium would help give them more time to find solutions and be able to navigate through the countervailing public interest shown in this property through the over 300 signatures from residents. Mr. Montgomery said that they are looking for solutions that would provide for the items listed in Kaysville City Code 17-1-2. The neighbors have come here tonight to ask the council to help them to be able to find a solution that will keep the Kum & Go access off Westgate Lane. There are multiple instances in the General Plan where it discusses the city protecting neighborhoods. It is necessary that an adequate buffer be created between the residential and commercial uses. Mr. Montgomery asked the council, to do all they can to advocate for the residents in order to protect the neighborhood and keep access off Westgate Lane.

Clarissa Parker gave a map to the council indicating traffic concerns that the neighbors of the proposed Kum & Go have, specifically in regards to the traffic traveling to and from the nearby elementary school, as well as traffic coming onto Westgate Lane to the gas station. It is common that traffic traveling west along 200 North during peak hours will be backed up as far east as Wellington Drive. Adding a gas station in this area will just cause further congestion, and will push traffic from the gas station onto the nearby surrounding neighborhood streets in order to avoid long lines of cars. This will add more cars onto residential neighborhood streets daily, especially during the time kids will be walking to and from school. There will also be large trucks coming and going from the gas station as well, right where some of their neighborhood kids will be crossing the street to go to school. The neighbors are asking for a reasonable, logical, and ethical decision to be made by the council, and implore the council to advocate on the residents behalf. The council should appeal to Kum & Go and ask them to be a good community partner and neighbor by considering moving access exclusively to 200 North Street.

Tavan Parker gave the city council a map depicting the Westgate neighborhood and how many children live here. Mr. Parker described their neighborhood and said that many of them have lived here for a year or less, but they have become a tight-knit group. The residents have spent hours trying to plead to the city on behalf of their children. More homes are continuing to be built here and there will likely be more kids living in this area. Innocent children will be impacted by this Kum & Go commercial development. The city needs to do more to protect the children who live here and who attend school here. Kum & Go's convenience and potential business access into the Westgate neighborhood is not more important than the safety and well-being of the children.

PRESENTATIONS AND AWARDS

PRESENTATION TO FIREFIGHTER JAMES WADE FOR 20 YEARS OF SERVICE

Fire Chief Paul Erickson made a presentation to Firefighter James Wade for his 20 years of service with the Kaysville Fire Department.

PRESENTATION OF 2022 FIREFIGHTER OF THE YEAR

Fire Chief Erickson presented the “2022 Firefighter of the Year Award” to Spencer Brothers and explained that the recipient of this award was nominated by his peers. Mr. Brothers is doing a lot for the department and he is continuing to further his education.

KAYSVILLE FIRE DEPARTMENT PRESENTATION

Fire Chief Erickson presented a report of the Kaysville Fire Department for the 2022 year. Chief Erickson explained that the fire department is currently staffed with 22 full-time firefighters, 13 part-time firefighters, 1 part-time Junior Fire Setter Counselor, and 1 part-time administrative assistant. Their department recently put a new medic rescue vehicle into service as of July 2022 when the department received their ALS license. The department’s Annual Training Plan includes over 80 firefighter specific classes and 45 medical specific classes, plus over 113 hours of continuous education. Medical calls account for 64% of the calls the fire department responds to, and therefore it is very important that their department keeps up-to-date on their training. During the pandemic, their department decided to take a different approach to fire inspections and have businesses do their own inspections for a time. During 2022, their crews went back to doing inspections on commercial businesses and food trucks. They do not currently have a Fire Marshal on staff, so crews conduct the inspections. The department holds monthly safety meetings, annual physical exams and annual fitness evaluations. The department provides a lot of mutual aid response to other cities, but we also have other cities help us out when we need it as well. Even with Fruit Heights City no longer contracting for fire protection services from Kaysville, the call volume has continued to rise, and they are seeing an increase in the number of responses they go to on the west side of the city. About 16% of their calls are overlap responses, meaning that our crews will already be on a call when a second call is made in the city. With being able to have more crewmembers staffed at our station, we are able to handle these overlapped calls very well. In 2022, the fire department had 55 reported fire calls, and 12 life saves. Our department is 83% compliant with the NFPA standard, which we have never reached before.

Council Member Jackson asked about fire towers used for training.

Chief Erickson said that Davis Tech has been lobbying to be able to get a fire tower. The only agency around this area that has a tower is in Layton, and they are always using it for fire academies and it is hard for any other agency or Davis Tech to be able to get in to use that tower. Having access to a fire tower would be beneficial because it would provide real-world training for our firefighters.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Adams made a motion to approve the following consent items:

- a. Approval of Minutes of January 27, 2023
- b. Approval of Minutes of February 2, 2023
- c. Approval of Crushing Concrete and Asphalt for Repurposing Contract
- d. Approval of Burton Lane Roundabout Construction Project

The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Oaks, yea
Council Member Jackson, yea

The motion passed unanimously.

ACTION ITEMS

AN ORDINANCE AMENDING KAYSVILLE CITY ORDINANCE 4-2-7 "ELECTRIC REVENUES AND RATES", REGARDING ELECTRIC FUND TRANSFERS

Mayor Tran explained that about six months ago, some council members expressed interest in considering other financial options to help areas of deficiency within the city's budget. More specifically, being able to transfer funds from one enterprise fund to another area of the budget. Last year the council decided not to hold a Truth in Taxation hearing or change the tax rate for the year. The council has had several discussions about possibly moving some of the power enterprise funds to other areas of the budget, in order to see if we could keep taxes down. We purposely kept the review process slow and transparent because we need to make sure we are making a financially responsible decision. Recently the city saw a substantial increase to the costs of power, and because of that, we have new information to take under consideration. At the December 15, 2022 City Council meeting, a motion was made for the council to postpone the consideration of an amendment to the ordinance regarding electric fund transfers until February or March to give time for further discussion. This item has been put on the schedule again tonight in order to make a decision.

Mayor Tran opened the meeting for public comment for this item.

Val Starkey commented that he is in support of Proposition 5 because it was voted on and passed by the people. Mr. Starkey said that he is also in support of the power company because we all use power. A friend of his, John Palmer, who lives in west Kaysville and is a power engineer, sent him an email in regards to the city's power company, which Mr. Starkey said that he forwarded on to the council members. Mr. Palmer said in that email that based on the reliability study that was done on the city's power by the city a few years ago, the study is not sufficient basis for which to draw conclusion about the investment needed to maintain the capabilities and reliabilities of the

infrastructure. Our power infrastructure is old. Mr. Starkey said that he had spoken with Rocky Mountain Power and they told him that they would not consider purchasing Kaysville Power as it is now because it would take eighty-million dollars to get the infrastructure improved to where it needs to be. Mr. Palmer said that the city needs to deal with the inspection and testing of the infrastructure. The Power Superintendent has indicated that there are updates in the works. Mr. Starkey said that John Palmer has offered, not as an engineer but as a concerned citizen, to come and give the city a second look at the power infrastructure. Mr. Starkey encouraged the city to consider having Mr. Palmer come to look at the power infrastructure.

Susan Lee said that she appreciates the opportunity to be able to give the council some perspective from herself who was at the forefront of stopping the transfer of electric fund monies. Mrs. Lee said that when she was first put on the City Council she was put over the power department as her council assignment and, as part of that assignment, would attend trainings and UAMPS meetings. She said she quickly found out that the city was in a bad state of affairs with our infrastructure and reserve power funds, and she felt that something needed to be done. Prior to her getting onto the City Council, Proposition 5 was passed, and it was not easy. There was a lot of knocking on doors and collecting signatures. Proposition 5 was not passed overnight. It passed because people wanted to stop the transferring of funds from the power reserve. The current council had a chance to listen to Alan Farnes, Power Commission Chairman, speak at a recent City Council meeting and he indicated that the Power Commission had unanimously voted not to change Proposition 5 or the ordinance regarding the transfer of electric funds. Proposition 5 is not perfect, but it should not be amended. It is what the voice of the people has asked of the city. There are good reasons for not amending Proposition 5, one of which is because the price of electricity is increasing. Once that door is reopened, who is to say what the next council will do.

Jill Dredge said that she has lived here in Kaysville for a long time and years ago a storm knocked out power in areas of the city for four days in the winter and a lot of damage was done. Crews were brought in from all over to help turn the power back on. When that happened, it made citizens more aware that our power infrastructure situation was serious. Proposition 5 then came about and people voted for it. Ms. Dredge asked that the council protect resident's homes by keeping the reserve funds in place for only power needs.

Nedra Saunders said that she has lived in the city for 40 years and worked hard towards Proposition 5 to keep the funds in place for the power company. Ms. Saunders asked that the council be mindful of the people who voted for Proposition 5. Proposition 5 was the community's voice to say to the city that we want the power reserve funds to be left in their designated place. We budget and set aside funds for when we need it. Sometimes we have to find creative ways to pay for things, but taking funds from what has been designated for power is not the way to do it. Taking away Proposition 5 also takes away the transparency of the city, is not good budgeting, and it takes away the voice of the people.

There were no further comments or questions from the public. Mayor Tran closed the public comment for this item.

