

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Kelly Enquist  
Mark Preece  
Rodney Wood

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
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**City Recorder**  
Cathy Brightwell

**City Engineer**  
Kris Nilsen

**Public Works Director**  
Steve Maughan

**WEST BOUNTIFUL CITY COUNCIL WILL HOLD A WORK SESSION  
AT 6:30 PM AND A REGULAR MEETING AT 7:30 PM ON  
TUESDAY, SEPTEMBER 6, 2022, AT THE CITY OFFICES**

6:30 pm – Tour of Public Works Facility – 1410 W 1200 North

7:30 pm – Regular Meeting:

*Invocation/Thought – By Mayor Romney; Pledge of Allegiance – By Kelly Enquist*

1. Approve Agenda.
2. Swearing in of the 2022-2023 West Bountiful Youth City Council
3. Public Comment - Two minutes per person; five minutes if on behalf of a group.
4. Resolution 525-23, A Resolution Appointing Dell Butterfield as An Alternate to the West Bountiful Planning Commission, and Oath of Office.
5. Public Hearing to Consider Updates to WBMC 15.16 – Flood Damage Prevention regulations.
6. Ordinance 460-22, An Ordinance Updating Flood Damage Prevention Regulations.
7. Ordinance 461-23, An Ordinance Updating Landscape Regulations.
8. Meeting Minutes from August 16, 2022.
9. Staff Reports – Police, Public Works, Engineering/Community Development, Administration.
10. Mayor/Council Reports.
11. Closed Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
12. Adjourn.

*This agenda was posted on the State Public Notice website, the city website, emailed to the Mayor and City Council, and provided to the Davis Journal on September 2, 2022, by Cathy Brightwell, City Recorder.*

## **2022-2023 YOUTH CITY COUNCIL**

### Officers:

Elsie Buck	Mayor
Noah Peterson	Mayor Pro Tem
Callie Phillips	Recorder
Bo Bartholomew	Secretary/Communications
Spencer Lewis	Treasurer
Clara Kagie	Historian

### Members:

Brynlee Bartholomew  
Cooper Buck  
Gavin Buck  
Holly Day  
Drew Farley  
Curtis Gerber  
Claira Halling  
Jack Kagie  
Spencer Lewis  
Camden Morrison  
Ella Rodabough

### Advisors:

Jen & Chris Jacobsen  
City Council Liaison – James Ahlstrom

# WEST BOUNTIFUL CITY

## RESOLUTION #525-23

### A RESOLUTION APPOINTING DELL BUTTERFIELD AS AN ALTERNATE COMMISSIONER TO THE WEST BOUNTIFUL PLANNING COMMISSION

*WHEREAS*, Utah Code Annotated 10-9a-301 requires each municipality to establish a planning commission by Ordinance; and,

*WHEREAS*, Chapter 2.36 - Planning Commission, of the West Bountiful Municipal Code creates a planning commission and requires that members shall be appointed by the Mayor, with the advice and consent of the City Council; and,

*WHEREAS*, Planning Commission members shall be appointed to four-year terms of office, except that members may be appointed to shorter terms when necessary to ensure staggered terms of office.

*NOW THEREFORE, BE IT RESOLVED* by the City Council of West Bountiful that it consents to the Mayor's appointment of following individual and respective term:

<u>Appointee</u>	<u>Office</u>	<u>Term Expires</u>
Dell Butterfield	Planning Commission Alternate	December 31, 2026

*EFFECTIVE DATE.* This resolution shall take effect immediately upon passing.

Passed and approved by the City Council of West Bountiful City this 6th day of September 2022.

\_\_\_\_\_  
Kenneth Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Wood	_____	_____

ATTEST:

\_\_\_\_\_  
Cathy Brightwell, City Recorder

**Mayor**  
Kenneth Romney

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## **NOTICE OF PUBLIC HEARING**

The West Bountiful City Council will hold a public hearing on Tuesday, September 6, 2022, at 7:30 pm, or as soon as agenda permits, at the city offices, 550 N 800 West.

West Bountiful is required to adopt floodplain management measures that meet or exceed the minimum National Flood Insurance Program (NFIP) regulations by September 15, 2022. If the city does not adopt the necessary regulations, our community will be suspended from the NFIP. This suspension means that no new policies or renewals will be issued to residents in our city.

The purpose of the hearing is to receive public comment regarding proposed updates to West Bountiful Municipal Code 15.16 – Flood Damage Prevention that meet the NFIP regulations.

All interested parties are invited to participate in the hearing. Written comments or questions may be submitted to [Recorder@wbcity.org](mailto:Recorder@wbcity.org) prior to the meeting.

Cathy Brightwell  
City Recorder

# MEMORANDUM



**TO:** Mayor and City Council

**DATE:** September 2, 2022

**FROM:** Staff

**RE:** Flood Damage Prevention – Ordinance 460-22

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This memo addresses recent revisions to the Davis County Flood Insurance Rate Maps and accompanying requirements to revise the city's floodplain management regulations.

## Background

West Bountiful is required to adopt floodplain management measures that meet or exceed the minimum National Flood Insurance Program (NFIP) regulations by September 15, 2022. If the city does not adopt the necessary regulations, our community will be suspended from the NFIP. This suspension means that no new policies or renewals will be issued to residents in our city.

