



**Planning Commission Meeting
Thursday, January 31, 2019
City Hall Council Chambers
5249 S. South Pointe Dr. Washington Terrace City
801-393-8681**

- 1. ROLL CALL 6:00 p.m.**
- 2. PLEDGE OF ALLEGIANCE**
- 3. WELCOME**
- 4. RECURRING BUSINESS**
 - 4.1 MOTION: APPROVAL OF AGENDA**

Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.
 - 4.2 MOTION: APPROVAL OF MINUTES FOR NOVEMBER 19, 2018**
- 5. SPECIAL ORDER**

Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by commission, Chair opens public hearing, citizen input; Chair closes public hearing, then commission final discussion.

 - 5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT OR OPPOSITION TO A PROPOSED SUBDIVISION “LAKER 88 SUBDIVISION” TO BE LOCATED AT 242 EAST 5000 SOUTH**
- 6. NEW BUSINESS**
 - 6.1 MOTION: NOMINATION AND ELECTION OF CHAIR AND VICE-CHAIR**
 - 6.2 MOTION: PRELIMINARY AND FINAL SUBDIVISION APPROVAL FOR “LAKER 88 SUBDIVISION” TO BE LOCATED AT 242 EAST 5000 SOUTH**
 - 6.3 MOTION: FINAL SUBDIVISION AND SITE PLAN APPROVAL FOR HARVEST POINT TOWN HOMES LOCATED AT 114 EAST 5000 SOUTH**

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

CERTIFICATE OF POSTING

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

6.4 DISCUSSION: ORDINANCE 19-02 “NUISANCE ORDINANCE AMENDED”

6.5 DISCUSSION: VACATION SHORT TERM RENTALS

7. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND ZONING ISSUES

8. MOTION: ADJOURN THE MEETING

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Amy Rodriguez, Washington Terrace City Recorder

City of Washington Terrace

Minutes of a Regular Planning Commission Meeting held on
Thursday, November 29, 2018
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

PLANNING COMMISSION AND STAFF MEMBERS PRESENT

Chairman Wallace Reynolds
Commissioner Dwight Henderson - Excused
Commissioner Dan Johnson
Commissioner Charles Allen
Commissioner Darren Williams
Vice- Chair Scott Larsen
Commissioner T.R. Morgan
Chief Building Inspector Jeff Monroe
City Recorder Amy Rodriguez

Others Present

1. ROLL CALL

6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. WELCOME

4. RECURRING BUSINESS

4.1 MOTION: APPROVAL OF AGENDA

Motion by Commissioner Morgan
Seconded by Commissioner Larsen
to approve the agenda
Approved unanimously (6-0)

4.2 MOTION: APPROVAL OF MINUTES FOR OCTOBER 25 ,2018

Motion by Commissioner Allen
Seconded by Commissioner Larsen
to approve the minutes of October 25, 2018
Approved unanimously (6-0)

5. SPECIAL ORDER

5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT OR

48 **OPPOSITION TO A PROPOSED INFILL SUBDIVISION “HARVEST**
49 **POINT ESTATES” TO BE LOCATED AT 114 EAST 5000 SOUTH**

50
51 **Chairman Reynolds opened the public hearing at 6:03 p.m.**

52
53 Resident Richard Gabel supplied the Commission with a document expressing his concerns. He
54 stated that he does not have any negative comments concerning the subdivision. He is requesting
55 that the setback be looked at if it will affect the pond area. He asked that the design be looked out
56 to minimize the water in the gutter. He stated that the sewer system has problems. He asked that
57 the engineer review the sewer design plan.

58 Gabel stated that he is concerned about the survey, not the project. He stated that all of the
59 descriptions for the property comes off a point in the road that nobody can see because the road
60 is there. He stated that he believes that the survey is wrong. He stated that the single point on the
61 southwest corner cannot be re-established. He stated that technically all the descriptions are
62 incorrect. He stated that he does not want to do litigation, however, he is concerned about the
63 current survey and people losing part of their property because of where the boundary points are
64 established. Gabel stated that he is not worried about his property because he has stakes in. He
65 does not want anyone else to have impacted property. He hopes that something can be worked
66 out to accommodate the fence and properties.

67
68 **Chairman Reynolds closed the public hearing at 6:16 p.m.**

69
70 **6. NEW BUSINESS**

71
72 **6.1 MOTION: PRELIMINARY INFILL SUBDIVISION APPROVAL FOR**
73 **HARVEST POINT ESTATES, LOCATED AT 114 EAST 5000 SOUTH**

74 Commissioner Johnson asked about the issues on the storm and sewer drain. Monroe stated that
75 the city engineer will cover the storm, sewer drain, as well as the survey issues before the item
76 comes back for final approval before it goes to City Council. Monroe stated that this is a
77 preliminary approval and these items will need to be completed before it comes back. Monroe
78 stated that the survey issues will be reviewed as part of this process, stating that he has run into
79 issues with survey markers incorrectly placed in the city. He stated that we would like to avoid
80 any takings. He stated that he will bring up the survey points that Mr. Gabel spoke of to the City
81 engineers. Monroe stated that he feels that due diligence was done in having the property
82 surveyed, however, he will make sure that the engineers check to make sure that the survey is
83 correct. He stated that the survey will be looked at correctly.

84
85 Matt McKonkie, the owner of the property, stated that the home on the corner will be removed.
86 He stated that the street will be put in right where the home currently sits and the current street
87 will be abandoned. McKonkie stated that there are several green houses that he uses to grow
88 pumpkins.

89
90 Commissioner Allen thanked Mr. Gabel for bringing his concerns to the Commission. He stated
91 that he recommends tabling the item until all of the items on Mr. Gabel’s memo until all the
92 issues are worked out between all the parties.

94 Chairman Reynolds stated that he had questions as well. He stated that many of the items will
95 be addressed before final. He stated that the boundary lines will be reviewed and validated by the
96 county recorder. He stated that he feels all of the issues will be resolved.

97 Monroe stated that the preliminary approval deals with the concept of the project. He stated that
98 after that all the work needs to be done and reviewed by the engineer before it comes for a final.
99 He stated that the process could be delayed two months if the item is tabled tonight.

100 Monroe stated that the survey issues will be resolved before it is brought back to the
101 Commission. Monroe stated that if there are any historical issues, they will need to be identified
102 and corrected moving forward. Monroe stated that the Development Review Meeting had the
103 city attorney, city manager, building inspector, public works director, fire chief, and engineer
104 review the concept and everyone was fine with the concept.

105
106 Commissioner Morgan stated that he does not think that the item needs to be tabled, but he stated
107 that he will not approve a final until all the issues are worked out and corrected. Commissioner
108 Larsen stated that the approval is just on the conceptual design and that approval would allow
109 them to work on the other issues.

110
111 Kent Wilkerson, the architect, stated that he was concerned about the setbacks as well and that is
112 why he had a survey completed before bringing it forward to the Commission. Wilkerson stated
113 that the pond is actually the detention basin.

114
115 Commissioner Allen asked if there are security plans such as lighting, snow removal, refuse
116 plans, and landscaping plans. McKonkie stated that there will be an HOA that would pay for the
117 property maintenance. McKonkie stated that the overall height will be two stories, around 25
118 feet. Monroe stated that they meet the city requirements. McKonkie stated that they are parceling
119 each home for individual ownership, however, he stated that he cannot control if someone rents
120 their property.

121
122 Chairman Reynolds stated that Monroe verifies all the information concerning curbs and gutters,
123 lighting, and fencing during his review. McKonkie stated that there will not be basements on the
124 property.

125 Commissioner Allen recommends that there are stop signs placed at the end of 5000 South.

126
127 McKonkie stated that there is nothing outside of the ordinance in his plans. McKonkie stated that
128 each unit will have rear access.

129

130 **Motion by Commissioner Morgan**

131 **Seconded by Commissioner Larsen**

132 **to approve the preliminary subdivision and site plan concept**

133 **Harvest Pointe Estates Subdivision located at 114 East 5000 South**

134 **Approved unanimously (6-0)**

135

136

137

138 **6.2 MOTION: APPROVAL OF CONDITIONAL USE PERMIT FORE AN**
139 **AMUSEMENT ENTERPRISE BUSINESS, CLUE INN ESCAPE ROOM**
140 **GAMES, LOCATED AT 5100 SOUTH 375 EAST A**

141 Monroe stated that the escape room is a room that has clues and keys are given as the clues and
142 puzzles are solved. Monroe stated that they would like to use the old Hancock Building top floor
143 for their business. Monroe stated that Dingman Printing will still be on the lower floor.

144 Cathy Pommier stated that they have two locations in Perry, and a mobile business as well. They
145 are looking to expand the business in the south. She stated that they currently run one room at a
146 time, however, they are looking to run 6 rooms at the Hancock Building.

147 Pommier stated that there are 28 escape rooms in Utah and they are looking to expand. She
148 stated that the rooms become a team event and is very exciting. She stated that she is educated in
149 emergency management and usually does not allow more than 8 people, but optimal is 6 people
150 per room. She stated that sometimes there are more people to allow for team building.

151 Monroe stated that the parking for square footage is adequate. Monroe stated that there is an
152 occupancy code of 40 people.

153 Commissioner Allen asked if a site plan was submitted. Monroe stated that he did a walk through
154 because it is an existing structure. He stated that there are some egress conditions that need to be
155 placed. He stated that the fire department needs to do a walk through. Monroe stated that a site
156 plan is not needed. Pommier stated that private scheduled appointments will be made during the
157 day. She stated that the hours for the public will be 4-11p.m. and 1-11p.m. on Saturdays.

158 Pommier stated that a ramp will be completed and is working with the owner. Pommier stated
159 that it is an entertainment business and not an instructional business.

160 Chairman Reynolds stated that the issue to be discussed is land use and whether they meet the
161 requirements. Monroe stated that if it was a permitted use, they would not be at the meeting.

162
163 **Motion by Commissioner Larsen**
164 **Seconded by Commissioner Johnson**
165 **to approve the conditional use permit for**
166 **Clue Inn Escape Room Games located at 5100 South 375 East**
167 **Approved unanimously (6-0)**
168

169 **7. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND**
170 **ZONING ISSUES**

171 Monroe stated that we are working on a road dedication plat so that 5700 South can open.

172 Monroe stated that there is only one lot left at Field Crest Subdivision.

173
174 **8. MOTION: ADJOURN THE MEETING**

175 **Motion by Commissioner Morgan**
176 **Seconded by Commissioner Larsen**
177 **to adjourn the meeting**
178 **Approved unanimously (6-0)**

179 **Time: 7:16 p.m.**
180

181 _____
182 Date Approved

181 _____
182 City Recorder

To: Washington Terrace Planning Commission
Date: November 27, 2018
Subject: Proposed Harvest Point Subdivision located at 114 East 5000
South Washington Terrace, Utah

I have three items for consideration.

The third is of very high importance to me as well as other property owners having property located to the west of the subdivision along 5000 south located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17 T5N R1W of S. L. B. & M..

Item 1 – Looking at the HARVEST POINT TOWNHOMES CONCEPT page in the November 29, 2018 Action to approve, I could not determine if the set back from the front property line for unit 1 was the same distance as the other houses located on the east and west side of proposed subdivision. I ask you to consider using a similar set back distance if possible. If this request in any way affects the pond area of the Proposed Harvest Point Subdivision please **do not** consider my request.

Item 2 – I have been living to the west of the Proposed Harvest Point Subdivision since 1974.

The Storm drain and Sewer have been an issue for some living along 5000 between 150 East and 300 West in the past. These systems were installed a long time ago. The Sewer being 50 years give or take.

I request that you ask the City Engineer (not the Public Works Director) to review the capacity flow rate of the systems as well as the current flow rate.

After doing so, are these numbers available for me to see?

The only reason I am asking is I prefer not to have any recurrences of what happened in the past.

As far as the storm drain, please be aware that the road replacement of 5000 south a few years ago did not help storm drain issues in front of my property located at 118 West 5000 South. The crown was removed from the old road resulting in a road slopping to the north putting most of runoff from rain in the north gutter resulting in water going over the gutter onto the sidewalk and sometimes my front yard. I hope the design minimizes as much as possible any additional runoff from rain from getting into the north gutter on 5000 South.

Item 3 -- Regardless of what you choose to do with the request regarding the Proposed Harvest Point Subdivision, property boundaries must be such that there is no impact on my property or the property of others west of the Proposed Harvest Point Subdivision.

On November 20, 2018, I noticed survey markers were placed on the south property boundaries of where the Proposed Harvest Point Subdivision on 5000 South (070630027) is going to be, indicating everything shifting to the west by 1.5 feet (18 inches maybe an inch or so more).

I discussed my concern to Matt McConkie on November 20, 2018. He indicated to me on November 21, 2018 that he had informed his engineering Firm of my concern.

I have discussed the issue with Kent Wilkerson from Cascade Civil today November 27, 2018. He requested I email him a copy of this memo so we can get this resolved.

Emailed document to cascadecivil@outlook.com

Some History:

There were surveys completed by Bonneville Surveys on parcel 070640069 and 070604104 in January 1995. They were not recorded with Weber County as the law did not require surveys to be submitted prior to 1980.

From what I can determine when Harry Suekawa deeded a part of the original 07063307 parcel to create partial 070630039 in 1984 no surveys were completed.

However, there have been two surveys that are on record with the Weber County Records office.

In January 1998 the Terrace Meadows PRUD was surveyed.

In December 1999 – April 2000 the Gabel Subdivision was surveyed.

What I am asking for is before any construction that relies on the West Boundary for the Proposed Harvest Point Subdivision be completed, the dispute be resolved in such a way that the boundaries established with the Gabel Subdivision survey be considered and the final outcome most likely will result in locating the south west property corner of the Proposed Harvest Point Subdivision parcel 070630027 18 + inches to the east of where it has been placed.

Doing so will leave a 330 feet distance between the south west property corner of the Gabel Subdivision and the South West property corner Proposed Harvest Point Subdivision .

I have also checked the property going east from the proposed Harvest Point Subdivision to see if moving everything east 18 + inches south west property corner of the Proposed Harvest Point Subdivision would affect property going east including the 150 East roadway.

To me, all looks like it should with no impact on anyone's property including the 150 east roadway.

Also, part of west side of the Proposed Harvest Point Subdivision shares a boundary with the east side of the Terrace Meadows PRUD.

And

The marker or monument that is (was) used to describe the property descriptions located on 5000 south to the east and west was not replaced after the road was replaced a few years ago.

I appreciate the opportunity to make comments pertaining to the Proposed Harvest Point Subdivision located at 114 East 5000 South. It is nice to see such a well thought out design. I am looking forward to see the completed project.

I know you have three options 1) Approve the request 2) Deny the request 3) Continue the item. As I have stated before the request looks good and would not want to see it denied. However, until such time that the boundary dispute is resolved I would ask that you consider continuing this item until your next meeting.

I can be reached at 801 540-0478 if you have questions or comments.

Best Regards

Richard Gabel

Attachments



Planning Commission Staff Report

Building & Planning

Author: Planning Department
Subject: Minor Subdivision application to split a lot into two (2) lots.
Date: January 31, 2019
Type of Item: Public Hearing Discussion/Motion

Summary Recommendation: The Planning Commission should review the proposed subdivision request located at 242 E 5000 S and approve by motion and recommend to the City Council approval of the two (2) lot split of this property.

Description:

A. Background: A minor Subdivision application has been requested to split a lot in to two (2) individual lots. Currently the property is owned by Mr. Jeffrey Holden, and the property is in the R-1-6 zone. The lot split for this piece of property does meet Washington Terrace City Zoning standards and lot size requirements of minimum 6000 square feet and a 60 foot frontage width. There is access to utilities, which can be stubbed into the lots. Lot one (1) does have existing utilities stubbed to it.

B. Analysis: Mr. Holden has provided and executed a plat to receive approval and to get recorded. Their Engineer will provide a Mylar to be signed after any recommendation or changes to the plat has been corrected.

C. Department comments: Staff recommends approval of the proposed subdivision. THE CITY ENGINEER STILL NEEDS TO GIVE THE ADDRESSES, THE DEVELOPER WILL THEN PROVIDE A MYLAR TO BE RECORDED

Alternatives:

D. Approve the Request:

The Commission review the subdivision and forward a recommendation to the City Council.

B. Deny the Request:

Deny the applicants request and recommend it to the City Council,

C. Continue the Item:

Table the item to a later meeting, to have time to gather further information to make your recommendation to the City Council.

Significant Impacts: There is no significant impact to the City

WASHINGTON TERRACE CITY PLANNING & ZONING APPLICATION

Application for the following:

<input type="checkbox"/> Site Development Plan Approval:	<input checked="" type="checkbox"/>	Preliminary Plat	<input type="checkbox"/>	Final Plat
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/>	Zoning / Rezone Request		
<input type="checkbox"/> Design Review Fee	<input type="checkbox"/>	Annexation / Boundary Adjustment request		
<input type="checkbox"/> Board of Adjustments	<input type="checkbox"/>	Engineering Review		
<input checked="" type="checkbox"/> Subdivision:	<input type="checkbox"/>	Preliminary Plat	<input type="checkbox"/>	Final Plat
<input type="checkbox"/> Other (specify) _____				

Project location/Address: 242 East 5000 South Washington Terrace, Utah
 Existing Use: Single Family Residence
 Description/Request type of project: minor subdivision (2 lots) 84405

Name of Applicant (Property Owner) Jeffrey S. Holden
 Applicants Address PO Box 150407 Ogden UT ~~84405~~ 84415 Phone (801) 540-7614

Name of Agent Same as above
 Agent's Address _____ Phone _____

Project info: Name of Subdivision/Business/Development: 242 East Subdivision
 Type of Development: Residential Multi-family Commercial
 NUMBER OF LOTS 2 # OF UNITS 1 per lot SIZE OF LOTS 12553 sq. ft / 16,284 sq. ft.
 IF DEVELOPMENT IS TO TAKE PLACE IN PHASES, PLEASE DESCRIBE:

Engineering / Surveyor Firm: Great Basin Engineering
 Bond / Surety provider: Self
 Contact person: Andy Hubbard Phone (801) 304-4515
 Email: ANDYH@greatbasineng.com

A plat of the survey with legal description and a set of current engineering plans (including sewer, water, roads, grading and detention) must accompany this application and be submitted on a diskette.