Council Member Hunt made a motion to deny the Ordinance amending Kaysville City Ordinance 4-2-7 "Electric Revenues and Rates", regarding electric fund transfers, seconded by Council Member Adams.

Council Member Jackson said that he applauds the community for sharing their concerns with the council. As a council, it is their due-diligence to review things from all angles, and determine what is best for the community and city. It has been very helpful to hear from community members who have provided insight and research into this item.

Council Member Oaks commented that the city and the council had received a lot of emails and phone calls about this, and there has been a lot of misconceptions and comments misrepresenting what the council had said in our discussions. It is unfortunate because the council have been called criminals and been accused of having already taken funds from the power reserve funds. Council Member Oaks said that many years ago when he was approached and asked to support Proposition 5, he was told that he would get money back from the city every year and that is why he voted for it. Yet no citizen received any money. Now, having learned what he has about Proposition 5 and that there was no money in reserve that point, and because of Proposition 5 we now do. We have been able to raise the funds needed to be able to take care of some of the power projects because of Proposition 5 passing. Last year when the council started discussing the possible transfer of power funds, the city felt that there needed to be at least eight million dollars held in the power reserve funds, and we had more than that. Our Power Superintendent was part of the discussions, and the council had asked him if there was anything that the power company couldn't do on their five-year plan if some of the funds were removed from the power reserves, and he told us no. The council relies on others to help inform us as we make our decisions because we do not have all the information. Part of the reason we discussed possibly transferring some power funds was because we wondered if by moving the funds to deficient areas of the budget, if it would help not to have to raise taxes or to decrease the amount we would need to raise taxes. However, life has changed in the last six months and power rates are much more expensive than we ever anticipated. It is not likely that costs will improve anytime soon, if ever. With the way things are currently, considering a transfer of power funds would not be a responsible decision. Unless power costs go back to the way they were previously, this is not something that we should consider.

Council Member Blackham said that he is in favor of using excess power funds for one-time capital improvements. Council Member Blackham said that he worked for Kaysville for many years and saw the benefits to the city of having excess power funds that could be transferred where needed in the budget. Mistakes were made, and that is why Proposition 5 was created. One example of something the city was able to do with power funds before Proposition 5 was in place was the city was able to purchase the property where the Smith's Marketplace now sits. Smith's serves our community and brings in hundreds of thousands of dollars back to the city every year in sales tax revenue. It was a win for everyone to use those excess power funds at the time. By approving this proposed ordinance amendment, we are not transferring any money tonight. This would just give the council the ability to transfer excess funds to cover other city costs in our budget when there are excess funds. Raising taxes is not always the answer. Having a power company should be an asset and not something negative. Council Member Blackham said that when he looks at the city's budget and sees an area where we have millions of dollars sitting in excess, he would like the ability to be able to use those excess funds in order to try to limit raising taxes. We should be able to use these excess funds to put towards one-time purchases. People act like the council is trying to steal money from the power company. The money that goes into the power funds is the citizen's money. Taking that money to put into a one-time purchase is reinvesting into our city. Our legislature is constantly changing laws that effects our city. Change happens and just because you have something on the books does not mean that it will not ever change in the future.

Council Member Adams said that at one point some in the city and community had suggested using some of the power funds to help renovate the old library. It is hard to see money sitting in a reserve fund and not want to use it for something, or have excess money and still have to raise taxes rather than using it to avoid raising taxes. Being able to use the funds so that we would not have to raise taxes was one of the initial appeals of the council. We have had a lot of constructive discussion about this item and have gotten many people involved in the discussion. Council Member Adams said that he struggled with justifying the spending of money in this reserve fund on something that was not power related. When we raise taxes, it is because we have to cover all aspects of the city's operation costs. Council Member Adams said he has also struggled with the idea of changing this ordinance because it was the will of the people who voted not to allow the transfer of funds. In the future, we may need to amend this ordinance because things change. For now, it needs to remain the same.

Council Member Hunt commented that she had felt uncomfortable with the idea of amending this ordinance from the beginning, but has appreciated that the council was given the chance to vet this out and look at the pros and cons of this. When the council makes decisions for the city, it is always helpful to have more evidence of what the residents want for the city. Proposition 5 is one of those times where the council was able to get a look at what the residents wanted, and not enough has changed since then to justify amending the ordinance at this time.

Mayor Tran stated that she appreciates all of the comments that have been made. The Council being able to take a chance to look at possible alternatives for the city is not bad policy, although there are some citizens who were very outraged that we would do it. It has been disappointing to witness that outrage as we went through this process and would hope that our residents would have more trust that their city council would make the best decision for our community. There were many reasons why the council looked into considering this as another option for our city. The council has been entrusted to manage the money of the city and we are trying to do what we can to be responsible with it. This is what good government should look like. If the council did not consider other options for the city, that would be irresponsible of us. That is why the council has had many discussions about this item and we have let our citizens know that we are having these discussions in open meetings. We have given ourselves a lot of time to vet this out. This is what transparency in the government looks like. It is because of the constructive comments from our citizens that we have been able to be given more information to make a more informed decision. As the council has looked over our budget over the last couple of years, we had a good savings in our general fund and so some of the money was used in order to try to keep a tax increase down or not to raise taxes at all. Looking at using power funds was just another way the council was looking to keep taxes down. The council is going to have to make some hard decisions in this upcoming budget cycle. Costs are increasing. Through this process, we can now show our citizens that we have looked at all available options, and hopefully our citizens see that we have done the best job that we can.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Oaks, yea
Council Member Hunt, yea
Council Member Jackson, yea
Council Member Blackham, nay

The motion passed with a vote of four to one.

AN ORDINANCE AMENDING TITLE 17, CHAPTER 27 OF THE KAYSVILLE MUNICIPAL CODE REGARDING MIXED USE ZONING DISTRICT OVERLAY

Community Development Director Melinda Greenwood said that the council had reviewed this item previously, but had tabled the item to give the council more time to further review the proposed ordinance amendments.

Mayor Tran opened the meeting for public comment for this item.

Laurene Starkey said that some citizens had expressed concern about the proposed ordinance amendments about alcohol regulations and they do not want the city to lower the current standards for liquor laws. We need to be vigilant in keeping our standards high. Mrs. Starkey also added that although the properties west of Goldenwest Credit Union are already zoned for commercial, citizens have expressed concern to her that the historic nature of the buildings will not be kept in place, specifically for the FotoFly building on the corner of 200 North and 200 West. Mrs. Starkey said that we are aware that the commercial zoning cannot be changed at this point, but they wanted to let the council know that there are citizens that care about what is historic in our city and would like to see them preserved.

There were no further comments or questions from the public. Mayor Tran closed the public comment for this item.

Melinda Greenwood said that there are permitted uses and conditional uses that are listed in the code for each of the city's zone. Conditional uses mean that those particular uses are allowed, but they may need mitigation factors to be placed on the use. Conditional uses are more limited on what the city can regulate because cities are obligated to approve conditions that are only listed in the code at the time a conditional use permit application is submitted. The text amendments being proposed under the Mixed-Use Zoning District Overlay code would move the conditional uses to permitted uses, which eliminates the burden of review. The best practice with conditional uses is to have them in city code for a time so that the city can go through the conditional use permit approval process several times to see what shortfalls there may be with the code. The city would then change the code to address those shortfalls, and the conditional use would be moved to a permitted use. That is the intent of the amendments being proposed. It does not add any additional use that is not already allowed.

Mayor Tran asked about what alcohol regulations the city has.

Melinda Greenwood responded that the state regulates most locations that want to sell some form of alcohol. In Kaysville, we have two types of alcohol licenses that we issue. One is for on-premise alcohol sales, meaning that the alcohol will be consumed on-premise, such as a restaurant. The other type is for off-premise sales, where alcohol will be consumed off-premise, such as a grocery store or convenience store. The state does not regulate off-premise alcohol sites, and therefore municipalities would set up their own regulations, should they wish.

Council Member Blackham said that when the Mixed-Use Overlay ordinance was first put into

place, the council wanted to make sure that there was a specific percentage that remained with the base zone so that a development could not make a commercially zoned parcel as mostly residential units. As long as a development agreement is required for each mixed-use zone, the council can ensure that what is approved is what we want and what is best for our community. The council recently reviewed a commercial subdivision plat where the developer indicated that they were considering a Mixed-Use Overlay on two parcels, but one parcel would have the commercial and the other could have residential units built on it. This type of development is not what we had in mind for the Mixed-Use zone. Those two commercial parcels will likely be sold separately. With this overlay zone council is looking for developments where commercial uses would be located on the main floor, and residential units would be built on the floor, or floors, above. Or a similar type of development. We want the Mixed-Use zone to emphasize the underlying zone. Each proposed Mixed-Use zone will need to be looked at individually.

Melinda Greenwood said that mixed-use ordinances can be tricky to get right. Having the requirement of a development agreement as part of the zone gives the city flexibility to help bring forward a good project. The goal of the city should be to bring forward a successful project, and not be so focused on the underlying zone. The requirement of commercial space is difficult and sometimes you can force a project to create a lot of unusable commercial space. We want these projects to be able to create commercial space that will be leasable and occupied. Through a development agreement, the city will have full discretion to require what we want and how a project will look to a specific site.