West Bountiful has a Flood Damage Prevention ordinance, WBMC 15.16, in place that applies to all areas of special flood hazards within West Bountiful. FEMA reviewed our ordinance and provided a checklist of items that need to be included or changed before they can approve it.

## Proposal

The attached draft includes revisions to WBMC 15.16 that address the checklist items provided by FEMA and the Utah Division of Emergency Management. It has been reviewed by legal counsel and FEMA and satisfies the NFIP regulations.

**WEST BOUNTIFUL CITY**

**ORDINANCE #460-22**

**AN ORDINANCE UPDATING FLOOD DAMAGE PREVENTION REGULATIONS**

**WHEREAS**, *Utah Code Annotated §\_10-3-701, et seq.*, grants authority to the West Bountiful City Council to adopt a floodplain map and floodplain management regulations that identify floodplains and set forth minimum development requirements in floodplains designed to promote the health, safety, and general welfare of its residents.

**WHEREAS**, the flood hazard areas of West Bountiful are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

**WHEREAS**, these flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities. Local government units have the primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish proper floodplain management.

**WHEREAS**, the West Bountiful City Council held a properly noticed public hearing on September 6, 2022, and received no objection to the proposed update.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL CITY THAT UPDATES TO WEST BOUNTIFUL MUNICIPAL CODE 15.16 - FLOOD DAMAGE PREVENTION, SHOWN IN EXHIBIT A, ARE HEREBY ADOPTED.**

This ordinance will become effective upon signing and posting.

Adopted this 6<sup>th</sup> day of September 2022.

By:

\_\_\_\_\_  
Ken Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Wood	_____	_____

Attest:

\_\_\_\_\_  
Cathy Brightwell, City Recorder

**15.16 Flood Damage Prevention**

15.16.010 Statement Of Purpose

15.16.020 Methods Of Reducing Flood Losses

15.16.030 Definitions

15.16.040 Lands To Which This Chapter Applies

15.16.050 Basis For Establishing The Areas Of Special Flood Hazard

15.16.060 Compliance

15.16.070 Abrogation And Greater Restrictions

15.16.080 Interpretation

15.16.090 Warning And Disclaimer Of Liability

15.16.100 Establishment Of Development Permit

15.16.110 Designation Of The ~~Director Of Public Works~~Floodplain Administrator

15.16.120 Duties And Responsibilities Of The ~~Director Of Public Works~~Floodplain Administrator

15.16.130 Variance and Appeal Procedures

15.16.140 General Standards For Flood Hazard Reduction

15.16.150 Specific Standards For Flood Hazard Reduction

15.16.160 Floodways

15.16.170 Severability

15.16.180 Violation and Penalties

**15.16.010 Statement Of Purpose**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions ~~in~~ specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazards ~~s~~ assume responsibility for their actions.

**15.16.020 Methods Of Reducing Flood Losses**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and

- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### **15.16.030 Definitions**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"**Appeal**" means a request for a review of the Floodplain Administrator's public works director's interpretation of any provision of this chapter or a request for a variance.

"**Area of shallow flooding**" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

"**Area of special flood hazard**" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"**Base flood**" means the flood having a one-percent chance of being equaled or exceeded in any given year.

"Base flood elevation" mean the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the Flood Insurance Rate Map (FIRM) to the nearest foot and in the Flood Insurance Study (FIS) to the nearest 0.1 foot.

"**Development**" means any manmade change to improved or unimproved ~~real estate~~ property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets, and the final site grading or the pouring of concrete pads, is completed before September 15, 2022.

"Expansion to an existing manufactured home park or subdivision" means any expansion of an existing manufactured home park or subdivision after September 15, 2022.

"**Flood**" or "**flooding**" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

"**Flood insurance rate map (FIRM)**" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"**Flood insurance study (FIS)**" means the official report provided by the Federal Emergency Management Agency that includes ~~sd~~ flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"Floodplain" means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence a flood event.

"Flood Proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"**Floodway**" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"**Highest Adjacent Grade (HAG)**" means the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG related to building elevation information.

"**Historic Structure**" means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

"**Lowest floor**" means the lowest floor of the lowest enclosed area (including basement) of a structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's structure's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

"**Manufactured home**" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for residential use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

"**Manufactured home park or subdivision**" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"**New construction**" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

"**New manufactured home park or subdivision**" means a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads, is completed on or after September 15, 2022.

"**Recreational Vehicle**" means a vehicle that is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection,
- C. Designed to be self-propelled or permanently towed by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Special Flood Hazard Area” (SFHA) means an area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a FIRM Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

"**Start of construction**" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement ~~was~~ is within one hundred eighty (180) days ~~of~~ after the permit date. The "actual start" means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"**Structure**" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"**Substantial improvement**" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to ~~occur~~ begin when the first alteration of any wall, ceiling, floor or other structural part of the ~~building structure~~ commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
  1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
  2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"**Variance**" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

#### **15.16.040 Lands To Which This Chapter Applies**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of West Bountiful.