Approval State: Conceptual Preliminary Final

Jeffrey S. Holden
 Signature of Owner/Agent

12/28/2018
 Date

Note: A. If the applicant is not the same as the owner, the owner should sign the application or submit a letter authorizing the applicant to proceed with the application.
 B. Application Fees must be paid prior to receiving a hearing date with the City Council or Planning Commission. Plus additional review cost in excess of minimum shall be paid as those costs are incurred, before any improvements can be started and/or permits can be issued.

OFFICIAL USE ONLY	
Date fee paid _____	
Application # _____	
Zone _____	
Received by _____	
Plans (9 Copies (18 X 24))	
Hearing Date _____	



**Planning Commission
Staff Report**

Author: Planning Dept.

Subject: **Harvest Pointe In-fill Subdivision for Matt McConkie, Final approval of a Subdivision & Site Plan approval, located between 114 East 5000 South.**

Date: **January 31, 2019, Thursday at 6:00pm, City Washington Terrace City Hall**

Type of Item: **Action to approve final Subdivision & Site Plan for Harvest Pointe Subdivision.**

Summary:

Approve by motion to recommend Final approval to the following subdivision & site plan for Harvest Pointe Subdivision for Matt McConkie located between 114 East 5000 South (It is the field/open space west of 150 East). If the motion is passed and approved, the next step will be to forward the recommendation to City Council for approval.

Description:

This Parcel has been previously used as agricultural for growing award winning pumpkins. This parcel has been identified and considered as a property that qualifies for In-fill development within the City of Washington Terrace.

In-fill housing allows for buildable sites on vacant lands that have been left as open space area and surrounded by different Uses. With the adoption of the In-fill housing ordinance allows the property Owners to build or develop their property.

In-fill ordinance provides for higher density and adjustments to the City standards for zoning, modifications to setbacks, road widths. The Developer shall also continue to maintain a single family element to the exterior appearance of the structures by maintaining two car garages no stucco to the front of the building and adding varied roof lines with dormers and etc.

The In-fill development ordinance has become a key component of growth within the City of Washington Terrace.

Benefits of In-fill:

- Reduce unsightly nuisance lots
- Smart growth
- Improve appearance of an area
- Contribute to the economy, (taxes – fees)
- Diverse housing for Single Family- low moderate housing compliance
- Reduce crime
- Affordable housing

Topic: In-fill Subdivision

The applicant is proposing a Single Family townhome project consisting of 20 Single Family Units, each lot being sold as Single Family unit. The lot sizes and number of lots comply with the In-fill requirements to be considered for an In-fill subdivision.

The scheme and design of the **buildings comply with the architectural** requirements of the Ordinance.

The parking requirement is for a **two car garage and two allowable spaces**, the developer has complied with the Ordinance.

The submitted plans and renderings comply with the In-fill development procedures and will accomplish the desired outcome.

- The Planning Commission should evaluate the In-fill proposed Site Plan & Subdivision for its practicality and potential Land Use benefit for the desired area, does the Site Plan submitted work.
- The impact of newer homes being built in the area, can increase property values to surrounding homes.

Analysis:

The objective is to provide the Landowners an opportunity to develop their ground. The intent is to also allow for development that will not distract from the area or City and will be a positive improvement to the City of Washington Terrace.

Department Review:

The Staff has reviewed the Site Plan and Harvest Pointe Subdivision development the opinion at this time is to give a favorable recommendation for the final Site Plan and In-fill Subdivision approval for the Matt McConkie property. The benefit for approval of the In-Fill development are for the following reasons;

- This development will contribute to the area.
- It complies with the allowable lots for the bonus for the surrounding area.
- The minimum lot sizes conform to the In-fill Ordinance
- Renderings for the buildings comply with the In-fill architectural description as outlined in the code. (Two car garages, parking, materials to be used on exterior and curb appeal to the front and roof lines of the buildings).
- It meets the allowable parking spaces
- The overall design of the development meets the Cities goal for In-fill development?
- This has been given approval by Fire,
- The hammer head turnabout for Fire has been accepted by the Fire Chief and Fire Marshall.

Alternatives:

A. Approve the Request: The Planning Commission should by motion give their favorable recommendation for the Final for the Site Plan and In-fill Subdivision approval.

B. Deny the Request: The Planning Commission can deny the request with direction.

C. Continue the Item: The Planning Commission may table the request to a later meeting; requesting additional information, or seek additional changes or clarification and or staff items have been completed.

WASHINGTON TERRACE CITY
PLANNING AND ZONING APPLICATION

Application for the following:

_____	Site Development Plan Approval	_____	Preliminary Plat
xxxx	Final Plat	_____	Conditional Use Permit
_____	Review fee	_____	Annexation/Boundary Adjustment Request
_____	Board of Adjustments	xxxx	Engineering Review
_____	Subdivision	_____	Preliminary Plat
xxxxxx	Other	Specify	Development Agreement
_____	_____	xxxxxx	Final Plat

Project location/Address: 114 E 5000 South
Existing Use: Existing home and vacant
Description/Type of Project: In fill - 20 Single Family Townhomes - in fill

Name of Applicant (Property Owner): Matt McConkie - Harvest Pointe Town Homes, LLC
Applicant Address: 1464 E. Ridgeline Drive, South Ogden, UT Phone: 801.458.338
Name of Agent: Same
Agent Address: _____ Phone: _____

Project Info: Name of Subdivision/Business/Development:
Development Tyoe: XXXXX Residential _____ Multi-family _____ Commercial _____
Number of lots 20 # of Units 4000sf Size of lots PUD
If Development is to take place in phases, please describe:
Single phase
Engineering/Surveying Firm: Cascade Civil, Gardner Engineering, Christensen Geo Technical
Bond/Surety Provider:
Contact Person: TBD Phone: _____
Email: _____

A plat of the survey with legal description and a set of current engineering plans (including sewer, water, roads, grading, and detention) must accompany this application and be submitted on a cd or disk
Approval State: _____ Conceptual _____ Preliminary XXXXX Final _____

Signature of Owner/Agent Date

Note: If the applicant is not the same as the owner, the owner should sign the application or submit a letter authorizing the applicant to proceed with the application.
Application fees must be paid prior to receiving a hearing date with the City Council or Planning Commission. Plus additional review cost in excess of minimum shall be paid as those costs are incurred, before improvements can be started and/or permits can be issued

OFFICIAL USE ONLY: Fee paid on: _____ Hearing Date: _____ Application # _____ Zone: _____ Received by: _____
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HARVEST POINTE TOWNHOMES

MATT McCONKIE, Harvest Pointe Townhomes LLC,
1464 E. Ridgeline Dr. South Ogden



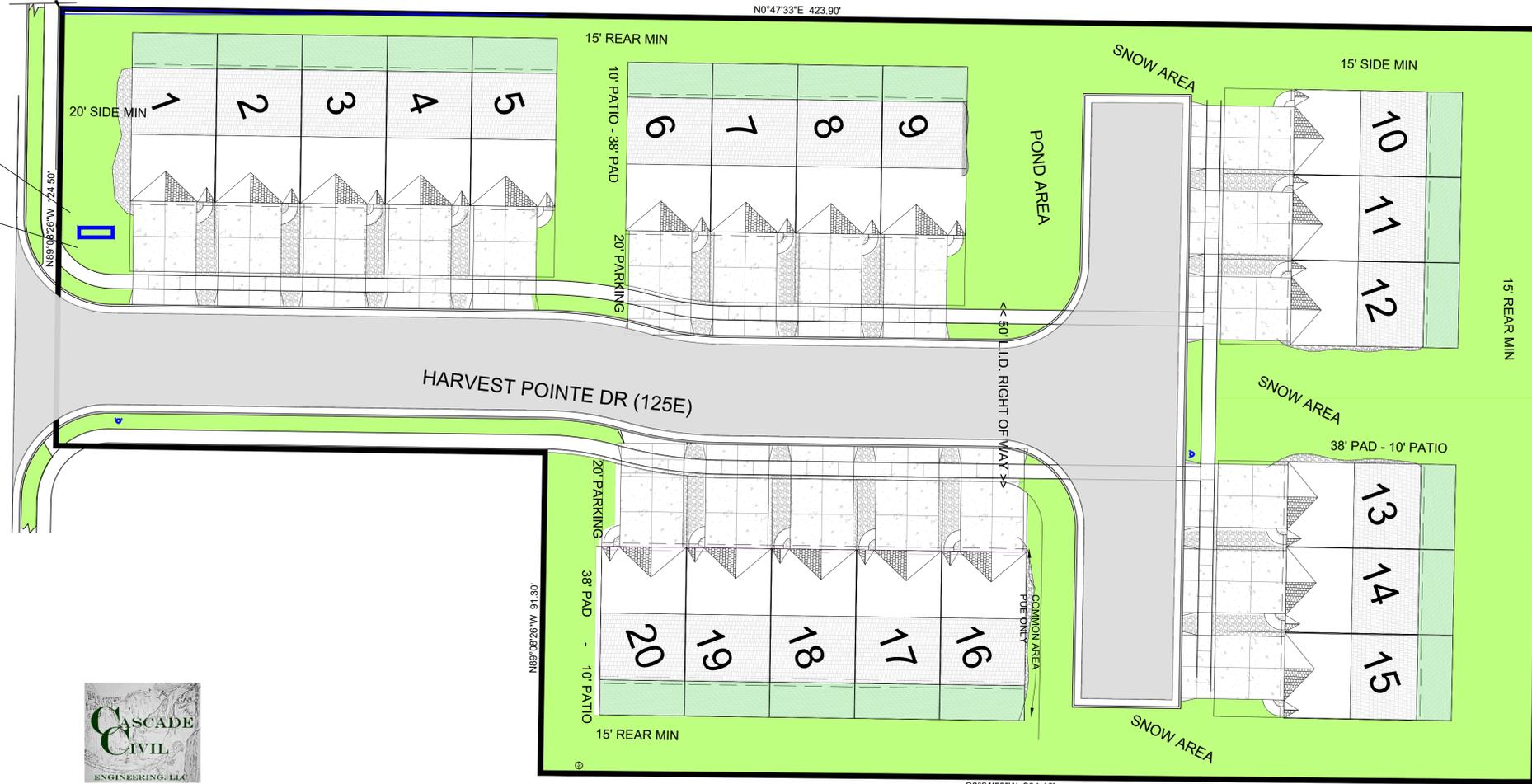
IN FILL ORDINANCE
 Acres: ORIGINAL 1.89 ACRES
 AREA AVERAGE: 4,000 SF / UNIT
 1.89 ACRES * 43,560 / 4,000 = 20.58 HOMES = 20



- DRAWING INDEX**
1. COVER
 2. DRAFT PRELIMINARY PLAT
 3. DEMOLITION / EXISTING CONDITIONS
 4. GRADING
 5. UTILITIES
 6. SWPPP
 7. LANDSCAPE / SIGNS
 - 8-9. FINAL PLAT (SURVEYOR)
 - 10-12: PROJECT BUILDING PLATS (ARCHITECT)

TOTAL DEED ACRES: 1.89 LESS
 - BOUNDARY AGREEMENT
 - 5000 SOUTH ROADWAY
 PROJECT AREA 1.80 ACRES

QUIT CLAIM 18" FOR
 COMMUNITY PLAT
 SPACING



CODE / NOTES
 CURRENT HOME ADDRESS 114 E 5000 S - TO BE REMOVED

ALL WORK TO COMPLY WITH WASHINGTON TERRACE
 STANDARDS
 JONES & ASSOCIATES Consulting Engineers STATED (SC- XX) SEE LINK BELOW
<https://jonescivil.com/clients/washington-terrace-city-2/>
 CALL BLUE STAKES AS REQUIRED



TRAFFIC: 20UNITX10 TRIPS/DAY = 200 ADT MINOR IMPACT
 ADT 5000 SOUTH @ WASHINGTON ~7500 ADT

GEO TECH
 Christensen Geotechnical

ALL WORK TO COMPLY WITH GEOTECHNICAL
 INVESTIGATION, DATE JAN. 3, 2019

SURVEY:
 GARDNER ENGINEERING



HARVEST POINTE TOWNHOMES SUBDIVISION - COVER
 MATT McCONKIE - HARVEST POINTE TOWNHOMES LLC
 SECTION 17, T 7N, R 1W, WASHINGTON TERRACE CITY, WEBER COUNTY, UTAH

CASCADE CIVIL, ENGINEERING LLC
 5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050
 PHONE: 801.845.6481
 cascadecivil@outlook.com



JOB No.: PUMPKIN
 DATE: 11/30/18
 DWG. BY: CKW
 SCALE: 1"=20'

SHEET TITLE
 COVER
 SHEET 1 OF 12

STAMP	REV	DATE	DESCRIPTION
SUBMITTAL			



HARVEST POINTE TOWNHOMES

MATT McCONKIE, Harvest Pointe Townhomes LLC,

1464 E. Ridgeline Dr. South Ogden

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17,
TOWNSHIP 7 NORTH, RANGE 1 WEST, S.L.B. AND M.

ACTUAL BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT BEING LOCATED NORTH 89°08'04" WEST 12.19 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 AND SOUTH 00°00'00" EAST 865.90 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 17; RUNNING THENCE SOUTH 89°12'17" EAST 214.50 FEET; THENCE SOUTH 00°31'52" WEST 284.16 FEET; THENCE NORTH 89°08'26" WEST 91.30 FEET; THENCE SOUTH 00°47'33" WEST 140.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 5000 SOUTH STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE NORTH 89°08'26" WEST 124.50 FEET; THENCE NORTH 00°47'33" EAST 423.90 FEET TO THE POINT OF BEGINNING, CONTAINING 1.803 ACRES

FINAL BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST BOUNDARY LINE OF THE TERRACE MEADOWS P.R.U.D. SUBDIVISION, SAID POINT ALSO BEING ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER, BEING LOCATED NORTH 89°08'04" WEST 12.19 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 AND SOUTH 00°00'00" EAST 865.90 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 17; RUNNING THENCE SOUTH 89°12'27" EAST 214.50 FEET; THENCE SOUTH 00°31'52" WEST 284.16 FEET; THENCE NORTH 89°08'26" WEST 91.30 FEET; THENCE SOUTH 00°47'33" WEST 140.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 5000 SOUTH STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°08'26" WEST 123.00 FEET; THENCE NORTH 00°10'20" EAST 138.57 FEET TO THE SOUTHEAST CORNER OF SAID TERRACE MEADOWS P.R.U.D. SUBDIVISION AND THE WEST LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE ALONG SAID LINE NORTH 00°47'33" EAST 285.34 FEET TO THE POINT OF BEGINNING, CONTAINING 78,434 SQ.FT OR 1.80 ACRES.

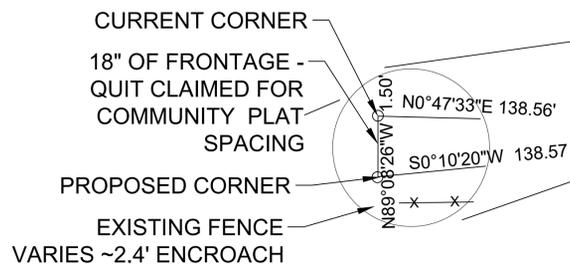
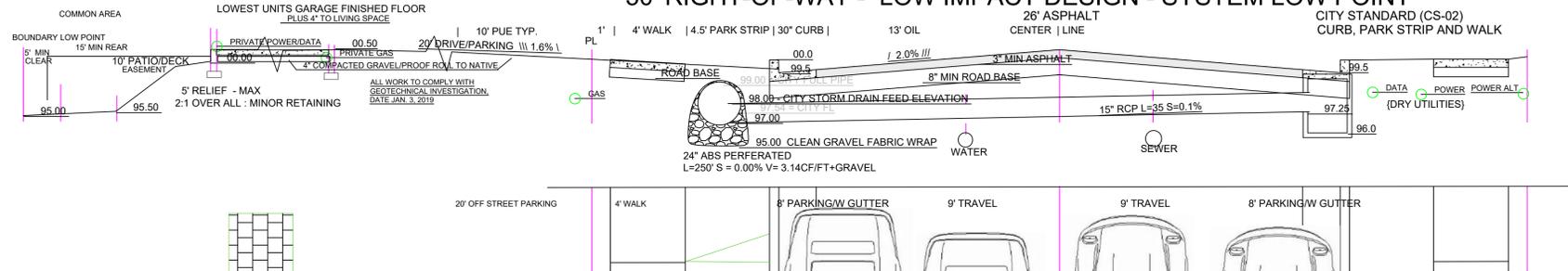
QUIT CLAIM TO THE WEST

A PART OF THE NORTH HALF OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT THE SOUTHEAST CORNER OF THE TERRACE MEADOWS P.R.U.D. SUBDIVISION BEING LOCATED NORTH 89°08'04" WEST 12.19 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 AND SOUTH 00°00'00" EAST 865.90 FEET AND SOUTH 00°47'33" WEST 285.34 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 17; RUNNING THENCE SOUTH 00°10'20" WEST 138.57 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 5000 SOUTH STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE NORTH 89°08'26" WEST 1.50 FEET TO AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE NORTH 00°47'33" EAST 138.56 FEET TO THE POINT OF BEGINNING, CONTAINING 104 SQUARE FEET.