Council Member Blackham said that we need to try to get more commercial in the city and there are some roads that more commercial would be appropriate.

Council Member Hunt said that there is an area designated in the city to allow for sexually oriented businesses and she would like to see that this mixed-use overlay zone not be allowed within that same area.

Melinda Greenwood said that she would add language to clarify that within the code.

Council Member Jackson said that he would like to remove the term “motels” from the code. Kaysville is a small community and motels bring in different clientele that we would not want in our city. If we leave the term in our ordinance than we are saying there may be a chance that we would allow them.

Council Member Adams commented that because a development agreement is required with the zone, the council would have the ability to restrict a project from building a motel through that development agreement.

Attorney Nic Mills added that there does not seem to be a drastic distinction between a hotel and motel. In our city’s code, a hotel and a motel are defined the same.

Council Member Jackson asked about creating more regulations regarding architectural designs for facilities.

Melinda Greenwood said that the development agreement would allow the city to give more direction on what architectural styling we would like on a building. It could be very project

specific on what a developer submits for approval, and could be negotiated through the development agreement.

Council Member Jackson said that he appreciated that storage units would not be allowed through this ordinance. Council Member Jackson suggested that the review discussed in 17-27-7(1)(a) include review of landscaping, as well as adding a provision that input be gathered from adjacent residents, as applicable.

Melinda Greenwood said that she would not recommend including trying to get the opinions of nearby residents. A better approach would be for the council to represent what they feel would be best for the community and what residents would want.

Council Member Blackham added that the code already includes that requirement that a landscape plan be provided when a Mixed-Use application is submitted.

Council Member Jackson asked about transit based parking reductions, as discussed in 17-27-7(5)(d)(iii)(2).

Melinda Greenwood said that because we do not have rail in our community, this applies to the bus stops in our city. One of the reasons this ordinance is in place is because the council selected it to be included for our modern income housing requirements, as required by the state.

The city council discussed the parking requirements for the Mixed-Use Overlay Zone.

Council Member Adams made a motion to approve an Ordinance amending Title 17, Chapter 27 of the Kaysville Municipal Code regarding Mixed-Use Zoning District Overlay with the addition to language be added to state that sexually oriented businesses not be allowed as part of this zone. The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Oaks, yea
Council Member Hunt, yea
Council Member Jackson, yea
Council Member Blackham, yea

The motion passed unanimously.

The Mayor continued the “Call to the Public” Item to allow three members of the public to speak who were not allowed to speak during Call to the Public earlier in the meeting.

CALL TO THE PUBLIC (CONT.)

H. Lynn Galbraith said that during one of the discussions regarding the old library building, it was suggested that they borrow money from the power reserves with the agreement that the money would be paid back to that fund. Mr. Galbraith said that he was representing other citizens who feel that the historic library building should remain in the hands of the city as a public building,

and not be turned over to a private entity. They have hoped to be able to put in a museum and art gallery in the old library building, and they hoped to use it as a multicultural center. This would allow us to have a multi-use opportunity for the building. Originally, the city was going to use the building for more office space, and had considered getting the money to fund the renovation through a bond or grant money. The city has since lost interest in doing that. However, at some point during that time the city had promised their group of citizens that a portion of it could be used as a museum. In August 2021, Mr. Galbraith said that he had received a call from Tami Tran who indicated that Mayor Witt had enough votes from other council members to tear down the building. A council meeting was held to discuss this, and after a lot of debate, the council decided to vote in favor of saving the building and using it for public use. Now we are here again because the council wants to take the museum space away from us again, and put the building into private hands. Our group are opposed to this because they were promised that they would be able to have multiple uses for the building. Mr. Galbraith added that he feels that it is unfair to limit public comments to three minutes a person.

LeVar Thompson said that he had lived in Kaysville most of his life and he, along with a group of residents, have tried for many years to be able to use the old library building as a museum and art gallery. At this point, many have given up. Many people have accumulated historic items and will not give them to the museum group until there is a museum to put their items in. Bountiful, Centerville, Farmington and Layton all have museums, but Kaysville has no plans for one. If the building is given to a private business to build a restaurant here, there will be no place in the city to put a museum. We already have many restaurants in the city, but we do not have a museum or art center. If the city does not find a place for a museum within the next couple of years, it is unlikely that we will ever have one. Something needs to be done now or we will lose many of our members who are working towards creating a museum. Mr. Thompson said that he was recently approached by a council member and asked why the museum group had not raised money towards a museum. Many feel that they do not want to donate or do fundraising for a museum until there is a guarantee from the city that we will have a place for a museum. There needs to be a place where the LeConte Stewart paintings can be exhibited, and the city has broken agreements they had with the Stewart family by not displaying them now.

Susan Lee said that the new city building is sterile and does not display the heritage of the city as the previous city hall had. There is no representation of our city's history when you walk into this building. This seems to be how it feels for Kaysville because as citizens we do not have a representation of and for our heritage. The Mayor has said that she is wants to save the old library. Those that do care about preserving it care deeply about it. There are people who have been fighting for years to preserve the old library building, but not to preserve it for it to become a restaurant. It needs to be a place for a city museum and a LeConte Stewart Art Gallery. There needs to continue to be progression towards having fundraisers and getting grants. We are running out of time. We need to do everything we can to bring back the LeConte Stewart Art Gallery so that we can start showing it off again and showing the great people we have in this city. We could highlight in the museum the seventh governor of our State who was a resident of Kaysville. There is a lot of history of Kaysville that we have nowhere to display and to educate our children on our history.

WORK ITEMS

DISCUSSION OF AMENDMENT TO TITLE 17 CHAPTER 33 SIGN REGULATIONS, REGARDING LIMITING THE SIZE AND HEIGHT OF SIGNS ALONG THE WEST DAVIS CORRIDOR

Melinda Greenwood said that a proposed text amendment to the city's sign regulations was presented to the Planning Commission in January 2023 and Staff was asked by the Commission to research sign regulations that other cities have along Legacy Highway and other scenic byways in neighboring cities. West Bountiful and Farmington do not have specific sign regulations along Legacy Highway. Centerville has a shore protection ordinance that does not allow for any signage within 150 feet of a shore. The West Davis Corridor will be a scenic byway, similar to Legacy Parkway. UDOT uses different signage along scenic corridors and they will not regulate anything outside of their right-of-way. Kaysville's current city code does not allow for off-premise signage and therefore there no billboards will be allowed in Kaysville along the West Davis Corridor. Some concern has been expressed in regards to signage at the small commercial area on 200 North near the West Davis Corridor. Staff could do further research on other areas in the state that have scenic byways to see what kind of sign regulations they have implemented in order to preserve their scenic byways.

Mayor Tran said that this item was put on the agenda as a work item to give the council a chance to review the city's sign ordinance regulations. The council has different options to consider moving forward. The council could consider allowing only monument signs throughout the city from now on. However, this may cause some drawback as some retailers want to have taller signs. Another option would be to consider not allowing for tall pole signs along the West Davis Corridor.

Council Member Hunt said that she does not feel it necessary to create new sign regulations for the city as a whole. There are special circumstances along the West Davis Corridor, such as it being located close to migratory bird areas and wetlands, as well as residential areas, that would justify creating sign regulations just for this area.

Council Member Jackson said that he feels that having a thirty-foot sign along the West Davis Corridor is too tall. Council Member Jackson stated that he would be okay only allowing monument signs from now on throughout the city for commercial uses. There needs to be stricter sign regulations. Signs are not as necessary now that people use their phones to get where they need to go.

Council Member Adams said that the only commercial area next to the West Davis Corridor is surrounded by residential properties and a sign could affect the overall look and feel of a neighborhood. It does not make sense to have tall signs in the area that could project bright lights into the neighboring homes. Council Member Adams said that he would advocate to only allow monument signs near the West Davis Corridor.

Melinda Greenwood said that the city's sign ordinance regulates lighting and effects that signs can use and at what time of day. There are very specific definitions to help mitigate the impact of electronic signs.

Council Member Blackham said that many of the signs at Station Park are wall signs because the

businesses there are destination-driven. Once people know that Kum & Go will be at this location on 200 North, they will not need anything more than wall signs to show where they are. There is not any reason to have more signage along the street at the commercial location where Kum & Go will be. Kum & Go's signage should be kept to a minimum.

Mayor Tran directed staff to amend the language of the sign ordinance to address signage regulations along the West Davis Corridor based on comments made tonight.

Council Member Jackson said that he would like the council to have further discussion about implementing stricter sign regulations for the city as a whole at some point in the future.

Council Member Blackham said that whatever is allowed near the West Davis Corridor should be a ground sign and should fit in with the architecture, or be more organic that fits within the landscaping.

Council Member Hunt asked about the allowed height of monument signs.

Melinda Greenwood responded that she believes the ordinance allows for monument signs up to eight feet tall.

COUNCIL MEMBER REPORTS

Council Member Blackham informed the council that Chief Erickson had received the grant money for the equipment purchase the council had approved at the February 16, 2023 meeting for the Fire Department Rescue Task Force and Police Department SWAT.