#### **15.16.050 Basis For Establishing The Areas Of Special Flood Hazard**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study (FIS) for ~~the~~ West Bountiful," dated ~~October~~

~~6, 1987~~ September 15, 2022, with an accompanying Flood Insurance Rate Map (FIRM) and other supporting data, are is adopted by reference and declared to be a part of this chapter. Updates of these studies and map, when duly issued by FEMA, are also adopted. The ~~Flood Insurance Study FIS~~ and FIRM shall be on file in the offices of the at the city engineer offices.

#### **15.16.060 Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

#### **15.16.070 Abrogation And Greater Restrictions**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, when this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **15.16.080 Interpretation**

In the interpretation and application of this chapter all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the city council; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **15.16.090 Warning And Disclaimer Of Liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions and f- Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of West Bountiful City, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages s that results s from reliance on this chapter, s or any administrative decision lawfully made thereunder.

#### **15.16.100 Establishment Of Development Permit**

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this chapter. An application for a Floodplain Development pPermit shall be obtained made to the Floodplain Administrator before construction or development begins within any area of a special flood hazard established by the materials identified in Section 16.32.050. Such Aapplication for a development permit shall be made on forms furnished by the director of public works and may include, but not be limited to:

- A. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

~~The following specific information shall be required:-~~

- ~~1-B.~~ Elevations in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures;
- ~~2-C.~~ Elevations in relation to mean sea level to which any nonresidential structure has been flood proofed;
- ~~3-D.~~ A-eCertification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 15.16.150(B); and
- ~~4-E.~~ A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **15.16.110 Designation Of The ~~Director Of Public Works~~Floodplain Administrator**

The ~~director of public works~~city engineer is appointed as the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management~~by granting or denying development permit applications in accordance with its provisions.~~

### **15.16.120 Duties And Responsibilities Of The ~~Director Of Public Works~~ Floodplain Administrator**

~~With respect to this chapter, T~~he ~~duties and responsibilities~~ of the ~~director of public works~~Floodplain Administrator shall include, but not be limited to the following.

#### ~~1. Permit Review. The director of public works shall:~~

- ~~1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;~~
- ~~2. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required; and~~
- ~~— Review all development permits to determine if the proposed development is located in the floodway. If the development is located in the floodway, the public works director shall assure that the encroachment provisions of Section 16.32.160(A) are met.~~

#### ~~2. Review of Other Base Flood Data:~~

~~When base flood elevation data has not been provided as part of the materials identified in Section 16.32.050, the director of public works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring the new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 16.32.150.~~

#### ~~3. Acquisition and Maintenance of Information. The director of public works shall:~~

- ~~1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;~~
- ~~2. For all new or substantially improved flood proofed structures:-~~
  - ~~1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed;~~
  - ~~2. Maintain the flood proofing certifications required in Section 16.32.100(C); and~~
  - ~~3. Maintain for public inspection all records pertaining to the provisions of this chapter.~~
- ~~4. Alteration of Watercourses. The director of public works shall:-~~
  - ~~1. Notify adjacent communities, the Denver, Colorado FEMA offices, and the Davis County Flood Control prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and~~
  - ~~2. Require that the altered or relocated portion of the watercourse be maintained so that the flood carrying capacity of the watercourse is not diminished.~~
- ~~5. Interpretation of FIRM Boundaries.~~

~~The public works director shall interpret, when needed, the exact location of the boundaries of the areas of special flood hazards (for example, when there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16.32.130.~~

1. Review all floodplain development permit applications to assure that new construction and substantial improvement sites are reasonably safe from flooding and the permit requirements of this ordinance have been satisfied.
2. Review proposed development to assure that necessary permits have been received from federal, state, or local governmental agencies including permits under {Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; permits under the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Utah Stream Channel Alteration permits;
3. When Base Flood Elevation data or floodway data are not available, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.
4. When Base Flood Elevations or other current engineering data are not available, take into account the flood hazards, to the extent they are known, to determine whether a proposed building site will be reasonably safe from \_\_\_\_\_ flooding.
5. Obtain, and record the actual elevation in relation to the vertical datum on the effective FIRM, or highest adjacent grade, of the lowest floor level, including basement, of all new construction or substantially improved structures.
6. Obtain, and record the actual elevation, in relation to the vertical datum on the effective FIRM to which any new or substantially improved structures have been flood proofed.
7. When flood-proofing is utilized for a structure, obtain certification of design criteria from a registered professional engineer or architect.
8. Interpret, where interpretation is needed, the exact location of boundaries of the Areas of Special Flood Hazard including regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.
9. Notify, in riverine situations, adjacent communities prior to any alteration or relocation of a watercourse.
10. Maintain the carrying capacity of an altered or relocated watercourse.
11. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

#### **15.16.130 Variance and Appeal Procedures**

##### A. Appeal Authority.

1. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the city council or any taxpayer, may appeal such decisions to the District Court, as provided in Utah law.
4. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in ~~other sections of~~ this chapter and state law, and:
  - ~~1-a.~~ The danger that materials may be swept onto other lands to the injury of others;
  - ~~2-b.~~ The danger to life and property due to flooding or erosion damage;
  - ~~3-c.~~ The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

- ~~4.d.~~ The importance of the services provided by the proposed facility to the community;
- ~~5.c.~~ The necessity to the facility of a waterfront location, when applicable;
- ~~6.f.~~ The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- ~~7.g.~~ The compatibility of the proposed use with the existing and anticipated development;
- ~~8.h.~~ The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- ~~9.i.~~ The safety of access to the property in times of flood for ordinary and emergency vehicles;
- ~~10.j.~~ The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- ~~11.k.~~ The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