NARRATIVE

THE CONTROL USED WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND DESCRIBED HEREON. THE BASIS OF BEARING IS THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 89°08'04" WEST, WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING.

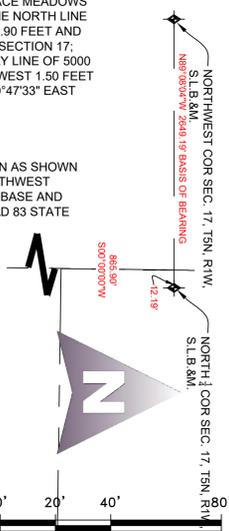
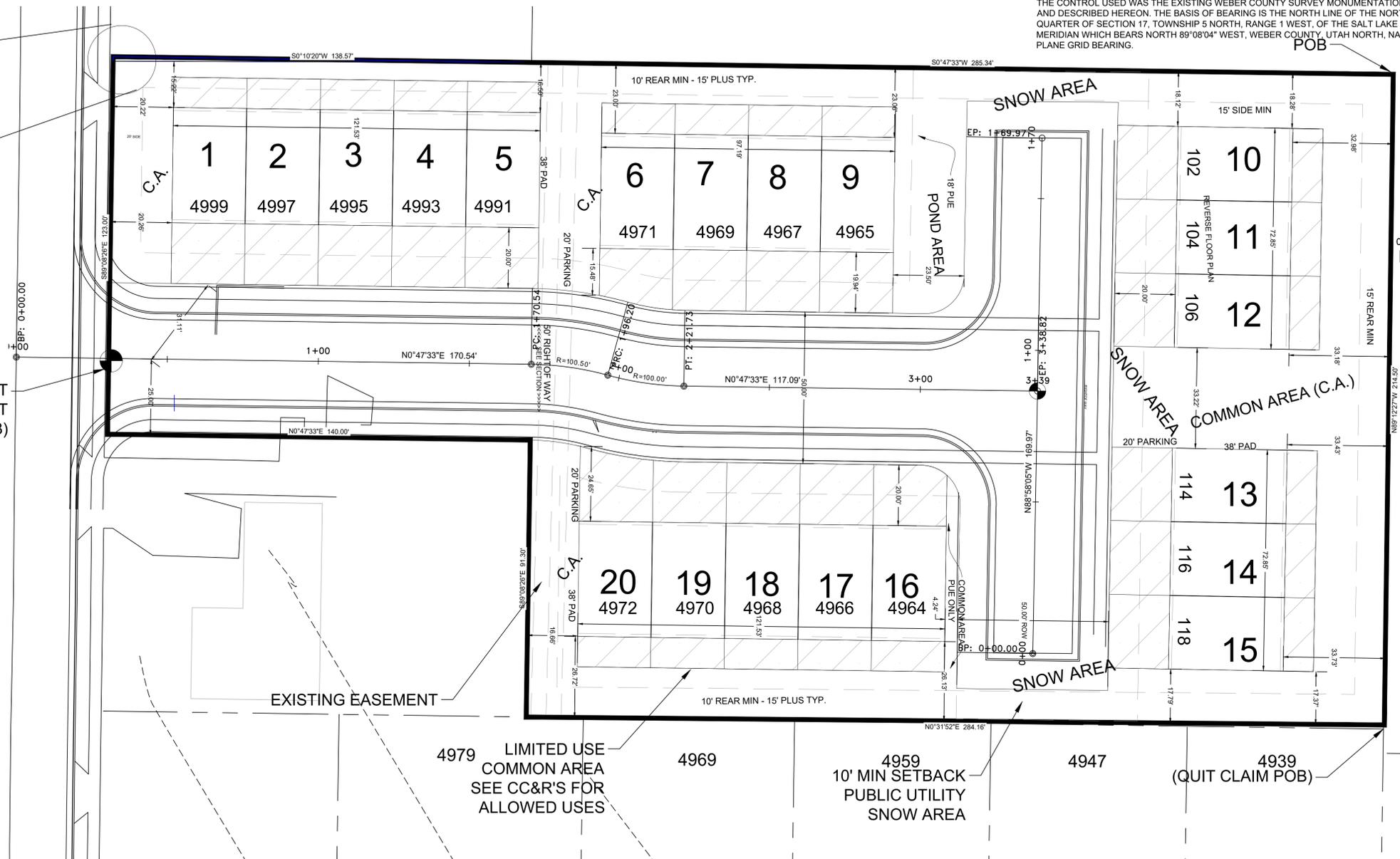
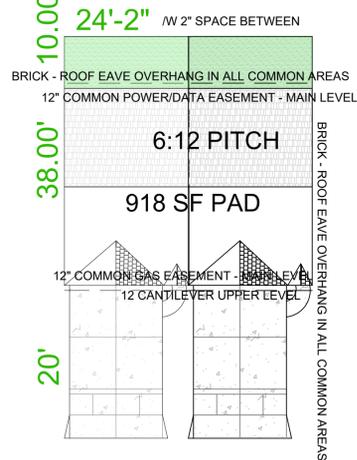
50' RIGHT-OF-WAY - LOW IMPACT DESIGN - SYSTEM LOW POINT



STREET MONUMENT TYP. (CS-3)

ADDRESS TABLE: HARVEST	
POINT DR (125 E)	SOUTH
1	4999
2	4997
3	4995
4	4993
5	4991
6	4971
7	4969
8	4967
9	4965
10	102
11	104
12	106
13	114
14	116
15	118
16	4964
17	4966
18	4968
19	4970
20	4972

SEE ARCHITECTURAL DRAWINGS FOR DETAILS



HARVEST POINTE TOWNHOMES SUBDIVISION - DRAFT PLAT
MATT McCONKIE - HARVEST POINTE TOWNHOMES LLC
SECTION 17, T7N, R1W, WASHINGTON TERRACE CITY, WEBER COUNTY, UTAH

CASCADE CIVIL, ENGINEERING LLC
5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050
PHONE: 801.845.6481
cascadecivil@outlook.com



JOB No.: PUMPKIN
DATE: 11/30/18
DWG. BY: CKW
SCALE: 1"=20'

SHEET TITLE
PRELIMINARY
PLAT
SHEET 2 OF 12

STAMP	REV	DATE	DESCRIPTION
SUBMITTAL			



ALL WORK TO COMPLY WITH GEOTECHNICAL INVESTIGATION, DATE JAN. 3, 2019



Scale in Feet
1" = 20'



LEGEND

- WEBER COUNTY MONUMENT AS NOTED
- SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
- PROPERTY BOUNDARY
- LOT LINE
- ADJACENT PARCEL
- SECTION LINE
- EASEMENT
- EXISTING FENCE LINE
- EXISTING WATER LINE
- EXISTING IRRIGATION LINE
- EXISTING STORM DRAIN
- EXISTING SANITARY SEWER
- EXISTING OVERHEAD POWER
- EXISTING GAS LINE
- EXISTING WATER METER
- EXISTING WATER MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING STORM MANHOLE
- EXISTING CATCH BASIN
- EXISTING SEWER MANHOLE

STAMP	REV	DATE	DESCRIPTION
SUBMITTAL			



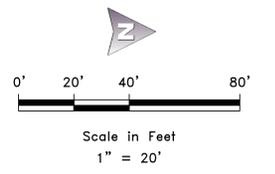
HARVEST POINTE TOWNHOMES SUBDIVISION - EXISTING / DEMOLITION
 MATT McCONKIE - HARVEST POINTE TOWNHOMES LLC
 SECTION 17, T7N, R1W, WASHINGTON TERRACE CITY, WEBER COUNTY, UTAH

CASCADE CIVIL, ENGINEERING LLC
 5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050
 PHONE: 801.845.6481
 cascadecivil@outlook.com

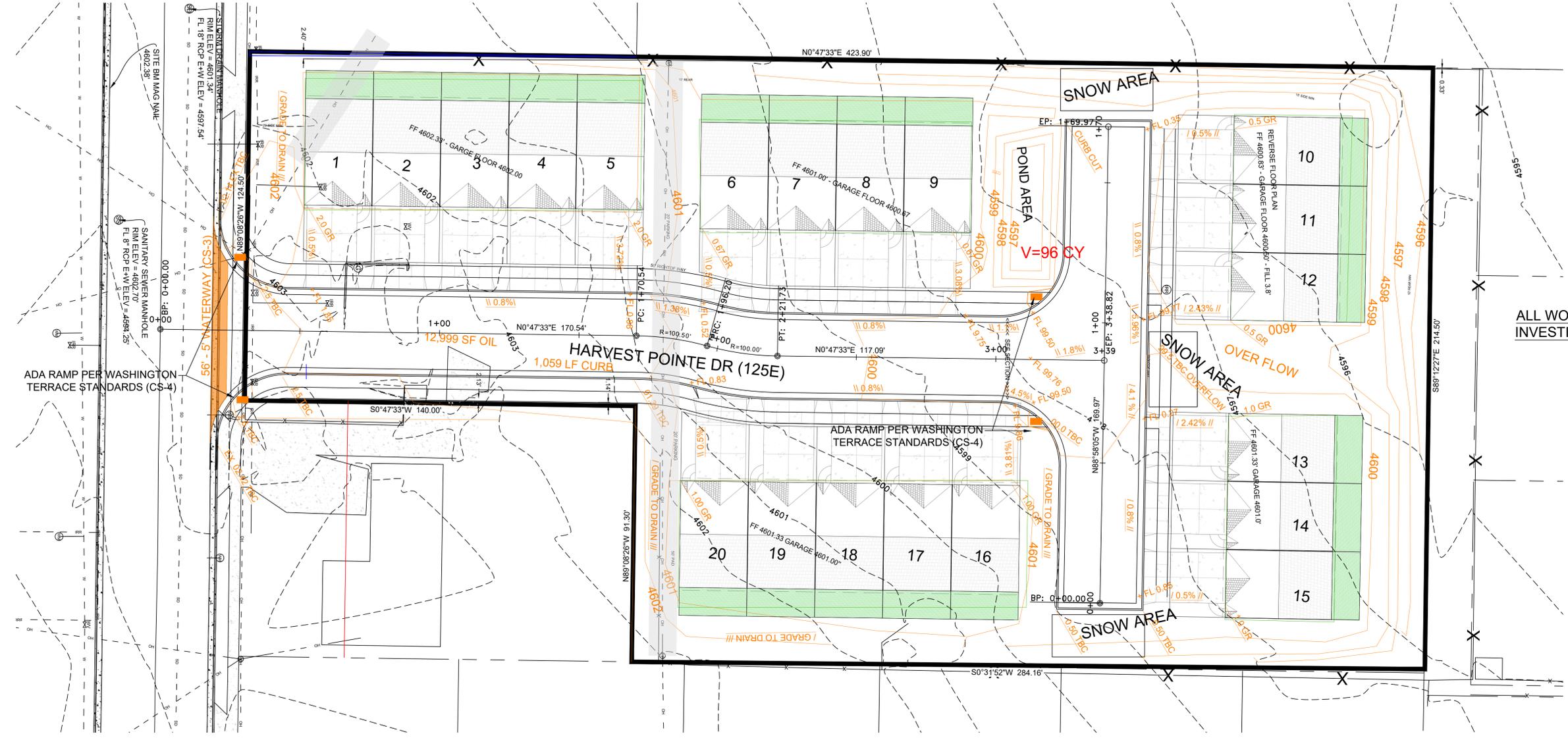


JOB No.: PUMPKIN
 DATE: 11/30/18
 DWG. BY: CKW
 SCALE: 1"=20'

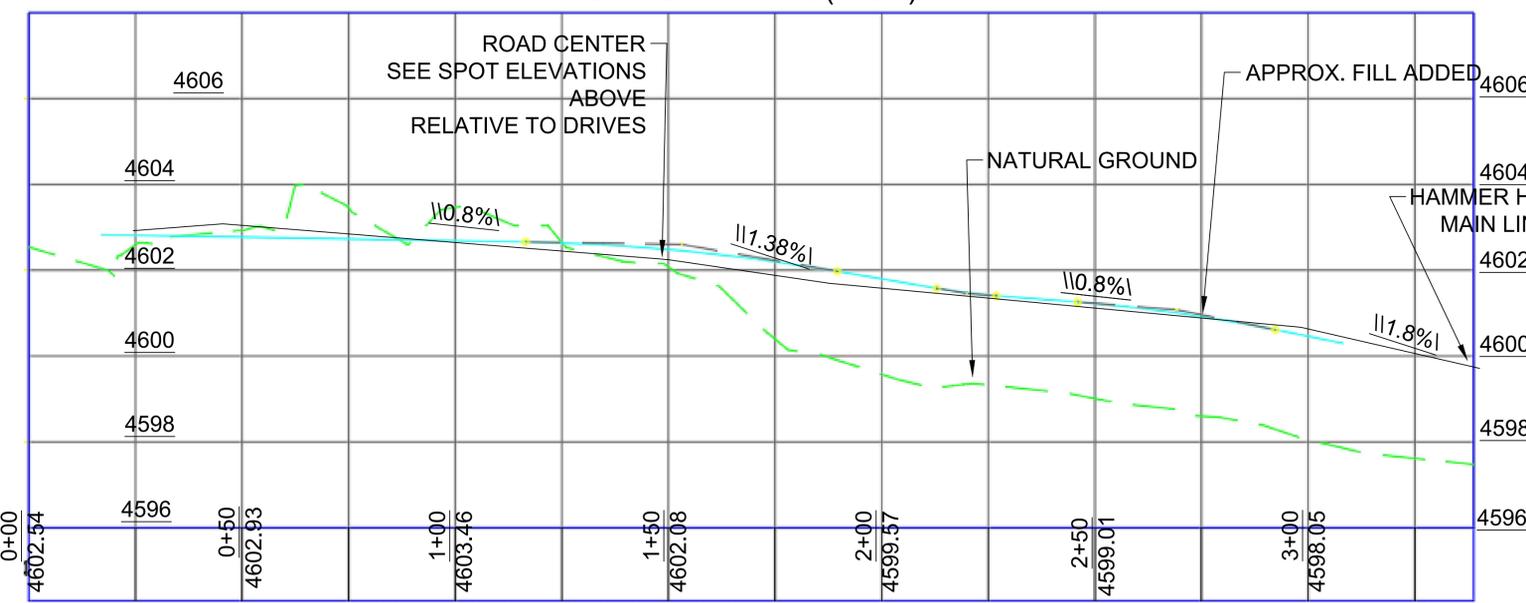
SHEET TITLE
 DEMO / EX COND
 SHEET 3 OF 12



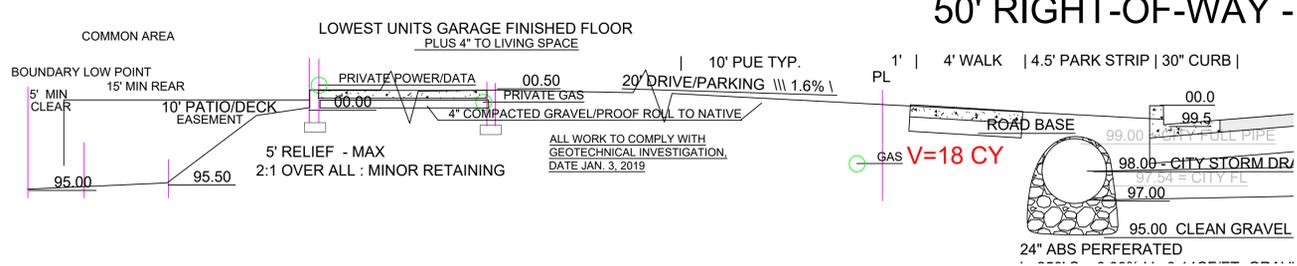
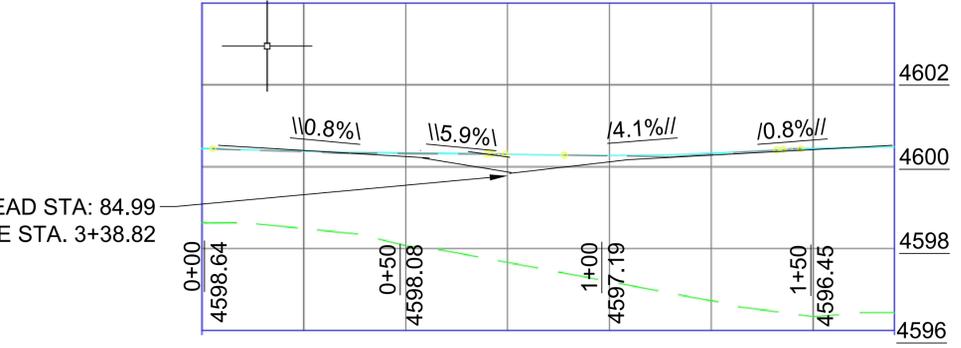
ALL WORK TO COMPLY WITH GEOTECHNICAL INVESTIGATION, DATE JAN. 3, 2019