Mayor Tran said that this year's Legislative session would be ending tomorrow and that cities have been very active on the hill this year trying to maintain municipal control.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 9:23 p.m. The motion was seconded by Council Member Hunt and passed unanimously.

KAYSVILLE CITY COUNCIL
WORK SESSION
MARCH 16, 2023

Minutes of a special work session with the Kaysville City Council and the Kaysville Planning Commission held on March 16, 2023 at 5:30 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, and Council Member Perry Oaks

Planning Commission Members present: Chairman Toby Barrus, Wilf Sommerkorn, Steve Lyon, Paul Allred, Krista Keetch, Rachel Lott, Michael Packer, and Erin Young

Excused: Council Member Nate Jackson, and Commissioner Josh Sundloff

Others Present: Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Assistant Finance Director Levi Ball, Information Systems Manager Ryan Judd, Planning Commission Secretary Mindi Edstrom, Val Starkey, Laurene Starkey, Jill Dredge

LAND USE TRAINING

Mayor Tran opened the work session and welcomed those present. Mayor Tran turned the time over to Wilf Sommerkorn.

Wilf Sommerkorn made a presentation regarding local land use planning and regulation. Mr. Sommerkorn reviewed the land use process, legislative actions versus administrative actions, the role of the city council, the role of the planning commission, general plans, referendums, appeals, and public hearings.

The work session was adjourned by Mayor Tran at 6:41 p.m.

KAYSVILLE CITY COUNCIL
March 16, 2023

Minutes of a regular Kaysville City Council meeting held on March 16, 2023 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, and Council Member Perry Oaks

Excused: Council Member Nate Jackson

Others Present: Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Information Systems Manager Ryan Judd, Public Works Director Josh Belnap, Val Starkey, Laurene Starkey, Jill Dredge, Ed Davis, Brad Mortensen, Austin Petersen, Steven Richardson

OPENING

Council Member Oaks opened the meeting with a prayer and led the audience in the pledge of allegiance.

CALL TO THE PUBLIC

Ed Davis said that he had seen the proposed site plan for Kum & Go, he originally thought all accesses would be taken off of 200 North Street, but he misinterpreted what he saw. While he is grateful to see that one of the street access points had been removed, the site plan still does not address the neighborhood's primary concern regarding the crossing of commercial traffic and the children's safe route to school. Through this process, he has questioned why there is such resistance to putting all of the street entrances to Kum & Go onto 200 North. Mr. Davis said that there are still plans for a meeting to be held where the engineers will attend and they can hopefully explain their reasoning. Mr. Davis said that he had been told that the reason why Kum & Go wants to keep an access point on Westgate Lane is because of traffic circulation on the site.

PRESENTATIONS AND AWARDS

WEBER STATE UNIVERSITY "LOUDER AND PROUDER TOUR"

Brad Mortensen, President of Weber State University, said that he had been entrusted by their Board of Trustees to go to different communities in the area and let people know about the great things happening at Weber State, and to give an update about the university. President Mortensen gave a presentation to the council highlighting the successes of Weber State students and alumni, and the contributions they make to their communities.

Austin Petersen, a Presidential Leadership Fellow with Weber State University, spoke about his experience of becoming and being a student at the university, and how Weber State gave him opportunities to become successful.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Adams made a motion to approve the following consent items:

- a. Approval of Minutes of February 16, 2023.
- b. Appointment of Michael Packer and Erin Young as Planning Commission Alternate Members.
- c. Approval of Design and Coordination Services Contract for Crestwood Road and Utility Project.
- d. Award of Bid for Wilderness Park Parking Lot Expansion.
- e. Interlocal Cooperation Agreement with Davis County for municipal election services.

The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Oaks, yea

The motion passed unanimously.

ACTION ITEMS

AN ORDINANCE TO AMEND TITLE 17 CHAPTER 30 CONDITIONAL USES AND ALL OTHER SECTIONS OF TITLE 17, PLANNING AND ZONING, WHICH PERTAIN TO THE PLANNING COMMISSION APPROVAL OF CONDITIONAL USES

Community Development Director Melinda Greenwood explained that conditional use permit applications are considered permitted uses within a zone, but those uses are ones that may need to have additional conditions applied to ensure surrounding areas are not negatively impacted. Best practices for approving conditional use permits are to have those approvals done at a staff level. At the February 23, 2023 Planning Commission meeting, the Commission held a public hearing and voted 5-0 to pass a positive recommendation to the City Council for assigning the land use authority to Community Development staff. There was one public comment received expressing opposition to the change.

Mayor Tran opened the meeting for public comment for this item.

There were no comments or questions from the public. Mayor Tran closed the public comment for this item.

Council Member Adams said that he is concerned about assigning the land use authority to staff is because he likes things to be talked about in order to give a chance for more people to review

items, or to have time to talk as a group or body about something. Oftentimes these conditional use applications are not controversial, but there are times when there are neighbors who are concerned about a proposed use. There still needs to be a way for concerned citizens to be able to express some of their concerns and suggest potential conditions that may be considered to help mitigate any impact a conditional use may have. We need to make sure that things are looked at from all different angles and that the public has a way to make their voice heard. Council Member Adams asked why this amendment was being recommended.

Melinda Greenwood responded that the American Planning Association of Utah and the Utah State Property Rights Ombudsman's Office are advising cities that the best practice for approval of conditional use permits is to have the administrative authority, for items such as conditional uses, be assigned to professional staff. This creates an expedient process and reduces the probability of appeals. It also allows for these types of permits to be approved by trained professionals in their line of work, rather than the layperson who may not listen to the advice of city staff. Conditional use permits are the most frequent applications processed by the Community Development Department. When the proposed ordinance amendment was presented to the Planning Commission, they also expressed concern that conditional use permit applications continue to be transparent with neighboring property owners, and that the neighbors still be given the opportunity to express any concerns about a conditional use permit application. The current practice of city staff when a conditional use permit application is received is to place a sign on the applicant's property for a certain amount of days, indicating that the city had received an application. This practice can continue to be done with this proposed amendment, as part of the conditional use approval process. The state law says that a city can't place conditions on a conditional use that are not addressed in our city code. The majority of conditional use permits received are for home occupations.

Council Member Blackham said that while it might be easier to quickly approve conditional use permits through staff, there may be things that the staff member does not see, and it's good practice to receive public comment on land use items. Council Member Blackham said that he thinks the ordinance should outline the placement of a public notice sign on the subject property for at least one week. This would give neighbors the opportunity to provide public comment. The public comment does not need to be given in an open public forum. Council Member Blackham said that he is somewhat hesitant to allow staff the ability to approve exceptions and modifications on some of these applications, specifically if it is in regards to requests to change setback requirements. Those are legislative requests and should go before a legislative body to make a decision.

Melinda Greenwood commented that if the council is uncomfortable approving the amendments within Section 25 of Title 17, the language could remain the same in this section so that the Planning Commission would remain the land use authority for the section.

Council Member Oaks commented that most conditional use permits should likely be approved administratively by the Staff. It is just determining what conditional use permits would be sent to the Planning Commission automatically.

Melinda Greenwood suggested that after a conditional use permit application is submitted that a notice be posted on the property for a period of a week, and if any comments are received during that timeframe then they would be addressed afterward.

Mayor Tran asked if comments on conditions use permit applications could be shared with the Planning Commission as part of the review process.

Council Member Adams asked about placing conditions on conditional use applications.

Melinda Greenwood responded that any conditions placed on the conditional use permit would need to be based on evidence and data. Conditions can only be put on a permit if it's within our code.

Nic Mills said that these amendments are being proposed because staff feels that these conditional uses have been in the code long enough that we understand the regulation of them, and can be moved into permitted uses. Having an appeal process if certain neighbors object to the use is hard because we are very restricted on what we can do as part of the approval of a conditional use permit. It's a very administrative decision. If the conditional use meets our code, the city could be required to give them a permit. However, if the applicant violates the terms of the conditional use after being approved for a permit, then their permit could be revoked. That would still be an administrative enforcement though.

Council Member Blackham commented that people want a place to be heard. Council Member Blackham added that Section 17-25-5 it is being amended to say that the width of a side yard may be reduced or eliminated when authorized by the Community Development Director. This seems to be more legislative action and should not be an administrative decision. Council Member Blackham asked about conditional use permits for farm animals.

Melinda Greenwood responded that conditional use permit applications for farm animals would still go before the Planning Commission for approval.

Council Member Adams said that there are benefits to sending conditional use permits to the Planning Commission for approval. It gives a place where people can be heard but it also gives a chance to help educate people on what the city's codes are. However, it seems the same could be achieved if we provide a way and a place to give information about a conditional use permit application and to receive public comments. These conditional use permit applications need to be reviewed by more than one person.

Melinda Greenwood commented that typically when someone sees our public notice signs they often will call our office to find out what it is about, and then we don't hear anything more from them.

Council Member Hunt asked about who reviews appeals.

Nic Mills responded that appeals for administrative actions are sent to our Administrative Law Judge for review. Legislative actions are usually reviewed through a referendum.