5. Upon consideration of the factors of subsection (A)(4) of this section and the purposes of this chapter, the city council may attach such conditions to the granting of appeals or variances as it deems necessary to further the purposes of this chapter.
6. The city shall maintain the records of all appeals and variance requests-actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provided items listed in subsection (A)(4)(a) through (k) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall ~~only~~ be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Notwithstanding any provision of this section to the contrary, ~~V~~variances shall ~~only~~ be issued only upon:

- ~~1.a.~~ A showing of good and sufficient cause;
- ~~2.b.~~ A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- ~~3.c.~~ A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (A)(4) of this section or conflict with existing local laws or ordinances; and
- ~~4.d.~~ A specific determination that each of the requirements for a variance under state law has been met.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

#### **15.16.140 General Standards For Flood Hazard Reduction**

In all areas of special flood hazards, the following standards are required:

##### **A.** Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and must be capable of resisting hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

Specific requirements may include:

- a. Providing over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side.
- b. Providing frame ties at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;
- c. Ensuring all components of the anchoring system are capable of carrying a force of four thousand eight hundred (4,800) pounds; and
- d. Ensuring any additions to the manufactured home is similarly anchored.

##### **B.** Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

##### **C.** Utilities.

- ~~3-1.~~ All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- 4.2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- 5.3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

- 6.1. All subdivision proposals shall be consistent with the need to minimize flood damage.
- 7.2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- 8.3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- 9.4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five acres (whichever is less).

**15.16.150 Specific Standards For Flood Hazard Reduction**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in the materials identified in Section 15.16.050, or Section 15.16.120, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure within A1-30, AE, and AH Zones shall have the lowest floor (including basement) elevated to or above the base flood elevation.
2. Within any AO and AH Zone on the FIRM, all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade. This floor shall be elevated at least as high as the depth number specified in feet on the FIRM (which shall be at least two feet if no depth number is specified).
3. Within zones AO and AH on the FIRM, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential Construction.

1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall ~~either~~ have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  - a. Be flood-proofed so that below the base flood elevation the structure is ~~water tight~~watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Floodplain Administrator~~public works director as set forth in Section 16.32.120(C)(2).~~

1-d. Within zones AO and AH on the FIRM, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

2. Within any AO and AH zone on the FIRM, all new construction and substantial improvements of nonresidential structures shall:
  - a. Have the lowest floor (including basement) elevated above the highest adjacent grade, at least as high as the depth number specified in feet on the FIRM (which shall be at least two feet if no depth number is specified); or
  - b. Together with attendant utility and sanitary facilities, be completely flood-proofed to that level to meet the flood-proofing standard specified in subsection (AB)(1) of this section.
3. Within zones AO and AH on the FIRM, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

#### C. Openings in Enclosures Below the Lowest Floor.

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or ~~must~~ meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Exterior walls shall be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3.4.

#### D. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with Section 16.32.140(A)(2).
2. All manufactured homes or those to be substantially improved in the A1-30, AH, and AE Zones, which meet one the following location criteria, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.
  - a. Outside a manufactured home park or subdivision;
  - b. in a new manufactured home park or subdivision;
  - c. in an expansion to an existing manufactured home park or subdivision;
  - d. on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

#### E. Recreation Vehicle Standards

In A1-30, AH, and AE Zones, recreational vehicles must either:

1. Be on site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use, on its wheels or jacking systems, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or
- 4.3. Meet all the requirements for “New Construction,” including the anchoring and elevation requirements.

#### **15.16.160 Floodways**

Located within areas of special flood hazard established in Section 15.16.050 are areas designated as floodways. Because the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. The city prohibits encroachments (including fill), new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided or hydrologic and hydraulic analyses demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.
- 4.B. With respect to new construction and substantial improvements, the requirements set forth in subsection A of this section are supplemental to all other applicable flood hazard reduction provisions set forth above in Sections 15.16.140 through 15.16.160, inclusive.

#### **15.16.170 Severability**

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

#### **16.16.180 Violation and Penalties**

No structure or land shall be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements shall be subject to the general penalties and remedies provided in the Municipal Code.

# MEMORANDUM



**TO:** Planning Commission

**DATE:** September 2, 2022

**FROM:** Cathy Brightwell, Kris Nilsen

**RE:** General Landscape References in West Bountiful Municipal Code

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This memo discusses general landscape references throughout the municipal code that have been reviewed to complement and be consistent with the newly adopted Water Efficient Landscape ordinance, WBMC 12.28. It also proposes several clarifications to the new Code.

## Background

The city council previously adopted Ordinance 455-22 amending its landscape regulations to promote water conservation and efficient use of water. The initial catalyst for these code changes was to allow property owners to qualify for the “Flip Your Strip” rebate program offered by Weber Basin Water Conservancy District; however, the real goal of the changes is the long-term conservation of water far beyond park strips.

## Planning Commission Recommendation

Other sections of city code that currently include landscape regulations have been identified and reviewed to ensure they are consistent and do not conflict with the new ordinance. The planning commission held a public hearing on August 23, 2022, to consider the proposed changes by staff and legal counsel. After consideration of the proposed modifications, the planning commission recommends the changes shown in redline mode in Exhibit A, which are summarized below.