HARVEST POINTE DR. (125E)



HARVEST POINTE DR. HAMMER HEAD 4604



SEE UTILITY SHEET FOR ROW

STAMP	REV	DATE	DESCRIPTION
SUBMITTAL			



HARVEST POINTE TOWNHOMES SUBDIVISION - GRADING
 MATT McCONKIE - HARVEST POINTE TOWNHOMES LLC
 SECTION 17, T7N, R1W, WASHINGTON TERRACE CITY, WEBER COUNTY, UTAH

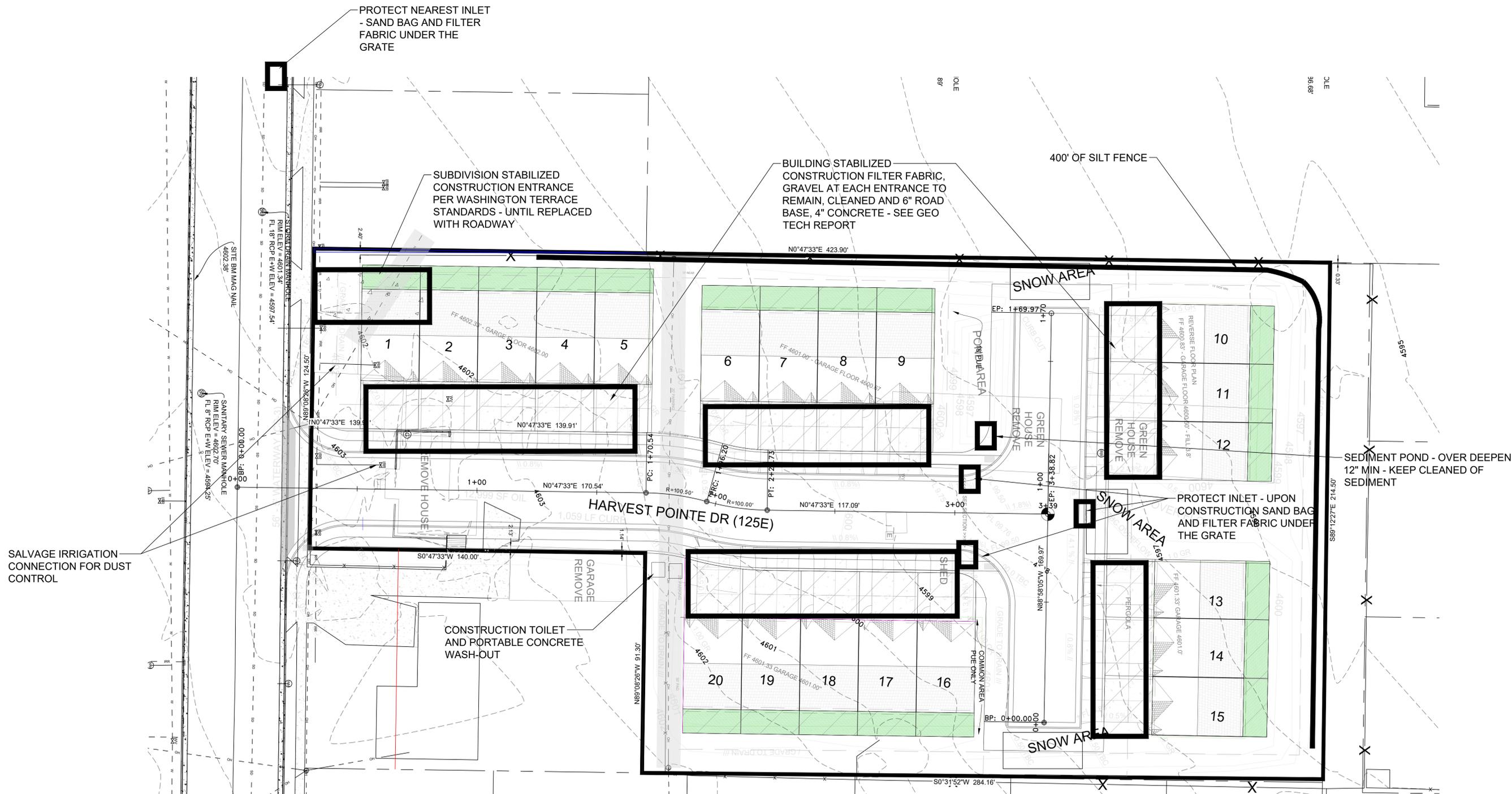
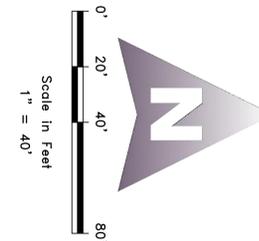
CASCADE CIVIL, ENGINEERING LLC
 5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050
 PHONE: 801.845.6481
 cascdecivil@outlook.com



JOB No.: PUMPKIN
 DATE: 11/30/18
 DWG. BY: CKW
 SCALE: 1"=20"

SHEET TITLE
 GRADING
 SHEET 4 OF 12

INSPECT ALL SWPPP MEASURES PER WASHINGTON TERRACE CITY STANDARDS. NOI FILING REQUIRED BY THE CONTRACTOR.



STAMP	REV	DATE	DESCRIPTION
SUBMITTAL			



HARVEST POINTE TOWNHOMES SUBDIVISION - STORM WATER POLLUTION PREVENTION PLAN (SWPPP)
 MATT McCONKIE - HARVEST POINTE TOWNHOMES LLC
 SECTION 17, T7N, R1W, WASHINGTON TERRACE CITY, WEBER COUNTY, UTAH

CASCADE CIVIL, ENGINEERING LLC
 5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050
 PHONE: 801.845.6481
 cascdecivil@outlook.com



JOB No.: PUMPKIN
 DATE: 11/30/18
 DWG. BY: CKW
 SCALE: 1"=20'

SHEET TITLE
 SWPPP
 SHEET 6 OF 12

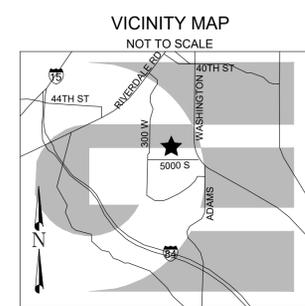
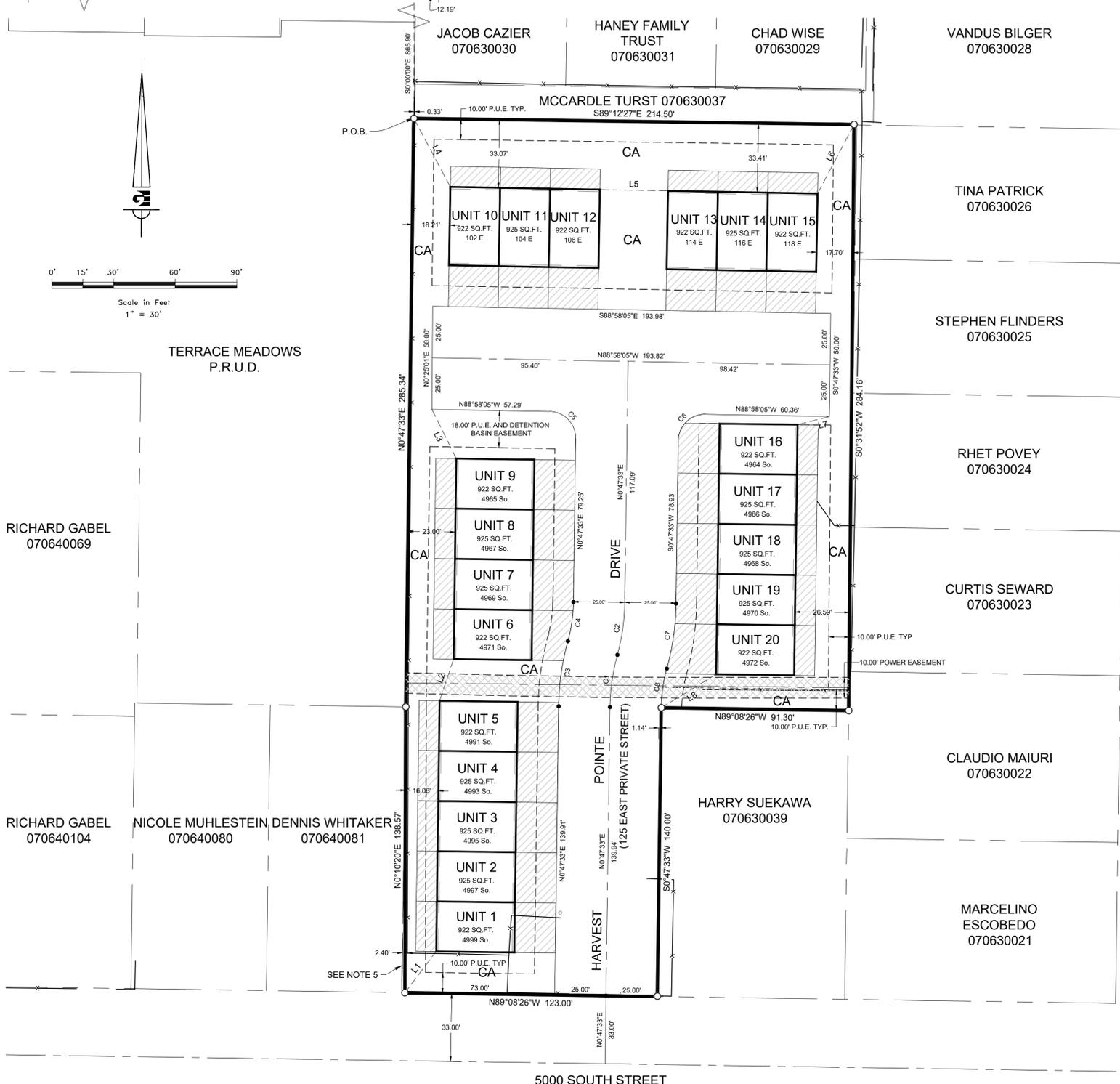
HARVEST POINTE TOWNHOMES SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 17,
TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN,
WASHINGTON TERRACE, WEBER COUNTY, UTAH, DECEMBER 2018

NORTHWEST CORNER SECTION 17,
TOWNSHIP 5 NORTH, RANGE 1 WEST,
OF THE SALT LAKE BASE AND MERIDIAN

NORTH QUARTER CORNER SECTION 17,
TOWNSHIP 5 NORTH, RANGE 1 WEST,
OF THE SALT LAKE BASE AND MERIDIAN

N89°08'04"W 2649.23' (BASIS OF BEARING)



- LEGEND**
- ◆ WEBER COUNTY MONUMENT AS NOTED
 - SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
 - SUBDIVISION BOUNDARY
 - UNIT LINE
 - - - ADJACENT PARCEL
 - - - SECTION LINE
 - - - PUBLIC UTILITY EASEMENT
 - - - EXISTING FENCE LINE
 - - - CENTERLINE
 - COMMON AREA (CA)
 - ▨ LIMITED COMMON AREA (LCA)
 - ▩ ROCKY MOUNTAIN POWER EASEMENT

LINE TABLE

LINE #	LENGTH	BEARING
L1	25.16	N37° 23' 25"E
L2	21.34	N18° 31' 32"E
L3	26.70	N26° 28' 48"W
L4	37.71	S28° 12' 37"E
L5	33.22	S88° 58' 05"E
L6	37.91	N27° 56' 54"E
L7	15.97	S75° 39' 12"W
L8	31.26	S58° 45' 06"W

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	25.66	100.50	14°37'45"	N8° 06' 25"E	25.59
C2	25.53	100.00	14°37'45"	N8° 06' 25"E	25.46
C3	32.04	125.50	14°37'45"	N8° 06' 25"E	31.96
C4	19.15	75.00	14°37'45"	N8° 06' 25"E	19.10
C5	20.37	13.00	89°45'38"	N44° 05' 16"W	18.35
C6	20.47	13.00	90°14'22"	S45° 54' 44"W	18.42
C7	31.92	125.00	14°37'45"	S8° 06' 25"W	31.83
C8	19.25	75.50	14°38'29"	S8° 07' 03"W	19.20
C9	1.90	125.50	0°52'04"	N11° 13' 35"E	1.90
C10	20.42	125.50	9°19'22"	N6° 19' 17"E	20.40
C11	9.72	125.50	4°26'21"	N13° 12' 07"E	9.72
C12	14.96	75.00	11°25'55"	N9° 42' 20"E	14.94
C13	4.18	75.00	3°11'49"	N2° 23' 28"E	4.18
C14	16.72	75.50	12°41'25"	N7° 09' 31"E	16.69
C15	2.53	75.50	1°55'04"	N14° 27' 45"E	2.53
C16	22.13	125.00	10°08'42"	N10° 20' 57"E	22.10
C17	9.78	125.00	4°29'03"	N3° 02' 04"E	9.78
C18	9.37	13.00	41°16'45"	N21° 25' 55"E	9.16
C19	11.11	13.00	48°57'38"	N66° 33' 06"E	10.77

BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST BOUNDARY LINE OF THE TERRACE MEADOWS P.R.U.D. SUBDIVISION, SAID POINT ALSO BEING ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER, BEING LOCATED NORTH 89°08'04" WEST 12.19 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 AND SOUTH 00°00'00" EAST 865.90 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 17; RUNNING THENCE SOUTH 89°12'27" EAST 214.50 FEET; THENCE SOUTH 00°31'52" WEST 284.16 FEET; THENCE NORTH 89°08'26" WEST 91.30 FEET; THENCE SOUTH 00°47'33" WEST 140.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 5000 SOUTH STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°08'26" WEST 123.00 FEET; THENCE NORTH 00°10'20" EAST 138.57 FEET TO THE SOUTHEAST CORNER OF SAID TERRACE MEADOWS P.R.U.D. SUBDIVISION AND THE WEST LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE ALONG SAID LINE NORTH 00°47'33" EAST 285.34 FEET TO THE POINT OF BEGINNING. CONTAINING 78,434 SQ.FT. OR 1.80 ACRES.

SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS HARVEST POINTE TOWNHOMES SUBDIVISION IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RE-TRACE OR RE-ESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF THE LAND USE CODE; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.



SIGNED THIS _____ DAY OF _____, 2019.

OWNER'S DEDICATION

I THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

HARVEST POINTE TOWNHOMES SUBDIVISION

AND HEREBY DEDICATE, GRANT AND CONVEY TO WASHINGTON TERRACE, WEBER COUNTY, UTAH, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY WASHINGTON TERRACE, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS,

SIGNED THIS _____ DAY OF _____, 2019.

HARVEST POINTE TOWNHOMES, LLC.

PRINTED NAME/TITLE:

SIGNATURE:

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF WEBER)

On this _____ day of _____, 2019, personally appeared before me Matthew McConkie, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the (TITLE OR OFFICE) of Harvest Pointe Townhomes, LLC, and that said document was signed by him/her in behalf of said Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said Matthew McConkie acknowledged to me that said Corporation executed the same.

STAMP

NOTARY PUBLIC

NOTES

- CURRENT WASHINGTON TERRACE CITY ZONING R-1-6.
- SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. PER FEMA MAP NO. 49057C0436F WITH AN EFFECTIVE DATE OF JUNE 2, 2015.
- "CA" REFERS TO COMMON AREA, "LCA" REFERS TO LIMITED COMMON AREA. SEE DEVELOPMENT CC&R'S FOR DEFINITION OF USES.
- AREA CALCULATIONS:
LIMITED COMMON AREA 14,575 SF / 18.6%
COMMON AREA 21,464 SF / 27.4%
PRIVATE OWNERSHIP 18,470 SF / 23.5%
RIGHT-OF-WAY 23,925 SF / 30.5%
TOTAL PROJECT AREA 78,434 SF
- 1.5' OF FRONTAGE WAS DEEDED TO PARCEL 070640081 PRIOR TO THE RECORDING OF THIS PLAT FOR THE PURPOSE OF MAINTAINING EXISTING OCCUPATION LINES ALONG 5000 SOUTH STREET.

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A TWENTY LOT SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY MATTHEW MCCONKIE. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 89°08'04" WEST WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING. WARRANTY DEED RECORDED AS ENTRY NUMBER 2946062 ALONG WITH DEEDS OF ADJOINING PROPERTY OWNERS, THE DEDICATED PLATS OF GABLE SUBDIVISION, MECKENZIE SUBDIVISION, AND THE TERRACE MEADOWS P.U.D. WERE ALSO USED TO DETERMINE THE BOUNDARY.