Council Member Hunt commented that when she was serving on the Planning Commission she enjoyed reviewing the conditional use permit applications because not only was it good to see what things were happening in the city, but it also was educational to the public. Sometimes there is an appearance to our public that if things are being processed administratively that there is no oversight and things may be happening without the city being transparent about them. Presenting

these items in a public meeting is a good for transparency. Council Member Hunt said that while many of these conditional use permit applications could likely be done through staff, she is unsure how it would be determined which conditional uses should be processed by staff and which should continue to be reviewed by the Planning Commission. Those applications that are reviewed by staff should have a way for the public to make comments. Council Member Hunt also suggested that the Planning Commission be briefed on whatever conditional use applications are approved by Staff. There should be a way for the public to be able to see the deliberation taken through a conditional use permit application process, and provide education on the appeal process.

Council Member Adams made a motion to deny an Ordinance to amend Title 17, Chapter 30, Conditional Uses, and all other sections of Title 17, Planning and Zoning, which pertain to the Planning Commission approval of conditional uses.

The motion died for lack of a second.

Council Member Blackham made a motion to table an Ordinance to amend Title 17, Chapter 30, Conditional Uses, and all other sections of Title 17, Planning and Zoning, which pertain to the Planning Commission approval of conditional uses, with the following direction to Staff:

1. In the ordinance, clearly define which ways public comment could be made.
2. Delineate which items are considered legislative and which administrative. Legislative decisions, such as what was mentioned in 17-25-5, should continue to be reviewed by the Planning Commission.

The motion was seconded by Council Member Hunt.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Hunt, yea
Council Member Oaks, yea
Council Member Blackham, yea

The motion passed unanimously.

WORK ITEMS

POTENTIAL BOUNDARY ADJUSTMENT WITH FARMINGTON CITY ALONG 950 NORTH STREET

Public Works Director Josh Belnap explained that in conjunction with Farmington City, Kaysville Public Works is currently overseeing the construction of a network of streets that will help to better direct traffic onto and off of I-15 Shepard Lane and the West Davis Corridor (WDC) near the Central Davis Sewer District plant. One of the roads being built is an extension of Farmington's 950 North Street, which will connect directly with the on and off ramps for the WDC. The current boundary between Kaysville and Farmington leaves a small portion of 950 North in Kaysville, as well as half of the 950 North interchange on the WDC. In speaking with Farmington City staff, we feel that by cleaning up the boundary here, it would best help to decrease maintenance costs and jurisdictional responsibilities that would otherwise be Kaysville's for 950 North, the UTA Park and Ride log, and the WDC interchange itself. These costs include snow plowing, asphalt

maintenance, garbage removal, and mowing. Farmington City Council has indicated that they are willing to make the adjustment. The intent for this item tonight is to inform the council of the potential boundary adjustment. Any formal changes would be made at a future date and done in accordance with applicable requirements.

Council Member Adams said that the city would be giving up a six-acre piece of vacant land which we would have no say over what is done with it once it is within Farmington City boundaries. Our citizens north of the vacant property would be effected by whatever goes and they will come to us for answers.

Josh Belnap said that similar concerns have been expressed by neighbors of the vacant property in Farmington as well. Those neighbors want the property to be developed responsibly.

Council Member Blackham said that it seems that it will cost the city more to keep this portion of land in Kaysville because of maintenance costs. If the vacant property were to be developed for residential use, the city wouldn't get enough revenue from it in order to cover maintenance costs of the roads in the area. Only a small commercial use would fit on this vacant land, and that commercial would not bring in enough revenue to cover costs either\.

Josh Belnap commented that it's not necessarily that Farmington wants this portion of land, but it makes more practical sense to for Farmington to maintain it. Kaysville has twice as much road being built from the West Davis Corridor within our city than Farmington does. Farmington also is more protective of the Shepard Lane entrance of the WDC because they had to fight to get the interchange installed here. Farmington is also concerned about what might have been built on this vacant property because it is so close to their city and the WDC interchange.

Mayor Tran said that Farmington will already have half of the interchange area in their city and it just makes sense for them to take over this portion of road as well.

Nic Mills discussed the process and timeline of doing a boundary line adjustment with Farmington.

Council Member Adams said that he would like to hear input from the public about a boundary adjustment here. Council Member Adams added that while he understands the reasoning behind the boundary adjustment, he still has concerns about the vacant property and not being able to have a say on how it is developed.

COUNCIL MEMBER REPORTS

Council Member Hunt said that she had been invited to tour Hill Air Force Base earlier that day and had an opportunity to speak with them about ways the city could provide support to them.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 8:24 p.m. The motion was seconded by Council Member Blackham and passed unanimously.

KAYSVILLE CITY COUNCIL
SPECIAL MEETING
MARCH 27, 2023

Minutes of a special Kaysville City Council meeting held on March 27, 2023 at 5:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Perry Oaks, and Council Member Nate Jackson

Others Present: Finance Director Dean Storey, Human Resources Director Kim Bosworth

OPENING

Mayor Tran opened the special Council meeting and welcomed those present.

CLOSED SESSION

Council Member Hunt made a motion to adjourn the city council meeting at 5:01 p.m. and reconvene into a closed session to discuss the character, professional competence, or physical or mental health of an individual or individuals, in conformance with Utah State Code §52-4-205. The motion was seconded by Council Member Oaks and it passed unanimously.

Council Member Adams made a motion to adjourn the closed session at 7:40 p.m. and reconvene into the city council meeting, seconded by Council Member Hunt. The motion passed unanimously.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 7:40 p.m. The motion was seconded by Council Member Hunt and passed unanimously.

CITY COUNCIL STAFF REPORT



MEETING DATE: April 13, 2023

TYPE OF ITEM: Action Item

PRESENTED BY:

SUBJECT/AGENDA TITLE: A Resolution Declaring a Local Emergency due to Significant Winter Runoff Damage in the Orchard Ridge Subdivision

EXECUTIVE SUMMARY:

This resolution would declare a local emergency based on the damage in the Orchard Ridge Subdivision caused by winter run-off. This may potentially allow the City and others to access emergency funds and other options.

City Council Options:

1) Approve the resolution declaring a local emergency; 2) Approve the resolution with any modifications that the Council deems appropriate; 3) Decline to adopt the Resolution and remand to staff with further direction.

Staff Recommendation:

Staff recommends that the City Council approve the resolution declaring a local emergency.

Fiscal Impact:

City Staff does not anticipate any costs to the City based on the passage of this resolution.

ATTACHMENTS:

1. Flood Resolution
-

RESOLUTION 23-XX-XX

**A RESOLUTION DECLARING A LOCAL EMERGENCY DUE TO SIGNIFICANT
WINTER RUNOFF DAMAGE IN THE ORCHARD RIDGE SUBDIVISION**

WHEREAS, on the Wasatch Front experienced above average snowfall during the winter; and

WHEREAS, the mountain snow has begun to melt and run-off at an alarming rate; and

WHEREAS, the run-off has caused serious property damage including roads being washed out, infrastructure disruptions, damage to homes, closed roads, loss of power, and other property damage; and

WHEREAS, the Utah Code authorizes Mayor Tran to declare a local emergency; and

WHEREAS, the Mayor finds that the winter run-off has created a condition in Kaysville City that requires emergency assistance be provided to Kaysville City to save lives and protect property or avoid or reduce the threat of a disaster;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF
KAYSVILLE, UTAH:**

That a local emergency exists in Kaysville city due to the winter run-off. This declaration of a local emergency:

1. Constitutes an official recognition that a disaster situation exists within Kaysville City;
2. Provides a legal basis for requesting and obtaining mutual aid or disaster assistance from other political subdivisions, the State of Utah, or the federal government;
3. Activates the response and recovery aspects of applicable local disaster emergency plans; and
4. Authorizes the furnishing of aid and assistance in relation to this resolution.

This resolution shall take effect immediately.

Proclaimed this 13th day of April, 2023.

Tamara Tran, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

CITY COUNCIL STAFF REPORT



MEETING DATE: April 13, 2023

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: Consideration of Enacting a new Section of City Code 17-5 Water Efficient Landscape Standards

EXECUTIVE SUMMARY:

Due to the ongoing drought, turf removal and flipping park strips has been a topic of conversation at all levels of government, specifically for the past couple of years. Weber Basin Water Conservancy District (WBWCD) and the State of Utah have allocated funding to reimburse property owners for removing grass and replacing it with water-wise landscaping. For Kaysville's residents to be eligible for reimbursement programs, we must adopt a landscaping ordinance with WBWCD's minimum requirements. WBWCD has softened the requirements they pushed in past years, so the ordinance before the Council for consideration is less onerous than what was previously discussed.

About this same time last year, only four cities had adopted ordinances (Layton, Clearfield, Washington Terrace and Riverdale). Since that time, a total of 18 cities have adopted qualifying ordinances, as listed below.

- Bountiful
- Centerville
- Clearfield
- Farmington
- Farr West
- Fruit Heights
- Layton
- North Salt Lake
- Ogden City
- Riverdale
- Roy
- Syracuse
- South Ogden
- South Weber
- Washington Terrace
- West Bountiful
- West Haven

- Woods Cross

Last year, staff received countless phone calls, emails and in-person questions and complaints about our ineligibility for reimbursement programs. We hope to support the residents who are interested in reimbursement programs by adopting required regulations. The proposed ordinance and requirements are such that staff feels comfortable managing the impacts of adopting the ordinance.