### **12.28 Water Efficient Landscape Standards:**

- Clarification of definitions and applicability
- Reduction from 25% to 15% of required front yard vegetation.
- Irrigations regulations are required, not suggested, for applicable properties.

### **17.XX - C-G, C-N, C-H, L-I, I-G, HCCO:**

- Eliminate duplicative language already included in Chapter 12.28
- C-H and I-G - change to match C-G, C-N, and L-I
- HCCO – make changes and add clarifications consistent with 12.28.

### **17.52 Off-Street Parking:**

- Delete Landscaping from *17.52.060 Maintenance of Parking Lots* and create new section.
- Update regulations to require landscaped islands in parking lots.

### **15.12.040 Movement of Buildings:**

- Clarify unclear language and reference Chapter 12.28.

# WEST BOUNTIFUL CITY

## ORDINANCE #461-22

### AN ORDINANCE AMENDING THE CITY'S LANDSCAPE REGULATIONS IN VARIOUS SECTIONS OF THE WEST BOUNTIUL MUNICIPAL CODE

**WHEREAS**, the West Bountiful City Council desires to promote the conservation and efficient use of water and to prevent waste of this valuable resource; and

**WHEREAS**, Utah Code Annotated §10-3-702 et seq., grants authority to the West Bountiful City Council to accomplish these goals by adopting this ordinance; and

**WHEREAS**, the City Council recently adopted a Water Efficient Landscape ordinance (WBMC 12.28) but did not make changes to other sections of city code that also address landscaping; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on August 23, 2022 to consider appropriate modifications to make all landscape regulations in the city consistent and complementary and recommends approval of attached Exhibit A.

**NOW THEREFORE BE IT ORDAINED** by the City Council of West Bountiful that WBMC 12.28, 17.28.080, 17.32.080, 17.34.090, 17.36.080, 17.40.080, 17.44.050.E, 17.52.060, 17.52.080, and 15.12.040 be modified as shown in attached Exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 6th day of September, 2022.

By:

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Kenneth Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Wood	_____	_____

*Attest:*

---

Cathy Brightwell, City Recorder

**12.28 Water Efficient Landscape Standards**

12.28.010 Purpose

12.28.020 Applicability

12.28.030 Definitions

12.28.040 General Standards

12.28.050 Landscape Design Standards

12.28.060 Irrigation Design Standards

12.28.070 Landscape and Irrigation Plans Required

12.28.080 Completion of Improvements

12.28.090 Homeowners Association Restrictions

12.28.100 Prohibited Watering Practices

12.28.110 Enforcement And Penalties

**12.28.010 Purpose**

The purpose of this chapter is to protect and enhance the city’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.

**12.28.020 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 fifty percent (50%).

In addition to the foregoing, compliance with the landscaping standards in this chapter is highly encouraged for all landscaped areas. These landscaping standards are not intended to conflict with other landscaping requirements ~~as defined by~~ Utah law or other sections of the West Bountiful Municipal Code, including stormwater retention requirements and low-impact development guidelines.

~~Notwithstanding t~~hese landscaping standards, ~~whenever any requirement may be in~~ are subject to any conflicting with requirement of Utah law, ~~such conflicting requirements shall not apply.~~

**12.28.030 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, landscape 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 public 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 living vegetation or 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, also called lawn.

“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.

#### **12.28.040 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. Landscaping shall consist of a balance of vegetation and hardscape that does not violate any ~~other federal, state, or municipal statute, ordinance, or applicable~~ law. A minimum of ~~fifteen~~ twenty-five percent (~~25~~ 15%) of the front landscaped area shall be vegetation.
- C. Landscape and hardscape shall comply with the clear view, fencing, and setback requirements of the ~~city's~~ Municipal Code.
- D. Irrigating any landscape between the hours of 10:00 am and 6:00 pm is prohibited.

#### **17.28.050 Landscape Design Standards**

The following landscape design standards are required for all applicable properties, and strongly encouraged for all landscape projects, to conserve the public’s water resources and promote water efficient landscaping. Landscaping may include a combination of turf, plant cover, hardscape, and xeriscape as described below.

- 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](http://weberbasin.com) for a list of recommended water-conserving plants.*)

- B. Turf/Lawns. Except for designated recreational areas that allow access to the public:
  - 1. Turf areas located in the front yards of residential ~~areas~~ [properties](#) should not exceed thirty-five percent (35%) of the total landscaped area ~~on residential properties~~. Developers and owners are encouraged to also limit side and back yard turf areas to a maximum of thirty-five percent (35%).
  - 2. Turf area shall not exceed twenty percent (20%) of the total landscaped area on non-residential or mixed-use properties, or ten percent (10%) if secondary water is not available.
  - 3. No turf will be planted in park strips, areas less than eight (8) feet wide, parking lot landscaping, or on slopes greater than twenty-five percent (25%).
    - a. Water-conserving plants not requiring overhead spray irrigation may be planted in park strips subject to clear view regulations.
    - b. Park strip areas may be designed as bioswales, especially recommended in commercial, industrial and HOA common areas.
- C. 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.)*
- D. Mulch. After completion of all planting, all irrigated non-turf areas should be covered with a minimum three (3) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

#### **12.28.060 Irrigation Design Standards**

The following irrigation design standards are [required for applicable properties, and](#) 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.