<p>WASHINGTON TERRACE ATTORNEY</p> <p>I HAVE EXAMINED THE FOREGOING PLAT AND DESCRIPTION OF HARVEST POINTE TOWNHOMES SUBDIVISION AND IN MY OPINION, THEY CONFORM WITH THE CITY ORDINANCES APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.</p> <p>SIGNED THIS _____ DAY OF _____, 2019.</p> <p>CITY ATTORNEY</p>	<p>WASHINGTON TERRACE ENGINEER</p> <p>I HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES PRE-REQUISITE TO CITY ENGINEER APPROVAL OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH.</p> <p>SIGNED THIS _____ DAY OF _____, 2019.</p> <p>CITY ENGINEER</p>	<p>WASHINGTON TERRACE PLANNING COMMISSION APPROVAL</p> <p>APPROVED BY THE WASHINGTON TERRACE PLANNING COMMISSION.</p> <p>SIGNED THIS _____ DAY OF _____, 2019.</p> <p>CHAIRMAN, PLANNING COMMISSION</p>	<p>WASHINGTON TERRACE APPROVAL AND ACCEPTANCE</p> <p>PRESENTED TO THE WASHINGTON TERRACE CITY COUNCIL THIS _____ DAY OF _____, 2019, AT WHICH TIME THIS PLAT AND DEDICATION OF THIS PLAT WERE APPROVED AND ACCEPTED.</p> <p>MAYOR, WASHINGTON TERRACE</p> <p>ATTEST: _____ CITY RECORDER</p>
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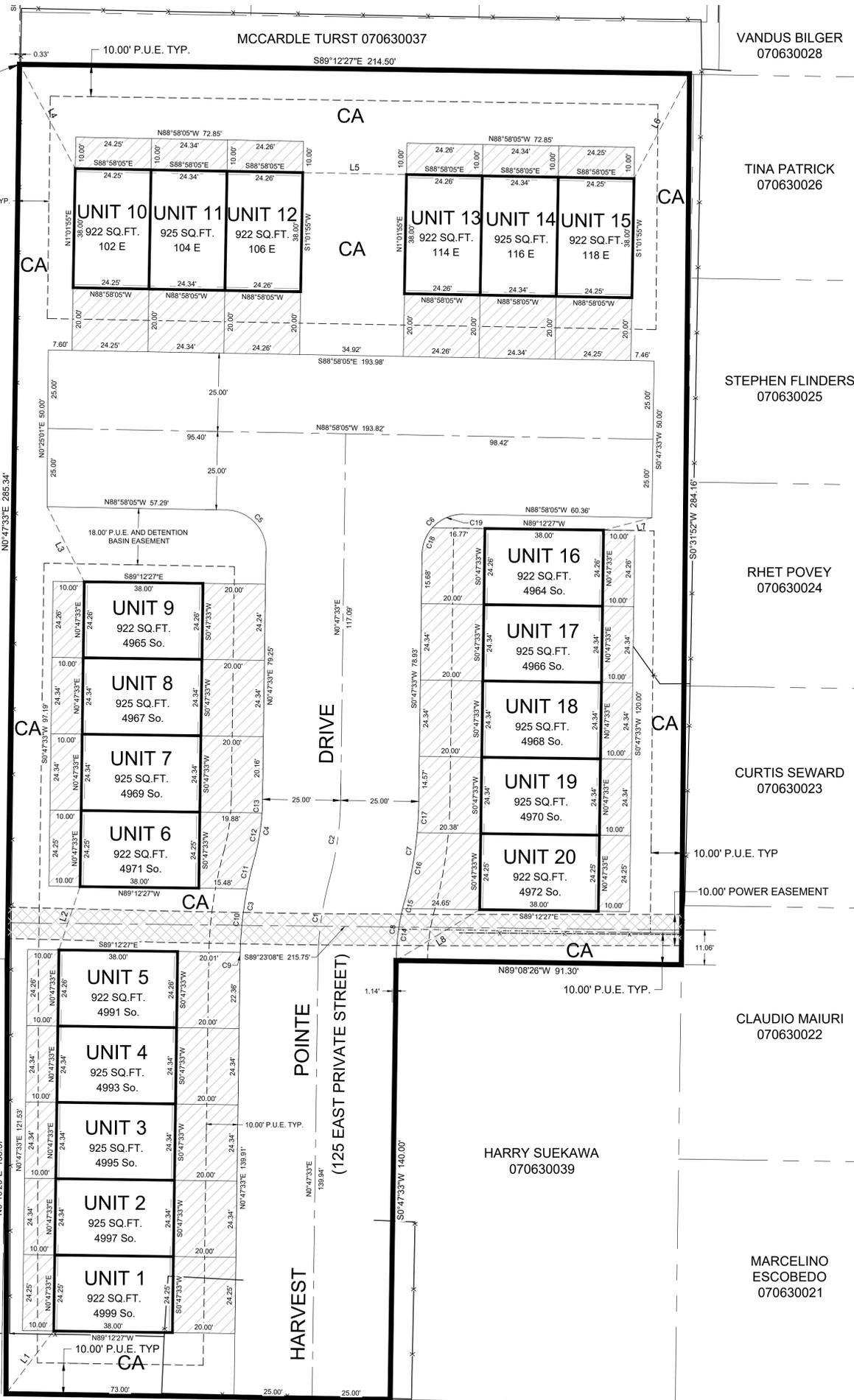
<p>DEVELOPER: MATTHEW MCCONKIE UTAHAPARTMENTBROKER@GMAIL.COM OGDEN, UT 84401 801-458-3383</p>	<p>S1 2</p>	<p>COUNTY RECORDER</p> <p>ENTRY NO. _____ FEE PAID _____</p> <p>FILED FOR AND RECORDED _____</p> <p>AT _____ IN BOOK _____ OF OFFICIAL _____</p> <p>RECORDS, PAGE _____, RECORDED _____</p> <p>FOR _____</p> <p>COUNTY RECORDER</p> <p>BY: _____</p>
<p>GARDNER ENGINEERING</p> <p>CIVIL • LAND PLANNING MUNICIPAL • LAND SURVEYING</p> <p>5150 SOUTH 375 EAST OGDEN, UT OFFICE: 801.476.0202 FAX: 801.476.0066</p>		

R:\2001 - MISC SURVEYS\18132 - MATTHEW MCCONKIE\SURVEY\DWG\HARVEST POINTE SUBDIVISION.DWG

HARVEST POINTE TOWNHOMES SUBDIVISION
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 17,
 TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN,
 WASHINGTON TERRACE, WEBER COUNTY, UTAH, DECEMBER 2018

TERRACE MEADOWS
P.R.U.D.

DENNIS WHITAKER
070640081

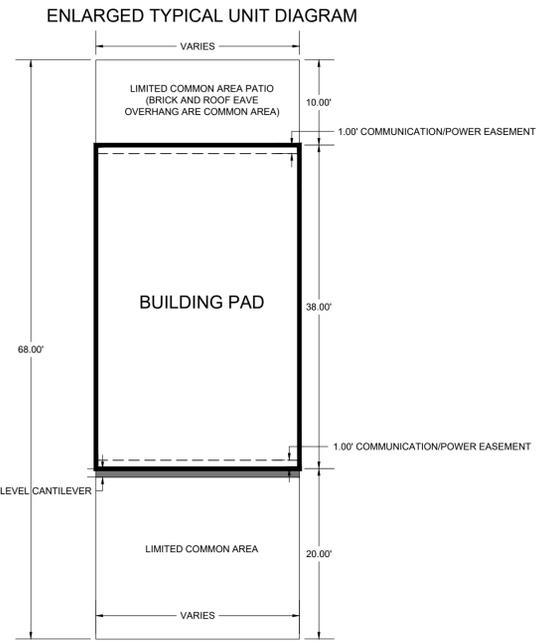


LINE TABLE

LINE #	LENGTH	BEARING
L1	25.16	N37° 23' 28"E
L2	21.34	N18° 31' 32"E
L3	26.70	N26° 28' 48"W
L4	37.71	S28° 12' 37"E
L5	33.22	S88° 58' 05"E
L6	37.91	N27° 56' 54"E
L7	15.97	S75° 39' 12"W
L8	31.26	S58° 45' 06"W

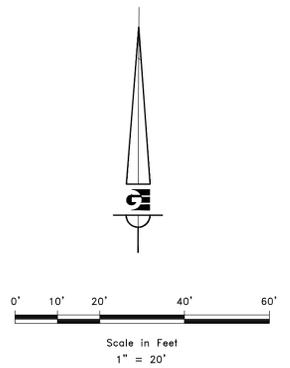
CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	25.66	100.50	14°37'45"	N8° 06' 25"E	25.59
C2	25.53	100.00	14°37'45"	N8° 06' 25"E	25.46
C3	32.04	125.50	14°37'45"	N8° 06' 25"E	31.96
C4	19.15	75.00	14°37'45"	N8° 06' 25"E	19.10
C5	20.37	13.00	89°45'38"	N44° 05' 16"W	18.35
C6	20.47	13.00	90°14'22"	S45° 54' 44"W	18.42
C7	31.92	125.00	14°37'45"	S8° 06' 25"W	31.83
C8	19.25	75.50	14°36'29"	S8° 07' 03"W	19.20
C9	1.90	125.50	0°52'04"	N1° 13' 35"E	1.90
C10	20.42	125.50	9°19'22"	N6° 19' 17"E	20.40
C11	9.72	125.50	4°26'21"	N13° 12' 07"E	9.72
C12	14.96	75.00	11°25'55"	N9° 42' 20"E	14.94
C13	4.18	75.00	3°11'49"	N2° 23' 28"E	4.18
C14	16.72	75.50	12°41'25"	N7° 09' 31"E	16.69
C15	2.53	75.50	1°55'04"	N14° 27' 45"E	2.53
C16	22.13	125.00	10°08'42"	N10° 20' 57"E	22.10
C17	9.78	125.00	4°29'03"	N3° 02' 04"E	9.78
C18	9.37	13.00	41°16'45"	N21° 25' 55"E	9.16
C19	11.11	13.00	48°57'38"	N66° 33' 06"E	10.77



LEGEND

- ◆ WEBER COUNTY MONUMENT AS NOTED
- SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
- SUBDIVISION BOUNDARY
- UNIT LINE
- - - ADJACENT PARCEL
- - - SECTION LINE
- - - PUBLIC UTILITY EASEMENT
- - - EXISTING FENCE LINE
- - - CENTERLINE
- COMMON AREA (CA)
- ▨ LIMITED COMMON AREA (LCA)
- ▩ ROCKY MOUNTAIN POWER EASEMENT
- ▬ 1.00' UPPER LEVEL CANTILEVER



DEVELOPER: MATTHEW MCCONKIE UTAHAPARTMENTBROKER@GMAIL.COM OGDEN, UT 84401 801-458-3383	S2 2	COUNTY RECORDER ENTRY NO. _____ FEE PAID _____ FILED FOR AND RECORDED _____ AT _____ IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____ RECORDED FOR _____ COUNTY RECORDER BY: _____
	<p align="center">GARDNER ENGINEERING CIVIL • LAND PLANNING MUNICIPAL • LAND SURVEYING 5150 SOUTH 375 EAST OGDEN, UT OFFICE: 801.476.0202 FAX: 801.476.0066</p>	

P:\2001 - MISC SURVEY\18132 - MATTHEW MCCONKIE\SURVEY\DWG\HARVEST POINTE SUBDIVISION.DWG

ATTIC VENTILATION NOTES:

The net free ventilation area shall not be less than 1/300th provided that at least 50% of the area is provided by ventilators located in the upper portion of the space to be ventilated, the other to be provided by vented soffit system.

GENERAL NOTES:

Compliance with codes and ordinances governing the work shall be made and enforced by the general contractor. General contractor shall verify all existing conditions and dimensions prior to construction. Note that all written dimensions take precedence over scale. Manufacturers specifications for installation of materials shall be followed. Workmanship throughout shall be of the best quality of the trade involved and the general contractor shall coordinate the work of the various trades to expedite the job in a smooth and continuous process.

WINDOWS NOTES:

Bedroom windows to have a finished clear opening height max. of 44" from floor.
Windows to have 20" min. clear width and 24" min. clear height.
Bedroom windows to be a min. of 5.7 sq. ft.
Windows to be sized at 1/10th for the sq. for glass size and 1/20th of the sq. ft. for ventilation requirements. Windows within 18" of the floor to be of tempered glass.

EXTERIOR HALL FINISHES MUST BE LISTED, LABELED, AND INSTALLED AS PER MANUFACTURER'S INSTALLATION INSTRUCTION GUIDE. ALL INSTALLERS MUST BE APPROVED BY THE MANUFACTURER.

EXCAVATION NOTES:

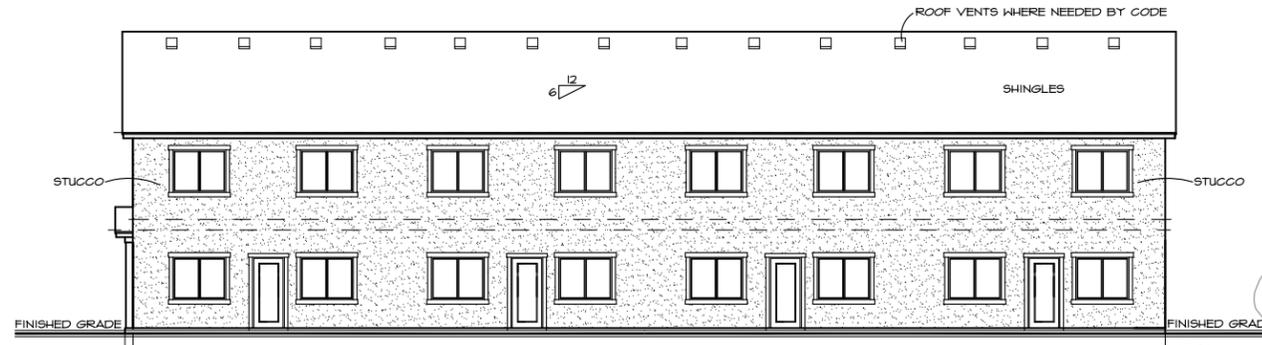
All footings shall bear on natural undisturbed soil. Footings shall be excavated to a minimum depth so as to provide frost protection. (30" min.)

The grade adjacent to all foundation wall shall fall a minimum of 6 inches within the first 10 feet (5%). R4013 Landings, ramps, porches, decks, which are required to be level or can have a MAXIMUM slope of 1/4" per foot. All other impervious surfaces within 10 feet of the foundation walls must slope a MINIMUM of 1/4" per foot away from walls.

VALIDITY OF PERMIT:

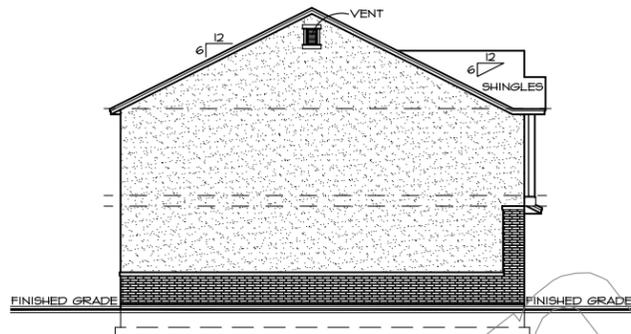
The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violations of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdictions shall not be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors on said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinances of this jurisdiction. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or any other ordinances of this jurisdiction.



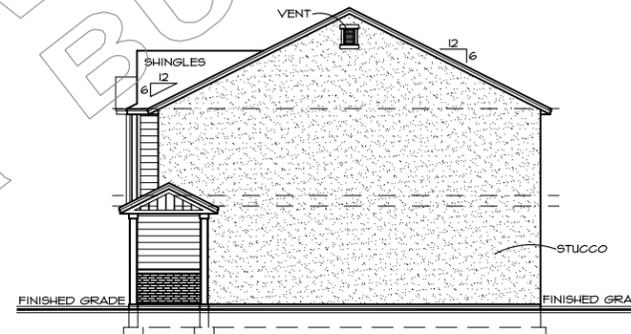
REAR ELEVATION

SCALE 1/8"



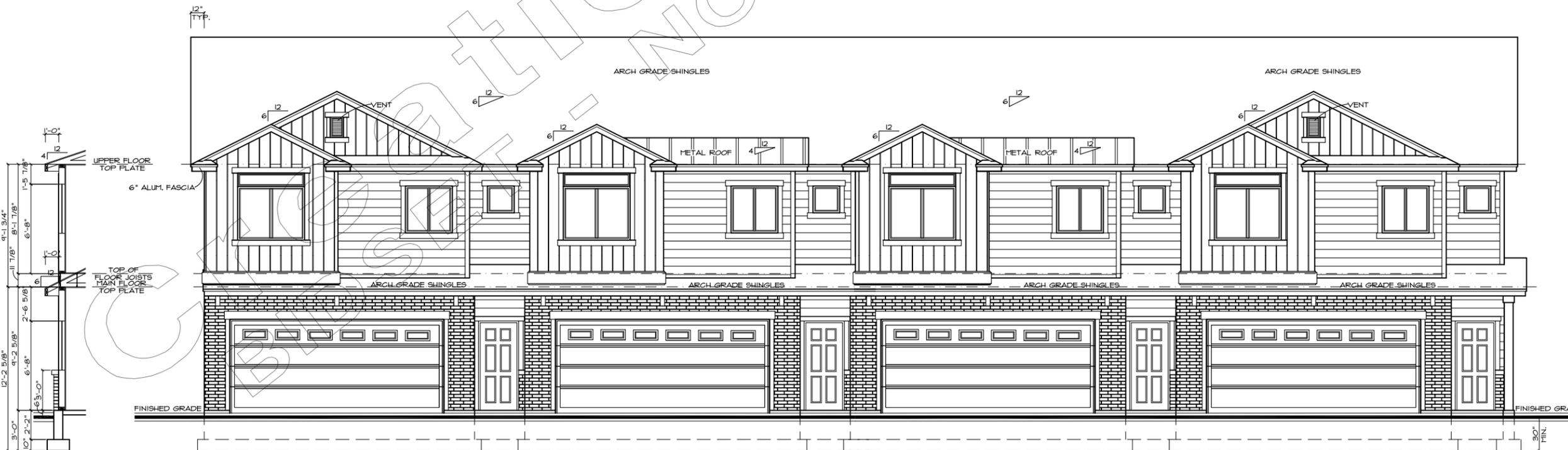
LEFT ELEVATION

SCALE 1/8"



RIGHT ELEVATION

SCALE 1/8"



FRONT ELEVATION

SCALE 1/4"

TYP. SECTION

SCALE 1/4"
NOT APPLICABLE IN ALL LOCATIONS

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DATE: JAN. 07 19

SHEET: 1

PLAN NUMBER
WD MULTIPROPERTI

FLOOR PLAN GENERAL NOTES:

1. Plumbing wall 2x6 @ 16" o.c.
2. Attic access 22" x 30" with closer & a weathered light in attic space. Location, if shown, is approximate.
3. Exhaust fan, 60 CFM run exhaust duct to the outside.
4. Provide 30" min. width for the water closet and 24" clear in front.
5. Vent dryer to outside with 4" metal ducting sealed and secured every 12", termination cap.
6. 12" x 12" min. opening installed to provide access to a hot water pump.
7. Sufficient access and working space (30" x 36") shall be provided around all electrical equipment.
8. 20 minute fire rated door.