The proposed text amendment was before the Planning Commission on March 23, 2023 and a public hearing was conducted. One comment was received, which was a question as to whether or not the Flip the Strip program would be retroactively applied to properties which had already removed grass from their park strip. Weber Basin Water Conservancy District has indicated they will not retroactively qualify residents for reimbursement.

The Planning Commission had a lengthy discussion about the proposed ordinance and they voted 6-1 to recommend approval of the ordinance with the following conditions:

1. The purpose section is expanded to detail what the City is trying to accomplish by adopting the ordinance.
2. The Prohibited Water Practices section gets moved to the beginning of the ordinance and the applicability of that provision is clarified.
3. Relevant definitions are added to 17-2-2 Definitions and not left within the chapter.
4. A definition or graphic on how we calculate front and side yards is added to the ordinance.

Commissioner Sundloff, who has the background of a landscape architect, voted nay as he felt the ordinance needed additional refinement and had more details than what WBWCD requires for reimbursement eligibility. The minimum incentive requirements, set in conjunction with the State and water districts, are attached to the staff report.

Staff has completed the recommendations included in the Planning Commission's motion, but is still working on a graphic. Staff also re-organized the ordinance to better convey the purpose and intent of the chapter.

Draft minutes are not available for the meeting, but you may view the meeting discussion by [clicking on this link](#). A redlined version compared to what was presented to the Planning Commission and a clean copy of the proposed ordinance are attached to this staff report.

City Council Options:

1. Approve the proposed text amendment as presented.
2. Approve the proposed text amendment with additional modifications.
3. Deny the proposed text amendment.

Staff Recommendation:

Staff recommends the City Council approve the enactment of KCC 17-5 Water Efficient Landscape Standards as presented.

Fiscal Impact:

N/A

ATTACHMENTS:

1. CLEAN 17-5 Waterwise Landscaping CC 4.7.23
 2. REDLINE 17-5 Waterwise Landscaping PC Recc to CC 4.7.23
 3. PC Staff Report 17-5 Water Efficient Landscaping 3.27.23
 4. Weber Basin Letters 02 15 2023
 5. WBWCD Incentive Requirement Summary
-

EXHIBIT A

17-2-2 Definitions

"Hardscape" means durable landscape materials such as brick or concrete pavers, benches, artificial turf, walls, decorative rocks, mulch, curbing, planters, concrete, asphalt, or other like materials that are not of a vegetative nature. Hardscape does not include building or structure footprints, driveways, and sidewalks.

"Landscaped area" means improved areas of the property that make up the landscape and may include hardscape. The landscaped area does not include non-irrigated natural areas that are intentionally left undeveloped.

"Landscape" means a combination of living vegetation and hardscape.

"Mulch" means any material such as rock, bark, or wood chips that is left loose and applied to the soil.

"Park strip" means a typically narrow landscaped area located between the back-of-curb and sidewalk.

"Smart automatic irrigation controller" means an automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart automatic irrigation controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather or soil moisture conditions.

"Turf" means a surface layer of earth containing grass species with full root structures that are maintained as mowed grass. Grass and lawn are considered turf.

"Xeriscape" is a style of landscape design requiring little or no irrigation or other maintenance using plants that can survive on low or minimal water usage.

Title 17 Chapter 5 Water Efficient Landscape Standards

17-5-1 Purpose

17-5-3 Prohibited Watering Practices

17-5-2 Applicability

17-5-4 General Standards

17-5-5 Landscape Design Standards

17-5-6 Irrigation Design Standards

17-5-7 Landscape and Irrigation Plans Required

17-5-8 Completion of Improvements

17-5-9 Homeowners Association Restrictions

17-5-11 Enforcement And Penalties

EXHIBIT A

17-5-1 Purpose

The purpose of this chapter is to support the State of Utah, Weber Basin Water Conservancy District, secondary water providers and other water stakeholders in endeavors regarding the responsible use of water. Kaysville city desires to protect currently allocated water resources for existing users and define appropriate uses for landscaping and watering practices in areas of the community which are actively developing and redeveloping. Adoption of these standards will provide residents with eligibility for reimbursement programs and incentives to retrofit existing landscaping with water wise landscaping.

The responsible use of water and corresponding landscaping regulations will allow the city to grow in patterns which are more sustainable. In the long term, these efforts will protect the public's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water resources by reducing water waste and establishing guidelines for designing, installing, and maintaining water efficient landscapes throughout the city.

The City highly encourages all property owners to retrofit existing landscaping to come into compliance with the standards in this chapter.

17-5-2 Prohibited Watering Practices

Wasteful use of water, including but not limited to the following, is prohibited on all properties within the city.

- A. Irrigating any landscape between the hours of 10:00 am and 6:00 pm.
- B. Using culinary water for irrigation where irrigation water is provided by an irrigation or secondary water service district.
- C. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other hard surface areas except to alleviate immediate health or safety hazards.
- D. Watering in violation of regulations and restrictions set forth during drought periods.

17-5-3 Applicability

The remaining sections of this chapter shall apply to:

- A. All new landscapes in all zones of the city associated with construction of any new residential home, commercial or industrial structure, public facility, or mixed-use development.
- B. Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than 50%.

In addition to the foregoing, these landscaping standards are not intended to conflict with other landscaping requirements as defined by Utah law or other sections of the Kaysville City Code, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these landscaping standards, whenever any requirement may be in conflict with Utah law, such conflicting requirements shall not apply.

EXHIBIT A

17-5-4 General Standards

The following general standards apply:

- A. Turf, grass or lawn shall not be placed in any area with a width of less than 8 feet.
- B. Turf, grass or lawn shall not be placed in any area with a grade greater than 25%.
- C. Residential developments shall not have more than 35% of the total combined area of the front and side yards landscaped with turf, grass or lawn.
- D. Commercial, industrial, institutional, multi-family developments and HOA common areas shall not have turf exceed 15% of the total landscaped area excepting the following.
 - a. Designated active recreation areas are not included in this total.
 - b. In areas where secondary water is not available, no more than 10% of the landscaped area shall be turf.
- E. Landscape and hardscape shall comply with the clear view, fencing, and setback requirements of the city's Municipal Code.
- F. Every property within the city to which this chapter applies shall maintain landscape in a well-cared for manner that enhances the appearance of the property.

17-5-5 Landscape Design Standards

The following landscape design standards are required for all applicable properties described in 17-5-3 and strongly encouraged for all landscaped areas. Landscaping may include a combination of turf, plant cover, hardscape, and xeriscape as described below.

A. Turf, Lawns and Grass

- 1. **Residential.** Turf areas located in the front and side yards of residential areas shall not exceed 35% of the total landscaped area on residential properties. Developers and owners are encouraged to limit back yard turf areas to a maximum of 35%.
- 2. **Non-residential.** Turf area shall not exceed 15% of the total landscaped area on non-residential or mixed-use properties, or 10% if secondary water is not available.
- 3. **All Development.** No turf shall be planted in park strips, areas less than 8 feet wide, parking lot landscaping, or on slopes greater than 25%.

- B. Park Strips** Park strip areas may be designed as bioswales, and are especially recommended in commercial, industrial and HOA common areas.

C. Plant Selection

Plants shall be selected for various landscape situations and conditions and be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as reasonably practicable. *(Visit weberbasin.com for a list of recommended water-conserving plants.)*

Water-conserving plants not requiring overhead spray irrigation may be planted in park strips subject to clear view regulations.

EXHIBIT A

D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. (See city website for a list of general recommendations and trees prohibited in park strips.)

E. Mulch. After completion of all planting, all irrigated non-turf areas should be covered with a minimum 3 inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. The City recommends rock mulch over bark or wood. Non-porous material shall not be placed under the mulch.

17-5-6 Irrigation Design Standards

The following irrigation design standards are strongly encouraged for all landscape projects.

A. Irrigation Controller. Landscaped areas should be provided with a WaterSense-labeled smart automatic irrigation controller, equipped with rain delay or rain shut-off capabilities.

B. Irrigation valves should irrigate landscapes with similar site, slope, soil conditions and plant materials with similar water needs.

1. Drip irrigation should be used for all non-turf areas and be equipped with pressure regulator and filter.
2. Turf and non-turf areas should be irrigated on separate valves.
3. Drip emitters and sprinklers should be placed on separate valves.
4. Irrigation Design: Irrigation systems shall be designed by personnel certified by the Irrigation Association.
5. Maintenance staff shall be certified by the Irrigation Association as either Certified Irrigation Contractors or Certified Irrigation Technicians.

17-5-7 Landscape and Irrigation Plans Required

For applicable properties, these standards take effect when building permits are required. A landscape and irrigation plan shall be provided to the city for review as part of the building permit application package.

17-5-8 Completion of Improvements

All required landscaping improvements shall be completed as follows.

A. Commercial, developer, industrial, and public facility projects shall be completed prior to issuance of a certificate of occupancy. A performance bond or cash deposit, in an amount estimated by staff as equivalent to the cost of the required landscaping, may be required to assure installation of required landscaping within the time prescribed in this section.