#### **12.28.070 Landscape and Irrigation Plans Required**

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

#### **12.28.080 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 [front yard](#) residential projects shall be completed within one year, but no later than October 31 of the year following completion of construction.

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 nine (9) months may be granted by the land use administrator or designee for good cause shown.

#### **12.28.090 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 landscaped areas less than eight (8) feet wide or in other areas that exceed thirty-five percent (35%) of the [front](#) 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 [under applicable law](#).

#### **12.28.100 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 a third-party service district and restrictions are in place.
- B. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other hard surface areas except to alleviate immediate health or safety hazards.

#### **12.28.110 Enforcement and Penalties**

The land use administrator and public works director, or their designee, shall be authorized to enforce all provisions of this chapter in accordance with the Municipal Code.

**17.XX.XXX Development Standards (Commercial Neighborhood, Commercial General, ~~Commercial Highway, Light Industrial, and Industrial General~~)**

- A. Site Plan. A site plan for all phases of the proposed development shall be presented for review and approval, as provided in the ~~land development code~~Municipal Code.
- B. Landscaping. Notwithstanding Chapter 12.28, no less than fifteen percent (15%) of the total ~~lot~~ site area shall be landscaped. ~~A landscaping plan shall be approved by the planning commission as a part of the site plan review.~~ Required side and rear yard areas may be used for driveways or parking; provided, that trees and shrubs of sufficient size and quantity are installed to assure a visual screen from abutting residential properties ~~are installed~~. All landscaping shall be adequately designed, irrigated and maintained in accordance with Chapter 12.28. ~~The planning commission may require a performance bond or cash deposit, in an amount estimated by the planning commission as equivalent to the cost of the required landscaping, to assure installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond or deposit.~~

**REPLACE C-H AND I-G LANGUAGE WITH ABOVE**  
**17.34.090 Development Standards (Commercial Highway)**

- ~~A. Site Plan. A site plan for all phases of the proposed development shall be presented to the City for review and approval, as provided in the land development code.~~
- ~~B. Landscaping.
  - 1. A landscaping plan shall be submitted to and approved by the City as a part of the site plan review;
  - 2. No less than twenty-five percent (25%) of the front set back shall be landscaped. All landscaped areas shall be landscaped with a mixture of grasses, ground cover, shrubs and trees, and may include sculptures, fountains and patios. Unimproved areas (raw ground) without native trees will not count toward such landscaping requirement
  - 3. All landscaping shall be adequately irrigated and maintained in a healthy, neat and attractive manner; and
  - 4. The City may require a performance bond or cash deposit, in an amount estimated by the City as equivalent to the cost of the required landscaping, to assure installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond or deposit.~~

**17.40.080 Development Standards (Industrial General)**

- ~~A. Site Plan. A site plan for all phases of the proposed development shall be presented for review and approval, as provided in the land development code.~~
- ~~B. Landscaping. No minimum area is required; however, landscaping shall be considered and provided where deemed appropriate. A landscaping plan shall be approved by the planning commission as a part of the site plan review. Required side and rear yard areas may be used for driveways or parking; provided that trees and shrubs of sufficient size and quantity to assure a visual screen from abutting residential properties are installed. All landscaping shall be adequately irrigated and maintained. The planning commission may require a performance bond or cash deposit, in an amount estimated by the planning commission as equivalent to the~~

~~cost of the required landscaping, to assure installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond of deposit.~~

#### **17.44.050(E) – HCCO Landscaping.**

~~Notwithstanding Chapter 12.28, no less than ten percent (10%) of the total site area (including building, parking, and setbacks) shall is recommended to be landscaped and include irrigation. The site landscape should include a minimum of 5 trees and 15 shrubs per acre. Trees should be a minimum of 1.5 inch caliper and shrubs a minimum of 5-gallon; two 1-gallon ornamental grasses or perennials equal one shrub for up to fifty percent (50%) of the shrub requirement. The use of xeriscape materials such as rock or wood mulches (including a weed mat) are allowed for up to 50% of the landscaping. Water efficient landscaping is recommended. Turf area shall not exceed twenty percent (20%) of Within the total landscaped areas, a maximum of 50% coverage may be turfgrass. No turfgrass should be in areas less than 10 feet in width; these areas should be landscaped with shrubs, trees, rocks, or mulch.~~

Setbacks adjacent to a residential zone, as described in Section 17.42.050.A, shall be landscaped. Buffering of adjacent residential zones should include a six-foot masonry wall located on the property line (subject to the fencing and clear view requirements of Chapter 17.50); ~~and~~ medium to large trees planted every 30 feet; ~~and an inert mulch, including synthetic turf; and turf/groundcover at a 50/50 ratio.~~ Such areas may also incorporate spaces for recreational activities; provided, that no swimming pool, court, playground, or other recreational facility should be located within 15 feet of a residential zone. ~~Irrigation systems are recommended to be managed by an EPA waterwise irrigation controller. Smart irrigation practices such as drip and sensors are encouraged.~~ A landscape and irrigation plan, stamped by a professional landscape architect, engineer, or certified irrigation designer, including plant locations/types, grading, and irrigation systems, ~~must shall~~ be submitted for review and approval by City staff in accordance with Chapter 12.28. All landscaping shall be designed, irrigated, and maintained in accordance with Chapter 12.28.