GENERAL NOTES:

Compliance with codes and ordinances governing the work shall be made and enforced by the general contractor. General contractor shall verify all existing conditions and dimensions prior to construction. Note that all written dimensions take precedence over scale. Manufacturer's specifications for installation of materials shall be followed. Workmanship throughout shall be of the best quality of the trade involved and the general contractor shall coordinate the work of the various trades to expedite the job in a smooth and continuous process.

GENERAL BATHROOM NOTES:

Shower compartments shall have at least 900 sq. ft. of floor area and be of sufficient size to inscribe a circle with a dia. not less than 30". Hinged shower doors shall open outward and have a minimum width of 22". The wall area above built-in tubs having installed shower heads and shower compartments shall be constructed as per Section R102.4. Such walls shall form a watertight joint with each other and with either the tub, receptor or shower floor. Bathrooms, water closet compartments, and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 sq. ft. one half of which must be operable. If no windows, a mechanical ventilation system shall be req. The min. ventilation rates shall be 50 cfm. for continuous ventilation. Showers & tubs shall have temperature-limiting device complying with IRC P2108.3

Toilet, bath and shower areas to be finished with a non-slip surface in accordance with IRC R301.1

ALL exterior doors shall have a floor or landing on each side of the door. The floor or landing at a door shall not be more than 15 inches lower than the top of the threshold. If the door is not a self-closing door, the landing shall not exceed 8" from top of threshold. All landings shall not be less than 36" wide, measured in the direction of travel.

FIRE PROTECTION:

Provide 1/2" type "x" gyp. brd. on all the walls and ceilings of garage if no habitat space above. Provide 5/8" type "x" gyp. brd. on all the walls and ceilings of garage if habitat space above garage. Nail @ 6" o.c. All beams and structural members shall be protected with 5/8" gyp. brd.

Door between garage and house shall be 20 minute rated, solid core wood or 18" labeled door not less than 1 3/4" w/ self-closer and self-latching. IRC R502.5

Protect enclosed usable space under stairs with 5/8" gyp. brd. Provide fire resistant construction on the underside of the stairs in accordance with IRC R502.6

Fire blocking at stud cavities that are greater than 8"-0".

Need to fire block all flues, chases and dropped ceilings.

EXHAUST SYSTEM NOTES:

Dryer exhaust systems shall convey the moisture to the outdoors and shall terminate on the outside of the building. Screens shall not be installed at the duct terminal. Ducts shall have a back draft damper. The max. length of clothes dryer exhaust duct shall not exceed 25 feet from the dryer location to the wall or roof termination. The max. length of the ducts shall be reduced 25 feet for each 45 degree bend and 5 feet for each 90 degree bend. Metal ducting shall be sealed and secured every 12 feet.

FIREPLACES:

Where a factory-built chimney assembly incorporates offsets, no part of the chimney shall be at an angle of more than 30 degrees from vertical at any point in the assembly and the chimney assembly shall not include more than four elbows.

Chimneys shall extend at least 3 feet above the highest point where they pass through a roof of a building and at least 2 feet higher than any portion of a building within a horizontal distance of 10 feet.

Listing for any fireplace show on plans shall be provided at mechanical inspection. In the event of a wood burning fireplace, submit listing showing EPA compliance. (IRC R1004.1)

Hose connection back flow preventer shall be installed on the discharge side a hose threaded outlet.

Windows considered to be 0.35 U-Factor typical. U-Factors shall be determined by testing in accordance with NFRC 100 and labeled as such by the manufacturer per section 1021.3 of the 2009 IECC.

Bottom of operable windows on upper floor to be no closer than 24" from floor in accordance with IRC R302.2

APPLIANCES IN ATTICS:

Attics containing appliances requiring access shall have an opening and a clear and unobstructed passageway large enough to allow removal of the largest appliance, but not less than 30 inches high and 22 inches wide and not more than 20 feet long when measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring in accordance with chapter 5 not less than 24 inches wide. A level service space at least 30 inches deep and 30 inches wide shall be present along all sides of the appliance where access is required the clear access opening dimensions shall be a minimum of 20 inches by 30 inches, where such dimensions are large enough to allow removal of the largest appliance. I.R.C. M1505.1.3

DRYER DUCT:

Dryer duct shall terminate outdoors and shall not exceed a total combined horizontal and vertical length of 35'. Maximum length of duct shall be reduced 2'-1/2" for each 45° bend or 5' for each 90° bend. Duct shall be a min. nominal size of 4". I.R.C. M1502.4.4

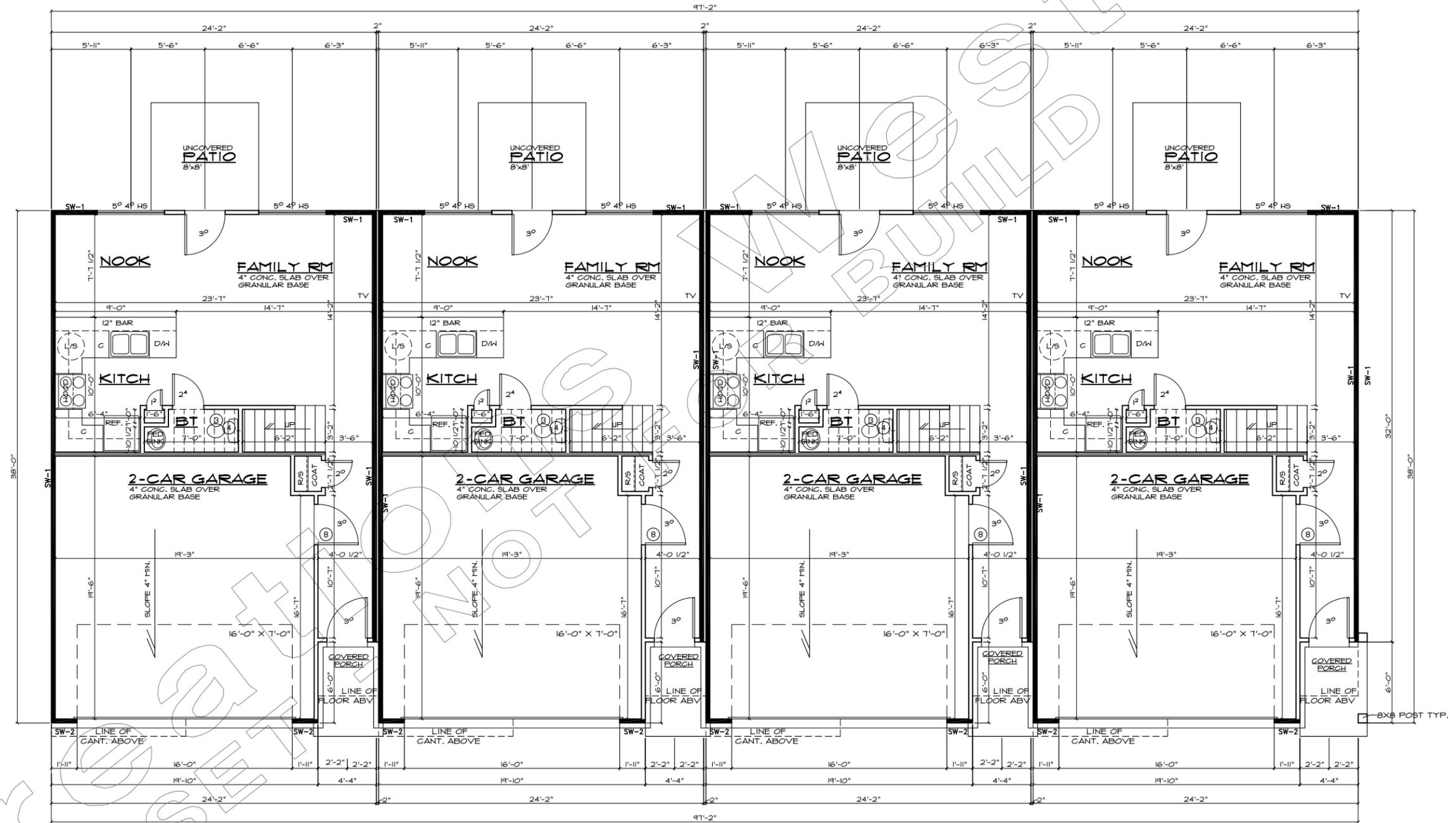
CONDENSATE DISPOSAL:

Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Condensate shall not discharge into a street, alley or other areas so as to cause a nuisance. I.R.C. M1411.3

A secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil where damage to any building components will occur as a result of overflow from the equipment drain pan or stoppage in the condensate drain piping. Drain piping shall be a minimum of 3/4" nominal size. I.R.C. M1411.3

ENERGY NOTES:

IECC R402.2.4- The attic access door and crawlspace door from the conditioned space to unconditioned space shall be weather stripped and insulated to a level equivalent to the insulation on the surrounding surfaces.



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NOTE:
9'-2 5/8" CEIL. HEIGHT TYP.
2X4 EXTERIOR WALLS (3 1/2")
4 1/2" MASONRY LEDGE U.O.S.
LVT FLOORING

MAIN FLOOR PLAN

SCALE
500 SQ. FT. MAIN LEVEL
300 SQ. FT. UPPER LEVEL
1400 SQ. FT. TOTAL

DATE:
JAN. 07 19

SHEET:
2

PLAN NUMBER
WD MULTIPROPERTI

FLOOR PLAN GENERAL NOTES:

1. Plumbing wall 2x6 @ 16" o.c.
2. Attic access 22" x 30" with closer & a submittal in attic space. Location, if shown, is approximate.
3. Exhaust fan, 60 CFM fan exhaust duct to the outside.
4. Provide 30" min. width for the water closet and 24" clear in front.
5. Vent dryer to outside with 4" metal ducting sealed and secured every 12" termination cap.
6. 20"2" min. opening installed to provide access to circulation pump.
7. Sufficient access and working space (30" x 36") shall be provided around all electrical equipment.
8. 20 minute fire rated door.

GENERAL NOTES:

Compliance with codes and ordinances governing the work shall be made and enforced by the general contractor. General contractor shall verify all existing conditions and dimensions prior to construction. Note that all written dimensions take precedence over scale. Manufacturer's specifications for installation of materials shall be followed. Workmanship throughout shall be of the best quality of the trade involved and the general contractor shall coordinate the work of the various trades to expedite the job in a smooth and continuous process.

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Shower compartments shall have at least 900 sq. in. of floor area and be of sufficient size to inscribe a circle with a dia. not less than 30 in. Inlaid shower doors shall open outward and have a minimum width of 22". The wall area above built-in tubs having installed shower heads and in-shower compartments shall be constructed as per Section R102.4. Such walls shall form a watertight joint with each other and with either the tub receptor or shower floor. Bathrooms, water closet compartments, and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 sq. ft. one half of which must be operable. If no windows, a mechanical ventilation system shall be req.. The min. ventilation rates shall be 50 cfm, for continuous ventilation. Showers & tubs shall have temperature-limiting device complying with IRC P2108.3. Toilet, bath and shower areas to be finished with a nonabsorbent surface in accordance with IRC R307.1.

ALL exterior doors shall have a floor or landing on each side of the door. The floor or landing of a door shall not be more than 18 inches lower than the top of the threshold. If the door is not a real door the landing shall not exceed 6" from top of threshold. All landings shall be not less than 36" wide, measured in the direction of travel.

FIRE PROTECTION:

Provide 1/2" type "x" gyp. brd. on all the walls and ceilings of garage if no habitual space above. Provide 5/8" type "x" gyp. brd. on all the walls and ceilings of garage, if habitual space above garage. Nail @ 6" o.c.. All beams and structural members shall be protected with 5/8" gyp. brd. Door between garage and house shall be 20 minute rated, solid core wood or "B" labeled door not less than 1 3/4" self closer and self-latching. IRC R302.5. Protect enclosed usable space under stairs with 5/8" gyp. brd. Provide fire resistant construction on the underside of the stairs in accordance with IRC R302.6. Fire blocking at stud cavities that are greater than 8'-0". Need to block all flues, chases and dropped ceilings.

EXHAUST SYSTEMS NOTES:

Dryer exhaust systems shall convey the moisture to the outdoors and shall terminate on the outside of the building. Screens shall not be installed at the duct terminal. Ducts shall have a back draft damper. The max. length of clothes dryer exhaust duct shall not exceed 25 feet from the dryer location to the wall or roof termination. The max. length of the ducts shall be reduced 2.5 feet for each 45 degree bend and 5 feet for each 90 degree bend. Flex ducting shall be sealed and secured every 12 feet.

FIREPLACES:

Where a factory-built chimney assembly incorporates offsets, no part of the chimney shall be at an angle of more than 30 degrees from vertical at any point in the assembly and the chimney assembly shall not include more than four elbows. Chimneys shall extend at least 3 feet above the highest point where they pass through a roof of a building and at least 2 feet higher than any portion of a building with a horizontal distance of 10 feet. Listing for any fireplace show on plans shall be provided at mechanical inspection. In the event of a wood burning fireplace, submit listing showing EPA compliance. (IRC R1004.4) Hose connection back flow preventer shall be installed on the discharge side a hose threaded outlet.

Hindus considered to be 0.35 U-Factor typical. U-Factors shall be determined by testing in accordance with NFRC 100 and labeled as such by the manufacturer per section 102.13.5 of the 2018 IECC.

Bottom of operable window on upper floor to be no closer than 24" from floor in accordance with IRC R312.2.1

APPLIANCES IN ATTICS:

Attics containing appliances requiring access shall have an opening and a clear and unobstructed passageway large enough to allow removal of the largest appliance, but not less than 30 inches high and 22 inches wide and not more than 20 feet long when measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring in accordance with chapter 5 not less than 24 inches wide. A level service space at least 30 inches deep and 30 inches wide shall be present along all sides of the appliance where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches, where such dimensions are large enough to allow removal of the largest appliance. I.R.C. M1505.1.3

DRYER DUCT:

Dryer duct shall terminate outdoors and shall not exceed a total combined horizontal and vertical length of 35'. Maximum length of duct shall be reduced 2'-1/2" for each 45° bend or 5' for each 90° bend. Duct shall be a min. nominal size of 4". I.R.C. M1502.4.4