B. Individual residential projects shall be completed within one year, but no later than October 31 of the year following completion of building construction.

EXHIBIT A

C. If the installation of any landscaping improvements cannot be completed due to weather, including drought conditions or other circumstances beyond the control of the owner or developer, an extension of up to 9 months may be granted by the land use administrator or designee for good cause shown.

17-5-9 Homeowners Association Restrictions

No Homeowner's Association document's that govern the operation of a common interest development shall:

- A. Require the use of any uniform plant material requiring overhead spray irrigation in landscaped areas less than 8 feet wide or in other areas that exceed 35% of the landscaped area;
- B. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
- C. Have the effect of prohibiting or restricting compliance with this chapter or other water conservation measures.

17-5-12 Enforcement and Penalties

The Community Development Director, or their designee, shall be authorized to enforce all provisions of this chapter in accordance with the Municipal Code.

EXHIBIT A

17-2-2 Definitions

17-5-3 Definitions

The following definitions shall apply to this chapter.

"Hardscape" means durable landscape materials such as brick or concrete pavers, benches, artificial turf, walls, decorative rocks, mulch, curbing, planters, concrete, asphalt, or other like materials that are not of a vegetative nature. Hardscape does not include building or structure footprints, driveways, and sidewalks.

"Landscaped area" means improved areas of the property that make up the landscape and may include hardscape. The landscaped area does not include non-irrigated natural areas that are intentionally left undeveloped.

"Landscape" means a combination of living vegetation and hardscape.

"Mulch" means any material such as rock, bark, or wood chips that is left loose and applied to the soil.

"Park strip" means a typically narrow landscaped area located between the back-of-curb and sidewalk.

"Smart automatic irrigation controller" means an automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart automatic irrigation controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather or soil moisture conditions.

"Turf" means a surface layer of earth containing grass species with full root structures that are maintained as mowed grass. Grass and lawn are considered turf.

"Xeriscape" is a style of landscape design requiring little or no irrigation or other maintenance using plants that can survive on low or minimal water usage.

Title 17 Chapter 5 Water Efficient Landscape Standards

17-5-1 Purpose

~~17-5-103 Prohibited Watering Practices~~

17-5-2 Applicability

~~17-5-10 Prohibited Watering Practices~~

~~17-5-3 Definitions~~

17-5-4 General Standards

17-5-5 Landscape Design Standards

17-5-6 Irrigation Design Standards

17-5-7 Landscape and Irrigation Plans Required

EXHIBIT A

17-5-8 Completion of Improvements

17-5-9 Homeowners Association Restrictions

~~17-5-10 Prohibited Watering Practices~~

17-5-11 Enforcement And Penalties

17-5-1 Purpose

The purpose of this chapter is to support the State of Utah, Weber Basin Water Conservancy District, secondary water providers and other water stakeholders in endeavors regarding the responsible use of water. Kaysville city desires to protect currently allocated water resources for existing users and define appropriate uses for landscaping and watering practices in areas of the community which are actively developing and redeveloping. Adoption of these standards will provide residents with eligibility for reimbursement programs and incentives to retrofit existing landscaping with water wise landscaping.

The responsible use of water and corresponding landscaping regulations will and allow the city to grow in patterns which are more sustainable. In the long term, these efforts will enhance protect the public's environmental, economic, recreational, and aesthetic resources by promoting efficient use of ~~the public's limited~~ water resources by reducing water waste and establishing guidelines for designing, installing, and maintaining water efficient landscapes throughout the city.

The City highly encourages all property owners to retrofit existing landscaping to come into compliance with the standards in this chapter.

17-5-2 Applicability

~~Except as otherwise provided in this chapter, the provisions of this chapter apply to:~~

- ~~A. All new landscapes in all zones of the city associated with construction of any new residential home, commercial or industrial structure, public facility, or mixed-use development.~~
- ~~B. Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than 50%.~~

~~In addition to the foregoing, retrofitting existing landscaping to comply with the standards in this chapter is highly encouraged. These landscaping standards are not intended to conflict with other landscaping requirements as defined by Utah law or other sections of the Kaysville City Code, including stormwater retention requirements and low impact development guidelines. Notwithstanding these landscaping standards, whenever any requirement may be in conflict with Utah law, such conflicting requirements shall not apply.~~

17-5-10.2 Prohibited Watering Practices

Notwithstanding any provision of this chapter to the contrary, water shall be properly used. Wasteful use of water, including but not limited to the following, is prohibited on any all properties within the city, regardless of whether the standards in this chapter otherwise apply to the property.:

- A. Irrigating any landscape between the hours of 10:00 am and 6:00 pm.

EXHIBIT A

B. Using culinary water for irrigation where irrigation water is provided by an irrigation or secondary water service district.

C. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other hard surface areas except to alleviate immediate health or safety hazards.

D. Watering in violation of regulations and restrictions set forth during drought periods.

Irrigating any landscape between the hours of 10:00 am and 6:00 pm.

Washing sidewalks, driveways, parking areas, tennis courts, patios, or other hard surface areas except to alleviate immediate health or safety hazards.

17-5-3 Definitions

~~The following definitions shall apply to this chapter.~~

~~"Hardscape" means durable landscape materials such as brick or concrete pavers, benches, artificial turf, walls, decorative rocks, mulch, curbing, planters, concrete, asphalt, or other like materials that are not of a vegetative nature. Hardscape does not include building or structure footprints, driveways, and sidewalks.~~

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~~"Mulch" means any material such as rock, bark, or wood chips that is left loose and applied to the soil.~~

~~"Park strip" means a typically narrow landscaped area located between the back of curb and sidewalk.~~

~~"Smart automatic irrigation controller" means an automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart automatic irrigation controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather or soil moisture conditions.~~

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17-5-3 Applicability

The remaining sections of this chapter shall apply to:

A. All new landscapes in all zones of the city associated with construction of any new

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residential home, commercial or industrial structure, public facility, or mixed-use development.

- B. Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than 50%.

In addition to the foregoing, these landscaping standards are not intended to conflict with other landscaping requirements as defined by Utah law or other sections of the Kaysville City Code, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these landscaping standards, whenever any requirement may be in conflict with Utah law, such conflicting requirements shall not apply.

17-5-4 General Standards

The following general standards apply:

~~A. Every property within the city to which this chapter applies shall maintain landscape in a well-cared for manner that enhances the appearance of the property.~~

~~B.A.~~ Turf, grass or lawn shall not be placed in any area with a width of less than 8 feet.

~~C.B.~~ Turf, grass or lawn shall not be placed in any area with a grade greater than 25%.

~~D.A. Landscape and hardscape shall comply with the clear view, fencing, and setback requirements of the city's Municipal Code.~~

C. Residential developments shall not have more than 35% of the total combined area of the front and side yards landscaped with turf, grass or lawn.

D. Commercial, industrial, institutional, multi-family developments and HOA common areas shall not have turf exceed 15% of the total landscaped area ~~excepting the following.~~

a. Designated active recreation areas are not included in this total.

b. In areas where secondary water is not available, no more than 10% of the landscaped area shall be turf.

E. Landscape and hardscape shall comply with the clear view, fencing, and setback requirements of the city's Municipal Code.

F. Every property within the city to which this chapter applies shall maintain landscape in a well-cared for manner that enhances the appearance of the property.

17-5-5 Landscape Design Standards

The following landscape design standards are required for all applicable properties described in 17-5-~~2~~3 and strongly encouraged for all landscaped areas. Landscaping may include a combination of turf, plant cover, hardscape, and xeriscape as described below.

~~A. Commercial, industrial, institutional, multi-family developments and HOA common areas shall not have turf exceed 15% of the total landscaped area. Designated active recreation areas are not included in this total.~~

~~B. Residential developments shall not have more than 35% of the total combined area of the front and side yards landscaped with turf, grass or lawn.~~

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~~D.A. Plant Selection~~

~~Plants shall be selected for various landscape situations and conditions and be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as reasonably practicable. (Visit weberbasin.com for a list of recommended water-conserving plants.)~~

G.A. Turf, ~~Lawns and~~ Grass

1. **Residential.** Turf areas located in the front **and side** yards of residential areas shall not exceed 35% of the total landscaped area on residential properties. Developers and owners are encouraged to limit ~~side and~~ back yard turf areas to a maximum of 35%.
2. **Non-residential.** Turf area shall not exceed 15% of the total landscaped area on non-residential or mixed-use properties, or 10% if secondary water is not available.
3. **All Development.** No turf ~~will~~ **shall** be planted in park strips, areas less than 8 feet wide, parking lot landscaping, or on slopes greater than 25%.

~~C.A. **Park Strips** Water-conserving plants not requiring overhead spray irrigation may be planted in park strips subject to clear view regulations.~~

G.B. Park strip areas may be designed as bioswales, and are especially recommended in commercial, industrial and HOA common areas.

C. Plant Selection

Plants shall be selected for various landscape situations and conditions and be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as reasonably practicable. (Visit weberbasin.com for a list of recommended water-conserving plants.)