#### **15.12.040 – Movement of Buildings**

No building or substantial part thereof shall be relocated within the city if otherwise allowed, unless all the following additional requirements are fulfilled. Prior to issuance of a permit to move the same:

- ~~D. A landscape plan showing proposed landscaping equal to or exceeding in percentage of landscaped area to total lot area the average of lots within three hundred (300) feet is filed with the City, together with an agreement to complete the same within eighteen (18) months from the date of the permit. The right of occupation shall be conditioned upon this agreement.~~

Notwithstanding Chapter 12.28, a landscape plan, consistent with Chapter 12.28, showing the proposed landscaped area, together with an agreement to complete the same within eighteen (18) months from the date of the permit, is filed with the city. The right of occupancy shall be conditioned upon this agreement.

### **17.52.060 – Maintenance of Parking Lots.**

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements.

1. Surfacing. Each off-street parking lot shall be surfaced with gravel, asphaltic or Portland cement or other binder pavement and permanently maintained to provide a dustless surface. The parking area shall be designed and maintained consistent with WBMC 13.30 Storm Water Management.
2. Screening. The sides and rear of any off-street parking lot which adjoins an area that is primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four ~~nor more than six~~ feet in height.
- ~~3. Landscaping. Each parking lot shall provide along the entire frontage of the property (except for any drive approach) a minimum depth of ten (10) feet of permanently maintained landscaping.~~  
***MOVE TO NEW SECTION BELOW***
- ~~4.3.~~ Lighting. Lighting used to illuminate any parking lot shall be directed downward and arranged to reflect the light away from adjoining residential uses and from street traffic.
- ~~5.4.~~ All surfacing, screening, landscaping, lighting, and any other parking area elements shall be continually and properly maintained.

### **17.52.080 – Landscaping in Parking Lots**

The following landscape requirements apply to parking lots.

1. Each parking lot adjacent to a public street shall provide along the entire frontage of the property (except for any drive approach) a minimum depth of ten (10) feet of permanently maintained landscaping.
2. Each parking lot consisting of more than 20 spaces, or 4,000 square feet shall include landscaped parking islands as follows:
  - a. Office and commercial: 7% of total parking lot area.
  - b. Industrial and warehouse: 5% of total parking lot area.
3. Parking island areas are intended to define major drives and access ways, to delineate ends of parking rows, and at aisle intersections. For every six required parking spaces, or portion thereof, a minimum of one tree shall be provided within each parking island. Additionally, each parking island shall contain:
  - a. A minimum of 140 square feet;
  - b. Have a minimum average width of 8 feet; and
  - c. Include a minimum of one tree from the city's approved tree list.
4. In all other respects, the landscaping of parking lots shall comply with Chapter 12.28.

**PENDING – NOT YET APPROVED**

Minutes of the West Bountiful City Council meeting held on Tuesday, August 16, 2022, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

**MEMBERS:** Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Rod Wood.

**STAFF:** Duane Huffman (City Administrator), Kris Nilsen (City Engineer), Chief Erekson, Dallas Green (Director of Golf), Braxton Summers (Asst. Golf Pro), Josh Virostko (Golf Superintendent), and Cathy Brightwell (City Recorder)

**EXCUSED:** Mayor Ken Romney, Steve Maughan, Steve Doxey

**PUBLIC:** Alan Malan, Deby Marshall, SDMF Chief Dane Stone

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***Work session – Presentation by South Davis Metro Fire***

Mayor Pro Tem Mark Preece opened the work session at 6:32 pm. Duane Huffman introduced Fire Chief Dane Stone and everyone around the table introduced themselves.

Chief Stone said he was here to give a brief overview of the fire department and answer questions. He explained that the department is managed by a Board of Directors made up of the mayors of each of the five participating south Davis County cities and one county commissioner. An administrative committee, made up of the city managers of each city and a representative from the county clerk's office, helps with administrative matters including budget. Duane Huffman is the chair and budget officer this year.

- Department overview – the department is full-service - providing fire, medical, hazmat, technical rescue, and fire prevention/public education. There are 99 full time equivalent employees spread over 5 fire stations that cover 45 square miles.
- Financials – The fire department has a \$16.7M budget. Ambulance revenues comprise 18%, city assessments 42%, and property taxes 40%. The majority of expenditures are salaries and benefits at 77% with operations at 11%.
- Calls for service – Fire emergencies (excluding medical) make up about 25% of calls and Emergency Medical Services the remaining 75%. He explained that the fire department provides ambulance transport services for assisted living, nursing homes, and hospitals. He noted that fire calls are up this year. There were 59 fires between January and June, and 39 fires in July alone. Average response time from dispatch to arrival is 5 minutes 40 seconds.
- He described the 5 fire stations and the services they provide.

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**Regular Meeting**

Mayor Pro Tem Preece called the regular meeting to order at 7:35 pm and offered an invocation. James Bruhn led the Pledge of Allegiance.

**1. Approve the Agenda.**

**MOTION:** *James Ahlstrom made a Motion to approve the agenda as posted. Rod Wood seconded the Motion which PASSED unanimously.*

**2. Public Comment – Two Minutes Per Person, or Five Minutes if Speaking on Behalf of a Group.**

No public comment was offered.