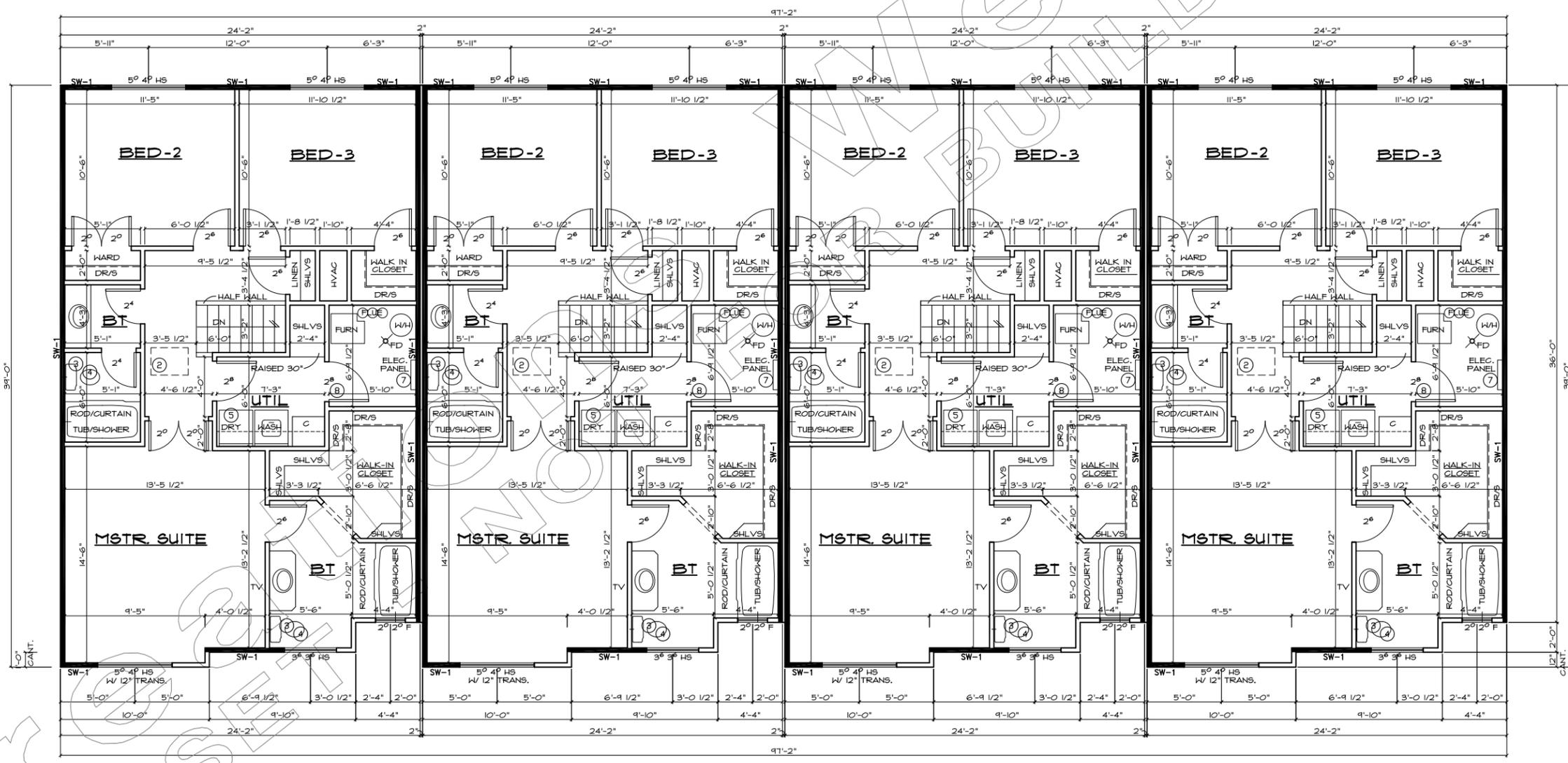
CONDENSATE DISPOSAL:

Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Condensate shall not discharge into a street, alley or other areas so as to cause a nuisance. I.R.C. M1411.3

A secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil where damage to any building components will occur as a result of overflow from the equipment drain pan or stoppage in the condensate drain piping. Drain piping shall be a minimum of 3/4" nominal size. I.R.C. M1411.3

ENERGY NOTES:

IECC R402.2.4- The attic access door and crawlspace door from the conditioned space to unconditioned space shall be weather stripped and insulated to a level equivalent to the insulation on the surrounding surfaces.



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NOTE:
8'-1 7/8" CEIL. HEIGHT TYP.
2X4 EXTERIOR WALLS (3 1/2")
LVT FLOORING

DATE:
JAN. 07 19

UPPER FLOOR PLAN

SCALE 1/4"
900 SQ. FT. UPPER LEVEL

SHEET:
3

PLAN NUMBER
WD MULTIPROPERTI



Planning Commission Staff Report

Building & Planning

Author: PLANNING DEPARTMENT
Subject: Amendment to the 'Nuisance ordinance' section 8.16.
Date: JANUARY 31, 2019
Type of Item: Amendment section 8.16 the Nuisance Ordinance.
Discussion: Review and discuss changes before final recommendation

Summary Recommendations: Please review the underlined areas of the nuisance code that have been revised. The revised changes have been made based off previous Planning Commission meetings and suggestion from the Commissioner's, with review and changes by staff and the City's land Use Attorney Bill Morris. The item will be set for a public hearing at the February meeting

Description:

A. Background:

The additions are being added for regulator purposes and the change is a recommendation by staff. Code enforcement was established with the current language in 2002. The purpose was to solidify the city nuisance enforcement code. The previous language was vague and was not clear prior to 2002 and in some cases, violations could not be won or enforced in court and were lost as result. The city puts a lot of emphasis on code enforcement, and staff feels that it is time again to review of the nuisance ordinance.

The Planning Commission and Planning Staff have gone over Section 8.16 and have given comments and implemented the changes as recommended by Planning.

The changes will provide clarity to nuisance complaints and to the violators.

B. Department Review:

The Building & Planning Dept. have reviewed the ordinance and give there approval. Bill Morris City Land Use Attorney has reviewed and has codified the nuisance ordinance and gives his approval.

This is a discussion item to review the ordinance. Any changes will be made and a public hearing will be held in February for Planning Commission Approval.

WASHINGTON TERRACE CITY

ORDINANCE 19-01

NUISANCE ORDINANCE AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING CHAPTER 8.16 OF THE WASHINGTON TERRACE
MUNICIPAL CODE RELATING TO THE NUISANCE ORDINANCE;
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, Duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* 10-8-840 and 10-8-60 authorizes the City to exercise certain police Powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, *Utah Code Annotated* 10-11-11, et seq., allows the City to regulate nuisances;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on _____,2019, and subsequently gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from Planning Commission and held its public meeting on _____,2019, and desire to act on this Ordinance;

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

Section 1: Repealer. Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 8.16 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

**Chapter 8.16
Inspection and Cleaning**

8.16.010 Authority.

This Chapter is ~~known as~~ entitled “Inspection and Cleaning: and adopted as authorized by Utah Code Annotated 10-11-1, et seq., 1953 as amended. In accordance with Utah Code Annotated 10-8-60, the City hereby exercises its broad authority to declare what ~~shall be constitutes~~ nuisance, ~~and provide for the abatement of the same~~, and impose fines upon any persons or other entity that ~~who~~ may create, continue, or suffer any nuisance to exist.

8.16.020 Definitions.

As used in this code, the following words mean:

1. “Abandoned” means a nuisance condition or nuisance object left or perceived to be left unattended, disused, discarded, discontinued for more than 10 days upon public or private property.
2. “Abate” or “abatement” means an action by the City to maintain neighborhoods by reducing blight and other unsafe conditions to correct or otherwise remedy to put an end to any condition that is declared a nuisance in this Chapter.
3. “Enforcement official” means a building inspector, code enforcement official, sheriff, or any other official designated by the city manager to provide enforcement of this Chapter
4. “Injurious” means whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.
5. “Nuisance” means someone or something and/or condition that is causing a problem, is annoying and such conditions consist of but not limited to an unsightly or deleterious objects, structures, unsightly property, noxious environment and surrounding, trash, junk, refuse or garbage, anything rendering property and the soil, air, water, or food to be impure or harmful. Where the City has declared a nuisance using the broad nuisance declaration and powers set forth in the Utah Code Annotated 10-8-60.
6. “Nuisance vehicle” means any wrecked, obsolete, junked, inoperable, unregistered, or expired vehicle, or any such vehicle that exist within the city that is in violation of this chapter or any chapter within the City Municipal Code. It also includes any vehicle or part of a vehicle that is parked illegally on public property or the public right-of-way, in violation of land use regulations, not able to be driven legally based on any condition of status. It further includes any vehicle used for commercial purposes in a residential zone that is not actively going to or returning from a delivery in the City, or a vehicle used for commercial purposes where the owner of the vehicle does not have an approved commercial site plan and/or a business license within the City.
7. “Noxious weed” means vegetation that is determined by Weber County and the Utah State University (USU) Extension Services (specifically those designated in the most current edition of the : Noxious Weed Field Guide for Utah) to be environmentally invasive. Invasive noxious weeds have been described as a raging biological wildfire- out of control, spreading rapidly, and causing enormous economic losses. Millions of acres have been invaded or as risk of being invaded by weeds, including cropland, pastures, rangelands, forests, wilderness areas, national parks, recreation sites, wildlife management areas, transportation corridors, waterways, wetlands, parks, gold courses, even yards and gardens. Noxious weeds are capable of spreading at rates of up to 60% annually.
8. “Owner” means any person or entity that is the reputed owner of the premises, or the responsible party as provided by this Chapter.
9. “Property” means any real property, lot, parcel or plot of ground, whether occupied or not, and any premise including a building or structure, or the premises on which a building or structure is located, or undeveloped land.
10. “Refuse”, “Junk”, “Debris” or “Garbage” means useless, worthless or discarded materials, indoor household furniture or parts thereof left outdoors, used tires, parts of vehicles, unsightly machinery or equipment, unsightly appliances or parts of the appliances, trash, rubbish, grass and tree trimmings, rotting material or vegetation, litter, scrap building materials, food product waste, dead animals, and any similar material.

11. "Temporary permit" means temporary permit issued by the Utah Division of Motor Vehicles for a vehicle that is being repaired or restored to pass required state and county inspections or otherwise, must comply with any chapter within the City Municipal Code.
12. "Vehicle" means a motorized, non-motorized, or self-propelled device intended primarily for transportation, use and operation on a road or utility or recreation, or a device used in the transportation of any item from one location to another such as a trailer.
13. "Junk or Junkyard" means old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, junked, dismantled, or wrecked automobiles or their parts, and iron, steel, and other old scrap ferrous or nonferrous material. It is considered a public nuisance to allow junk and/or salvage material, solid waste, and garbage or refuse to remain on any lot.

8.16.30 Duty to Maintain.

In accordance with Utah Code Annotated 10-11-2, all property owners, along with any agent, occupant, tenant, renter, or other person having control of real property shall have an affirmative duty to maintain their real property free and clear of any nuisance or nuisance activity as provided in this Chapter or any other Chapter in the Municipal Code. This affirmative duty shall deem all property owners, their agent(s), occupant(s), Tenant(s), renter(s), or other person having control of real property to be the responsible party for any nuisance and each shall be join and severally liable therefore for compliance to this Chapter for the abatement, removal, remedy, and/or other damages, including all fines and penalties that are incurred.

8.16.040 Nuisance Declared.

The following objects, acts, or conditions along with any resulting condition, are hereby declared to be nuisances in violation of this chapter and subject to the penalties provided herein:

1. Conditions that create the possibility of any fire hazard, including but not limited to:
 - a. Chemicals.
 - b. Dry grass, weeds, or vegetation.
 - c. Debris or junk of any kind.
 - d. Flammable materials, fibers, plastic, papers, or paper products, or wood storage.
 - e. Flammable junk, equipment, or parts.
2. Any material that is flammable which may pose a risk or hazard. Material is presumed flammable for this purpose of this Chapter if:
 - a. The material is known or regarded as flammable in any regulatory code.
 - b. The material is determined flammable by the Fire Marshall.
 - c. The material that contains any commonly regarded flammable properties.
 - d. The material is fibers, plastic, paper, or wood.
 - e. The material is oil or fuel of any kind, or that contains or may use oil or fuel of any kind.
3. Unlawful pollution or environmental degradation, or anything rendering the soil, air, water, or food to be impure or unwholesome.
4. Conditions that harbor or attract rodents, insects, disease, or other forms of life deleterious to human habitation.
5. Deleterious surroundings and structures in violation of local codes, including but not limited to:
 - a. Burned machinery.
 - b. Buildings and equipment which are obsolete or in disuse.
 - c. Parts of vehicles
 - d. Unsecured vacant structures.

- e. Inoperable equipment.
 - f. Buildings in a state of general disrepair
 - g. Objects with sharp or protruding edges.
 - h. Any structure which has become a fire hazard due to the accumulation of combustible materials.
 - i. Objects supported in such a manner as to be easily dislodged from the support.
 - j. Fences in a state of repair.
6. Allowing or causing injurious or harmful environment to retain, deposit, dump, burn, bury or allow or exist any unsightly or injurious objects, structures, junk, discarded or unused objects or equipment, nuisance vehicles, noxious weeds.
 7. Weeds, grass, vegetation over six (6) inches in growth, also to allow neglected landscaping, any dry or parched landscaping or lawn, failure to maintain and adequately water any lawn or landscaping, shall be a nuisance violation.
 8. To allow vegetation, waste, garbage, litter, filth, refuse, feces, or manure to accumulate within or upon any property, except where it is scheduled for immediate removal.
 9. To discharge any type of waste or dump liquid waste, hazardous waste, or refuse of any kind into any catch basin, street, road, sidewalk, gutter, stream, drain, pipe, wash, natural water course, ditch, canal, lot or on to any other property.
 10. To obstruct any watercourse, storm drain, or pipeline.
 11. To permit any garbage container to remain on a premise when it has become unclean, offensively putrescent, or overflowing.
 12. Failure to remove from the street or sidewalk a garbage or recycling container within 24 hours of pick-up, and placement of such containers in the side or rear yard area.
 13. ~~To block, obstruct, or interfere with access or use of city streets, sidewalks easements, or right of ways without an encroachment permit from the city.~~
 14. Any condition or object that shall cause immediate and irreparable harm to a person or endanger the public health and safety of any resident and or person shall be rectified immediately.
 15. The accumulation of animal waste products shall be picked up and disposed of in appropriate manner and or in a container.
 16. Any unkempt, offensively putrescent, or filthy stable, stall, corral, feed yard, or in any other structure or area where animals are kept. Other property kept unclean, contributing to a health hazard or an environment for invasive animal or vegetation.
 17. Allow to be kept or collected any putrid grease, vegetable matter, rotting substance, or other similar matter on any premise.
 18. Illegal dumping, disposal , or handling of grease, oils, fats, or substance in any manner that may result in any pollution, clog, or damage to any sewer system, storm water system, or the environment.
 19. To create or have or permit upon any condition that creates unnecessary stagnant water, or unnecessarily fosters flies, mosquitos, or rodents.
 20. To pollute or render or contaminate water in any spring, stream, well, or other water supply. Including any action or inaction that may jeopardize or harm a public or private water system, including a drinking fountain.
 21. Create or allow a condition or object that may detrimentally affect any sanitary sewer line or system, septic system, or other waste collection system. Including any action or inaction by an owner that may result in any overflow, system failure, or other potential public or environmental hazard relating to sewer.

22. To allow any resident or property to hold any decaying material, hazardous material, explosives, or offensive substances.
23. To plant or maintain any tree or vegetation that may enter or damage any storm drain, filed or land drain, or sewer systems, or cause heaving or other damage to any sidewalks, curbs, gutters, or streets; including but not limited to: overhanging trees, branches, or vegetation in violation of the Manual on Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials (AASHTO) standards, or other applicable code, specifically those requirements in Section 17.44.200 and Section 8.16.035.
24. To plant or maintain trees or vegetation which obstruct the clear view of traffic, traffic signs, fire hydrants, utilities, public right of ways, sidewalks, curbs and intersection corner property sight triangles specified in the land use ordinance in accordance with Section 17.44.080 and Chapter 17.44.130
25. To fail to properly keep adjoining public sidewalks clear of snow and any other obstruction.
26. To put or cause to have put snow, ice, leaves, litter, dirt, debris, or other refuse into the public right of way, streets, curbs, gutters, or catch basins.
27. To operate a business within the city without obtaining the appropriate City business license, along with any required stated license and tax identification numbers, along with compliance with Title 5 of the municipal code.
28. Failure to control and prevent back flow and eliminate and avoid any cross connections between any auxiliary water source and the city's culinary water systems or the resident's culinary water system.
29. Failure to install, maintain, control, back-flow devices for any sewer and/or water system.
30. Failure to correct or repair immediately and stop and repair any culinary water, secondary water, or sewer line break and or leak.
31. Leaving fuel, flammable material, or similar material open and accessible to children or creating an attractive nuisance condition.
32. Failure to park any vehicles, motor homes, fifth wheel trailer, water craft, recreational vehicle, and axle driven devices on a solid surface type material such as asphalt or concrete as per the municipal code. The solid surface area must also cover the full size of the vehicle or any of the other above mentioned objects where such items are parked. Nuisance items under this part are exempt where granted a winter parking exemption in the municipal code under Section 10.16.030 so long as the required spring restoration of the soft surface is completed as provided in the municipal code. Failure to make spring restorations of soft surface under this part is a nuisance violation under this Chapter. Gravel is not an acceptable parking surface or considered a solid surface.
33. Failure to park or place any vehicle, trailer, or equipment at least three (3) feet behind the sidewalk and nine (9) feet behind curb where no sidewalk exists.
34. Failure to install or maintain any toilet, sink, plumbing, or sewer facility in accordance with the applicable international building codes, or regulations of the Weber-Morgan Health Department.
35. Failure to comply with the "Property Maintenance Code", which regulates the condition and maintenance of all property, buildings and structures, such as fences, roofs, siding, and otherwise.
36. Any construction activities on any property without proper permits.
37. Allowing or keeping any abandoned appliances, furniture, furnishings, or containers outside on any property shall be a nuisance violation and shall be removed from the premises.
38. Keeping any appliance or device accessible to children that may be airtight and contain a lid, lock, or door device which may not be released from the inside, including but not limited to:

refrigerators, freezer, or like appliances or containers. Any appliances or devices in violation shall be discarded or removed from the property and appropriately disposed.