Water-conserving plants not requiring overhead spray irrigation may be planted in park strips subject to clear view regulations.

H.D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. (See city website for a list of general recommendations and trees prohibited in park strips.)

I.E. Mulch. After completion of all planting, all irrigated non-turf areas should be covered with a minimum 3 inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. The City recommends rock mulch over bark or wood. Non-porous material shall not be placed under the mulch.

17-5-6 Irrigation Design Standards

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The following irrigation design standards are strongly encouraged for all landscape projects.

- A. Irrigation Controller. Landscaped areas should be provided with a WaterSense-labeled smart automatic irrigation controller, equipped with rain delay or rain shut-off capabilities.
- B. Irrigation valves should irrigate landscapes with similar site, slope, soil conditions and plant materials with similar water needs.
 - 1. Drip irrigation should be used for all non-turf areas and be equipped with pressure regulator and filter.
 - 2. Turf and non-turf areas should be irrigated on separate valves.
 - 3. Drip emitters and sprinklers should be placed on separate valves.
 - 4. Irrigation Design: Irrigation systems shall be designed by personnel certified by the Irrigation Association.
 - 5. Maintenance staff shall be certified by the Irrigation Association as either Certified Irrigation Contractors or Certified Irrigation Technicians.

17-5-7 Landscape and Irrigation Plans Required

For applicable properties, these standards take effect when building permits are required. A landscape and irrigation plan shall be provided to the city for review as part of the building permit application package.

17-5-8 Completion of Improvements

All required landscaping improvements shall be completed as follows.

- A. Commercial, developer, industrial, and public facility projects shall be completed prior to issuance of a certificate of occupancy. A performance bond or cash deposit, in an amount estimated by staff as equivalent to the cost of the required landscaping, may be required to assure installation of required landscaping within the time prescribed in this section.
- B. Individual residential projects shall be completed within one year, but no later than October 31 of the year following completion of building construction.
- C. If the installation of any landscaping improvements cannot be completed due to weather, including drought conditions or other circumstances beyond the control of the owner or developer, an extension of up to 9 months may be granted by the land use administrator or designee for good cause shown.

17-5-9 Homeowners Association Restrictions

No Homeowner's Association documents that govern the operation of a common interest development shall:

- A. Require the use of any uniform plant material requiring overhead spray irrigation in

EXHIBIT A

landscaped areas less than 8 feet wide or in other areas that exceed 35% of the landscaped area;

B. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or

C. Have the effect of prohibiting or restricting compliance with this chapter or other water conservation measures.

~~17-5-10 Prohibited Watering Practices~~

~~Notwithstanding any provision of this chapter to the contrary, water shall be properly used. Waste of water, including but not limited to the following, is prohibited on any property within the city, regardless of whether the standards in this chapter otherwise apply to the property.~~

~~A. Using culinary water for irrigation where irrigation water is provided by an irrigation or secondary water service district.~~

~~B.A. Watering in violation of regulations and restrictions set forth during drought periods.~~

~~C.A. Irrigating any landscape between the hours of 10:00 am and 6:00 pm.~~

~~D.A. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other hard surface areas except to alleviate immediate health or safety hazards.~~

~~17-5-11-12~~ Enforcement and Penalties

The Community Development Director, or their designee, shall be authorized to enforce all provisions of this chapter in accordance with the Municipal Code.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Dan Jessop

Date: March 17, 2023

Agenda Item: Public Hearing to consider enacting a new section of Kaysville City Code, Title 17 Chapter 5 Water Efficient Landscape Standards

Meeting Date	March 23, 2023
Application Type	Ordinance Text Amendment
Applicant	Kaysville City
Chapter/ Title/Section	Title 17-5 Water Efficient Landscape Standards

1. BACKGROUND

Last year, dozens of residents requested we participate in the flip the strip program offered by Weber Basin Water Conservancy District. Kaysville City Residents have not been able to participate due to our city not being qualified. Staff has contacted Weber Basin, and we have included the minimum requirements that would allow our city residents to participate in and updated text amendment in a new chapter of Title 17 dedicated solely to waterwise landscaping and efficient application of landscaping regulations.

It is expected that over the next few years legislation regarding water usage and landscaping will continue to evolve. For this reason, staff has elected to dedicate an entire chapter to the topic. This will ensure as the requirement to make changes comes up in the future, those changes will be located in a single place.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Noticed posted on March 13, 2023. To date, no comments have been received.

3. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval to the City Council to enact Title 17 Chapter 5 Water Efficient Landscape Standards.

Attachments:

1. Draft Ordinance 17-5
2. February 15, 2023 Weber Basin Letter



WEBER BASIN WATER CONSERVANCY DISTRICT

2837 EAST HIGHWAY 193 • LAYTON, UTAH • PHONE (801)771-1677 • SLC (801) 359-4494 • FAX (801) 544-0103

February 15, 2023

Scott W. Paxman, PE
General Manager/CEO

Mr. Shayne Scott, City Manager
Kaysville City
23 East Center Street
Kaysville, UT 84037

Board of Trustees:

Marlin K. Jensen
President
Weber County

Jared A. Andersen
Morgan County

Mark D. Anderson
Davis County

Kym O. Buttschardt
Weber County

Randy B. Elliott
Davis County

Scott K. Jenkins
Weber County

Angie Osguthorpe
Weber County

Christopher F. Robinson
Summit County

Paul C. Summers
Davis County

Dear Mr. Scott:

First, I would be remiss if I didn't thank all of you for your time, energies, and attention focused on discussions regarding your community's landscape ordinances and the opportunities to incorporate water efficiency standards. These efforts highlight and demonstrate your commitment to work to incorporate water and land use planning. Together we've been able to have some great conversations which have facilitated greater perspective and meaningful steps in a direction that provides greater resiliency, and utilization of our finite and variable water supplies.

Over the last year, the District has worked with communities to adopt specific water efficiency standards within their ordinances. For communities that adopted ordinances, the District has made the "Flip your Strip" turf removal incentive program available to their community.

The District has been in conversation with the state regarding additional turf removal incentive programs and utilization of state funding, specifically those related to the passage of HB121 during the 2022 legislative session. I'd like to provide some information regarding upcoming adjustments to our current turf removal incentive program, as well as requirements for community participation in programs leveraging state funding. Based on our conversations with the state, programs funded by monies made available through the passage of HB121 during the 2022 legislative session will have program eligibility requirements. We also understand the state intends to utilize existing District programs to disseminate these funds to residents. These eligibility requirements will include the following **strict requirements**:

1. No more than 35% of the front and side yard landscaped area in new residential development be lawn; and
2. Restricting the placement of lawn in parking strips and in areas with widths of less than eight feet.

What does all of this mean? For those of you that have passed or are in the process of updating your landscape ordinances to meet the District's requirements, we will continue to administer the "Flip your Strip" program for residents within your communities, as funds are available, until April 15, 2024. After this date the District requirements for participation in any turf incentive program will require compliance with the state requirements. For communities that adopt ordinances, or already have ordinances in place that meet the state's eligibility requirements, more turf incentive programs will be available that extend to areas outside of the park strip and make use of state monies.

We are anxious to make this more extensive program available to your community and make use of state monies for our service area. If you'd like to discuss it in more detail or if I can be of any assistance, please don't hesitate to reach out. As you work to determine your next steps, please allow us the opportunity to review any proposed changes to ensure compliance with both District and state eligibility requirements prior to adoption.

Sincerely,

Jonathan Parry, P.E.
Assistant General Manager

Water-wise/efficient Landscape Ordinance Standards

- Applicability
 - All developer/contractor or agency installed residential, commercial, institutional, and industrial construction (including mixed-use, multi-family, townhome, community use, PRUD developments and common areas managed by homeowner, associations). Required on all new or substantial renovation projects.
- Indoor Recommendations
 - WaterSense labeled plumbing fixtures (faucets, shower heads, urinals, toilets, etc.)
- Residential Outdoor
 - Drip irrigation used outside of lawn areas. Drip irrigation shall be equipped with pressure regulator, filter, etc.
 - Irrigation valves shall irrigate landscapes with similar site, slope, and plant materials with similar water needs (lawn and planting beds shall be irrigated on separate valves). No drip and sprinklers on the same irrigation valve. No combination of differing sprinkler heads on the same irrigation valve.
 - WaterSense labeled smart irrigation controller, equipped with rain delay, shall be installed.
 - Minimum of 3 inches of mulch required in planted beds.
 - No lawns in park strips, slopes greater than 25%, or in areas less than 8-feet wide.
 - Lawn area shall not exceed 35% of the total landscaped area in front and side yards
- Commercial/Institutional/Industrial/Multi-family, HOA common areas, mixed-use, townhome, community use, PRUD) Requirements
 - Turf not to exceed 15% of the total landscaped area
 - Designated recreational areas excluded
 - No turf in parking landscapes, buffer areas.
 - Recommend consideration of parkstrip areas being designed as bioswales.
 - Watersense labeled smart controllers shall be installed.
 - Same irrigation design standards as identified in Residential requirements including utilization of WaterSense labeled smart irrigation controllers.
- HOA Language
 - *Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:*
 - *Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 35% of the landscaped area; or*
 - *Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or*
- *Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.*