**3. Lakeside Golf Course Mid-Season Report.**

Dallas Green, Lakeside Director of Golf, said it has been a great year and the golf staff appreciates the support they receive from the city council. He then provided a mid-year status report.

- It has been a very successful and busy year when the weather is good. There was an extremely wet spring that slowed things down a bit, but we are still on pace to beat last year's gross revenue numbers.
- The men's league membership is up 40%, so we are considering going to 2 days with two different entities. To date, we have beat all men's league rounds.
- Junior clinics and junior league were at capacity this year.
- Senior and Amateur tournaments were the largest on record.
- Google reviews have been good - highlighting our customer service, tremendous value, and excellent conditions.
- The driving range has seen a 5% growth even though it has been closed a lot due to problems with the ball-picker which forced us to limit use for a time.
- August is estimated to be the best month ever for gross revenues.

Josh Virostko, Golf Superintendent, commended Dallas and Braxton for their hard work. He said as a golf superintendent he provides a product and Dallas sells it. Having a great team makes a big difference in a golf course's success.

**Water challenges:**

- We had very little snow for a long time, then the water budget was cut 60%. This was a major concern because that's how we provide the product. He said we are allotted 176 acre feet and our conservation efforts have resulted in only using 1/3 of that. We've been successful providing good conditions on the course while saving a lot of water.
- We also use wetting agents to hold moisture better, pushing roots down deeper. Unfortunately, costs for supplies are up. The wetting agent costs \$8,000 and lasts 90 days.

- 93       • The automated irrigation system we purchased in 2018 is working well. Chad, the assistant  
94       superintendent, has spent a lot of time logging and inputting data on all 84 heads, giving us  
95       better control.  
96       • He reported that the surrounding neighbors that connect to Lakeside’s water have been  
97       cooperative and are doing a good job conserving. It is in the works to get them metered.  
98       • Mosquito abatement – spraying has made a big difference; we have a handle on it.  
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100   **4. Meeting Minutes from August 2, 2022.**

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102       **MOTION:**   *James Ahlstrom Made a Motion to Adopt the Meeting Minutes from*  
103       *August 2, 2022, as Corrected. James Bruhn Seconded the Motion which*  
104       *PASSED Unanimously.*  
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106   **5. Staff Reports**

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108   **Police – Chief Erekson**

- 109       • A heavy traffic saturation project was conducted today – in 3 hours there were 30 stops and 2  
110       impounds.  
111       • We were able to provide K-9 help to Bountiful with a runaway.  
112       • The Safety Fair will be held on August 26 and include the regional command center,  
113       helicopter, fire equipment, food trucks, etc.  
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115   **Public Works/Engineering – Kris Nilsen**

- 116       • Public Works Facility update – the metal components have been delivered, plumbing, and the  
117       footings for material storage bins have been installed.  
118       • 600 West Construction update – concrete replacement is scheduled for this week. We’ve had  
119       some quality challenges, but they have been handled. Milling will begin on August 22, and  
120       asphalt in early September.  
121       • 600 West pedestrian crossing. After comments at the last meeting, we have reviewed the  
122       situation and determined that a mid-block crosswalk works better in this case. Signs will also  
123       be installed.  
124       • UTA is planning for double tracking the front runner from Woods Cross to Centerville, which  
125       will allow a lot more trains. We met today to talk about impacts.  
126       • Installation of security cameras (phase 1) will begin this week.  
127       • The city has done exceptionally well conserving water. We have turned off our wells to make  
128       sure we use our remaining Weber Basin allotments, then we will turn them back on.  
129       • 400 North Well – we are still working on the fluoride pump. There was a question about why  
130       we need to add fluoride. Duane Huffman explained that a previous county-wide vote approved  
131       adding fluoride to our water and it is required county-wide. He also mentioned that someone  
132       had run into the fence around the well; their insurance will pay for the damages.  
133       • Google fiber permitting. They plan to start mid-September in the southwest area of the city.  
134       • Seal coating is scheduled for the last week in August.  
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136   **13. Mayor / Council Reports**

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138 James Ahlstrom – The Youth Council will hold their first meeting of the term next week. They will  
139 begin talking about service projects and their annual retreat. Swearing in will be held September 6.

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141 James Bruhn – no report.

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143 Kelly Enquist – no report.

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145 Mark Preece – asked about mini-bikes and electric scooters and whether they are legal on the street.  
146 Chief Erikson said they are all legal, but golf carts are not currently allowed on city streets.

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148 Rod Wood – commented that he would like to start planning the city’s employee Christmas party  
149 and suggested we find a new location. Duane Huffman said he will get with him to discuss options.

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151 Mayor Romney – excused

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153 **12. Closed Session, if needed**

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155 No closed session needed.

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157 **15. Adjourn.**

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159 **MOTION:**  
160 ***James Ahlstrom made a Motion to Adjourn the Meeting. Rod Wood Seconded the Motion***  
161 ***which PASSED Unanimously.***

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165 *The foregoing was approved by the West Bountiful City Council by unanimous vote of all members*  
166 *present on Tuesday, September 6, 2022.*

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*Cathy Brightwell, City Recorder*