39. Failure to keep or maintain landscaping or storm water basin required on an approved site plan.
40. Parking any motor home, fifth wheel, trailer, water craft, or recreational vehicle on any property and being used for residential purposes for more than forty eight (48) hours. Any such vehicle described in this part may park on the public right of way not more than seventy two (72) hours for loading and unloading and or should not be parked within three (3) feet of the sidewalk.
41. To allow any basketball standard, other recreation device, or equipment of any kind to obstruct or interfere with any street, sidewalk, curb, or gutter.
42. To hold, park, keep, operate, maintain, or keep any nuisance vehicle or abandoned vehicle ~~where there is no valid temporary permit, as set forth in Section 8.16.020.~~
43. Burning of any kind without a valid burn permit.
44. To permit or cause to keep, deposit, dump, bury, or allow to exist any unsightly or injurious objects, structure, junk, discarded or unused objects or equipment, equipment, noxious weeds, ~~grass over six inches in height.~~
45. It is a violation of "Chapter 10.12 Parking Regulations" for parking or keeping any commercial vehicle or commercial activity in a residential zone or without a valid site plan in a commercial zone. Shall not be parked in residential zone within the city, unless for loading and unloading purpose.
46. Operating a business without a valid business license, in compliance with Chapter 5.02.10.
47. Overnight parking of any commercial vehicle shall comply with Chapter 10.12 Parking Regulations over 10,000 gross vehicle weight.
48. Any parking on any city street, sidewalk, or public property, unless designated for parking in accordance with City code for the appropriate vehicle and weight class of vehicle.
49. Keeping or harboring excessive animals, stray animals, or any animals in violation of any ~~the municipal code or Title 6 Animals.~~
50. Overnight parking of any vehicle, trailer, or similar devices on any ~~municipal public property,~~ park area, or at any park parking lot. Any illegally parked vehicle is subject to being towed. Any other activity in violation of Section 12.06.040 of the municipal code.
51. Failure to keep or maintain landscaping in accordance with Section 17.44.200 (f).
52. Lawn care and landscaping maintenance that is not properly maintained, including but not limited to; the keeping those areas watered, green, clean, attractive, healthy, fertilized, mowed, trimmed and edged turf areas, proper sprinklers with adequate installation, properly sod areas or replanting as needed for maintenance of the approved landscape plan. Watering of landscaped areas shall be measured by a test where there is water irrigated to an overall average depth of three (3) inches to the soil. Anything less than three (3) inches shall be considered improper watering.

8.16.050 ~~Unwanted~~ Nuisance Trees.

The following conditions concerning trees are hereby declared to be unlawful and a public nuisance. It shall be unlawful for the owner, occupant or a person in control of any property in the City to plant, maintain or permit the public nuisance described below to exist on said property and/or within the parking strip abutting such property.

1. Any tree that impacts or that encroaches onto neighboring property, over or through a fence, or that lifts, cracks, or otherwise impairs, impedes, or damages any curb, gutter, drive approach, or sidewalk shall, should immediately removed, cut, or trimmed, and/or maintained, and any and all to prevent damage shall be responsibly repaired.

2. Any tree designated as an unwanted tree as listed in this ordinance and in either a commercial or a residential area should not be planed or may be required to be removed, if the tree has a destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of healthy trees, shrubs or plants in the city, or which is capable of causing an epidemic spread of a communicable disease, example: such as Dutch Elm disease or insect infestation, or gypsy moth.
3. If the tree is hazardous, dead, decayed overgrown and/or uncultivated or not maintained which may become a hazard to any structure and/or a fire hazard or danger to surrounding area, or which is likely to harbor rates, vermin or other pests or insects.
4. Any nuisance trees that contributes to neighboring property by the way of suckers growing and or having an invasive root system and or with intrusive seedlings, should not be planted and may be required to be removed or cut down. It is the responsibility of the property owner to remove a tree that contributes to any of the above violations.
5. The following list of trees are considered a nuisance which are ~~unwanted trees are as follows, these trees may be~~ required to be removed or cut down;
 - a. Tree of heaven
 - b. Black locust trees
 - c. Siberian elm
 - d. Russian olive tree
 - e. Mimosa (albizia julibrissin)
 - f. White mulberry(Morus alba)
 - g. Hackberry (Celtis occidentalis)
 - h. Eastern cottonwood (Populus deltoids)
 - i. Bradford pear (Pyrus calleryanna Bradford)
 - j. Chinese flame tree (aka bougainvillea goldenrain tree)
 - k. Ginkgo tree
 - l. Sweet gum tree
 - m. American elm (Ulmus Americana)
 - n. Idaho locust (Robinia x Ambugua)
 - o. Burch (Betula)
 - p. Eucalyptus tree

8.16.050 Accumulation Prohibited and Garbage Containers

1. Accumulation Prohibited. It is unlawful and a violation of this Chapter for the owner or occupant of real property or estate, or its agent, to cause or permit upon such property, or right of way adjacent thereto, the accumulation of, or, after notice as provided in this chapter, to fail to eradicate or remove garbage; refuse; abandoned vehicles or inoperable vehicles, boats, or trailers; or any unsightly or deleterious objects or structures.
2. Garbage Containers. No person who owns, or has possession, control or custody of any garbage or recyclable container(s), shall be allowed or permitted to leave a container out 24 hours prior to the garbage pick-up date and must be removed from the roadway, street, parking areas, no later than 24 hours after the day of collection. Any person who violates this sub-section is guilty of an infraction and may be fined \$10.00 per offense. Each day a violation continues constitutes a separate offense.

8.16.060 Administration and Enforcement

1. Administration. The enforcement official administers this Chapter
2. Powers and Duties. The enforcement official is authorized to:
 - a. Inspect real property within the city to determine whether such constitute a nuisance as provided in this chapter.
 - b. Follow the procedure in Utah Code Annotated 10-11-1, et seq., for inspection, cleaning, nuisance abatement, and cost recovery
 - c. Ascertain the names of the owner(s) or occupant(s) of property where a nuisance exists.
 - d. Serve notice, in writing, upon the ascertained owner(s) or occupant(s) or other responsible persons, etc. either:
 - i. In person or posted on site by mail (certified mail if required by state law) to the property owner of record as described in Utah Code Annotated 10-11-2(2)(a)(i) if mailed to the last known address of the owner according to the records of the county recorder; or
 - ii. In person or posted on site or by mail (certified mail if required by state law) to a non-owner occupant or another person responsible for the property who is not the owner of record as described in Utah Code Annotated 10-11-2(2)(a)(i) if mailed to the property address.
3. In the written notice described in Utah Code Annotated 10-11-2(20)(a)(i), the municipal inspector shall:
 - a. Identify the property owner of record according the records of the county recorder.
 - b. Describe the property and the nature and results of the examination and investigation conducted in accordance with Utah Code Annotated 10-11-2(1)(a); and
 - c. Require the property owner, occupant, or , if applicable, another person responsible for the property to:
 - i. Eradicate or destroy and remove any identified item examined and investigated under Utah Code Annotated 10-11-2(1)(a); and
 - ii. Comply with Utah Code Annotated 10-11-2(2)(c)(iii)(A) in a time period designated by the municipal inspector but no less than 10 days after the day on which notice delivered in person or post marked.
 - d. For a notice of injurious and noxious weeds described in Utah Code Annotated 10-11-2(2)(a)(i), the enforcement official is not required to make more than one (1) notice fore each annual season of weed growth for weeds growing on a property.
 - e. The municipal inspector shall serve the notice required under Utah Code Annotated 10-11-2(2)(a)(i) under penalty of perjury.
4. Notice should indicate a statement informing the party of their right to appeal and any civil fines or criminal penalties that may be imposed.
5. Notice may state alternative remedies as appropriate.
6. Proof of service may be required for cost recovery from the county treasurer, any court, or otherwise.
7. Eradicate and remove objects in violation of this chapter, impose fines, initiate suit, or seek other remedies allowed by law, and/or assess costs in accordance with Utah Code Annotated 10-11-3 and 10-11-4.

8.16.070 Appeal

The owner(s) or occupant(s) who receives a notice under this chapter may file a written appeal with the city recorder within ten (10) days from being serviced by mail or otherwise, or within ten (10) days of any

written final decision or fine of an enforcement official. All appeals are held before the appeal authority and governed in accordance with the procedure set forth in the municipal code. Failure to make timely appeal forfeits rights associated with the same and serves as cause for dismissal of any adverse action against the city by an aggrieved party or any party withstanding.

8.16.80 Eradication and Removal by City Municipality

If the owner(s) or occupant(s) of the property described in the written notice given in accordance with this Chapter, including any decision from an appeal related to the same, fail to neglect to conform to the requirements relating to the eradication and removal of any objects determine dot be in violation of this chapter, the City Manager, or his designee, may employ all necessary assistance to cause such materials or conditions to be eradicated and removed from the property at the initial expense of the municipality.

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

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this ____ day of _____, 2019.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2019.

PUBLISHED OR POSTED this ____ day of _____, 2019.

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

_____ DATE: _____

City Recorder



Planning Commission Staff Report

Building & Planning

Author: Planning Dept.
Subject: VACATION TEMPORARY RENTAL HOUSING
Date: January 31, 2019
Type of Item: Review and make commends pertaining to Vacation temp rental housing

Summary Recommendations:

To review and discuss a possible new section to the City Municipal Code addressing allowing vacation temp rental housing and licensing. This ordinance would be to regulate this type of 'Use' within the city and the requirements to be able to legally allow vacation temp rental housing in Washington Terrace City.

Description:

A. Topic:

To review and comment on the ordinance language and make any added suggestions. (Please see the attached ordinance language provided in packet)

B. Background:

In order to preserve the rural character and public values of the City of Washington Terrace, this ordinance is intended to regulate the permitted 'USE' of homes to be allowed to be rented as vacation temp rental homes. It has been determined that the possible undesirable impact to a residential zone may be :

- traffic,
- noise violation,
- nuisance issues,
- snow removal,
- garbage concerns,
- Parking,
- Home safety & Fire, Smoke alarms, fire extinguishers and egress (window & exits)
- More rental properties

These impacts may have a negative effect on the welfare and safety of the residential area, as well as the ambiance and rural character of the City. (The question we may ask is do we want to allow vacation temp rental housing. My response is that if we don't license and regulate these type of operations, it is possible that there may be a much more detrimental effect to the residential areas. There are homeowners wanting to rent their home for this type of "USE" airbnb.)

This ordinance applies to single family/multi-family, public and quasi-public uses. It is intended to address the application process for approval for vacation temp rental housing. This type of business should be licensed for this type of rental housing business to make sure they are residential friendly.

C. Department Review:

The Building & Planning Dept. and business licensing staff have reviewed and have no opinion at this time.

Alternatives:

The Planning Commission should discuss and make suggestions and then bring this back at a later meeting, for action at that time

The Planning Commission can deny and state they have no desire to license vacation rentals, and not bring this back

DISCUSSION ONLY

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, ADDING
NEW SECTION TO 5.2 BUSINESS LICENSE & REGULATIONS OF THE
WASHINGTON TERRACE CITY CODE, REGULATING THE LICENSING AND USE OF
DWELLINGS IN A RESIDENTIAL ZONE FOR VACATION SHORT TERM RENTALS.**

WHEREAS, said City Council has reviewed the ordinance to issuance of business licenses for vacation short term rentals pending further review and study of the issues surrounding the use of dwellings in a residential zone for vacation short term rentals; and

WHEREAS, said City Council deems it necessary to establish said ordinance in order to balance the right of property owners to use their property in all lawful ways against the right of property owners to the quiet use and enjoyment of their property; and

WHEREAS, said City Council finds it necessary for the protection and preservation of the public health, safety and welfare,

BE IT HEREBY ORDAINED that Section 5.2 Business license & Regulations of the Washington Terrace City Code be amended to read as follows:

SHORT TERM; VACATION SHORT TERM RENTAL RULES AND REGULATIONS:

Regulations and restrictions imposed by this section are in recognition of the premise that a vacation short term rental provides lodging for a transient population that may or may not honor neighborhood morals or exhibit neighborly consideration to the same extent as permanent residents. Separation requirements listed in B. below and total license limits listed in C. below are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single family residential zones to promote safe locations for residential uses.

A. Business License Required:

No dwelling in a residential zone shall be occupied or used as vacation short term rental, or advertised for use as a vacation short term rental, until such time that the owner has obtained a vacation short term rental business license issued in accordance with the provisions of this section.

A Vacation Short Term Rental Business will require a license prior to renting a Single Family Dwelling for such use.

B. Conditions for Issuance of a Business License for a Vacation Short Term Rental:

In addition to any other requirement of this section, a vacation short term rental business license shall be approved by the business license officer and or authorized person for the following:

1. Portions of a single family dwelling may not be used as a vacation short term rental unless licensed.

2. The owner of a single family dwelling for which a vacation short term rental business license is sought does not hold a business license to operate another vacation short term rental license within the Washington Terrace City limits. For purposes of this paragraph, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling.

3. The property line of another dwelling licensed as a vacation short term rental or with a complete application and license on file is not located within 300' (three hundred feet), as measured along the same street or around the corner, of the front property line corners of the property where the proposed vacation short term rental license is being sought,

4. The application lists the name, address and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and

5. The application includes a valid Utah State Tax number for remittance of transient lodging taxes.

6. The Single Family dwelling shall not be split in to Two (2) units, and no basement shall be used as a separate unit for a vacation short term rental Use.

C. Limit on Total Number of Vacation Short Term Rental Licenses:

The total number of vacation short term rental business licenses issued within the City of Washington Terrace City shall be limited in accordance with the following:

1. The maximum number of vacation short term rental business licenses for property in single family zones to be issued shall be based on the total population of the City, allowing one (___) license for every 1,000 of total population. (What should this number be or does it matter???)

2. If a complete application meeting all other requirements for licensure is received after the maximum number of licenses has been issued, the application shall be placed on a waiting list in order of the date of receipt of a completed application. No fees will be due until a license becomes available.

3. In the event of a sale or other transfer of any property containing a dwelling licensed as a vacation short term rental, the purchaser or transferee of the property shall be required to apply for a new license within thirty (30) days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said thirty (30) days, the license will be forfeited and the owner must re-apply for any available license or be placed on the waiting list.

D. Parking Regulations:

The owner of any property licensed as a vacation short term rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a vacation short term rental.

2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.

3. All guest parking should be contained on the site.

4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.

6. The number of vehicles allowed by the occupants of a vacation short term rental home shall be restricted to the number of off street parking spaces provided by the owner. ???

E. Maintenance Standards:

Any property that contains a dwelling which is licensed as a vacation short term rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood;

2. The use of a dwelling as a vacation short term rental shall not in any way change the appearance of the dwelling or property from residential purposes; and

3. Each sleeping room must meet current International Residential Code codes for egress and be equipped with smoke and CO detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

F. Prevention of Noise, Nuisance or Trespass:

The owner of any dwelling licensed as a vacation short term rental shall be responsible to ensure that guests or occupants of the vacation short term rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.

2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10 p.m??, or other similar activities.

3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.

4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.

5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

6. Comply with City's noise and nuisance ordinance 8:16.

G. Required Posting:

The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a vacation short term rental:

1. A copy of the vacation rental business license

2. The name, address, and phone number of the owner or property manager
3. The location of all fire extinguishers
4. A list of all rules applicable for vacation rentals
5. The maximum occupancy of the vacation rental and the maximum number of vehicles allowed.

H. Miscellaneous Rules and Regulations:

The following rules and regulations shall apply to any dwelling for which a vacation short term rental business license has been issued:

1. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. ???
2. Maximum occupancy in any dwelling licensed as a vacation short term rental shall be ten (10) persons at any one time. ?? If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Washington Terrace City, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign and/or posted at the resident and explained in the VSTR contract.
3. The owner of any property containing a dwelling licensed as a vacation short term rental shall cause to be displayed in a city approved location on the exterior of the property an approved sign containing the name and 24 hour-per-day, 365 day-per-year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed 12" X 18" and shall be the only sign other than an address permitted on a vacation short term rental property.
4. The owner or property manager shall provide information to the short term occupants for police, emergency, or city personnel. The owner or other person designated as the property manager shall respond to complaints and concerns within one (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
5. The requirements of this section shall be in effect throughout the time a vacation short term rental license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The City finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a vacation short term rental.
6. An inspection of a vacation short term rental property for compliance with these regulations will be performed at the time of business license review. Additional inspections may be performed with 24 hour notice to the license holder/property manager if deemed necessary by the City.
7. The owner of any dwelling licensed as a vacation short term rental shall be required to collect and remit on a timely basis transient lodging taxes.

I. Enforcement Provisions:

1. Any owner of any dwelling in a residential zone within the City of Washington Terrace who allows or permits occupation of said dwelling as a vacation short term vacation rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be guilty of a Class B misdemeanor, which shall be punishable by a fine of up to \$1,000, imprisonment for up to 6 months, or any combination thereof for each such violation.

2. Any owner of any dwelling in a residential zone within the City of Washington Terrace, who, having first obtained a business license for use or occupation of said dwelling as a vacation short term rental, thereafter operates or permits operation of said vacation short term rental in violation of the terms and provisions of this section shall be guilty of an Infraction, and shall be punished by a fine of not less than \$750 for each such violation. (please determine if this fine is good or not)???

3. Any person who occupies a vacation short term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.

4. Violation of any provision of this section regulating vacation short term rentals shall constitute a separate offense for each day said violation occurs or continues.

5. In the event of three (3) or more violations of this section committed by an owner or guest, or any combination of the two, within any 12 month period, the City of Washington Terrace may, depending on the nature or extent of the violations, proceed with revocation of the business license for any vacation short term rental property in accordance with the provisions of the general business license ordinance.

BE IT FURTHER ORDAINED that the subject matter of this ordinance may be deemed to be of an urgent nature and that this ordinance, upon passage and approval, shall take effect at the earliest possible time permitted by law after publication or posting.