



JOINT MEETING OF CITY COUNCIL AND PLANNING COMMISSION

Tuesday, April 27, 2021 at 6:30 PM

This meeting will be held in person at the City Offices
550 North 800 West

*** MASKS ARE HIGHLY ENCOURAGED ***

AGENDA:

The West Bountiful City Council and Planning Commission will meet to discuss general land use policy including planned unit development concepts and accessory dwelling units.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor City Council and Planning Commission and sent to the Davis Journal on April 22, 2021.

Minutes of the Joint meeting of the West Bountiful City Council and Planning Commission held on **Tuesday, April 27, 2021** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

MEMBERS: Mayor Ken Romney, Councilmembers James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, Rod Wood, Planning Commission Chairman Alan Malan, Corey Sweat, Laura Charchenko, Mike Cottle, Dennis Vest.

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Cathy Brightwell (Community Development), Kris Nilsen (City Engineer), and Debbie McKean (Secretary)

PUBLIC: Chris Jenson, Chad Wilson, Sean Hugoe, Al Jones, Jay Jenkins, Gary Jacketta, Dee Dee Naff, E'lane Arbuckle, John Janson, Kevin Arbuckle, Kim Knight, Jake Young, Kevin Thacker, Merilee Thacker.

Duane Huffman explained that tonight's joint session provides an opportunity to discuss current land use issues and for the city council to provide direction to the planning commission on these issues.

1. Planned Unit Development Discussion

Duane Huffman gave a brief history of city's planned unit development (PUD) ordinance, noting the most recent PUDs in our city were Cottages at Havenwood (Ovation Homes) and Kinross Estates. In 2017, the PUD code was modified which included changing the density bonus from 35% to 20%, two of the main features of the PUD ordinance being rural site design and providing substantial public benefit to the community.

Mr. Huffman discussed the pros and cons of a PUD. For example, if a developer proposed a minimum one-acre lot subdivision without using the PUD ordinance, the city has no input on architectural standards, roles of a Homeowners' Association, or any investment in the community beyond impact fees. A PUD proposal, which is a legislative decision, gives the city the authority to negotiate improvements it deems are beneficial to the city as a tradeoff for flexibility on lot sizes and density.

As an example, Mr. Huffman noted that a PUD concept was recently submitted for the Brookside Ranch development on the west side which includes 126 lots on 126 acres. The developer's proposal would likely use the full 20% bonus density allowed. The proposed lot sizes range from .50 to 3.2. He emphasized that this development is far from being approved and is used only as an example for tonight's discussion.

Some discussion took place on what should be considered open space as a benefit to qualify for bonus density. If space is already not developable, should it be counted as open space, such as power corridors and wetlands? All members concurred that the city needs to get value for bonus density.

Mayor Romney asked for a straw poll to know where people stand regarding the current 20% PUD bonus density amount and see if other concerns exist. The majority concurred that benefits need to align with the amount of density that is granted and that the current PUD ordinance is a sufficient tool

in making those decisions. They like the idea that the city be careful with easement in a benefit analysis for a PUD. They would also like to see lot sizes closer to the base lot size, and involvement of surrounding neighbors through the process.

2. Housing in Certain Commercial Areas Overlay (HCCO)

Duane Huffman explained that we need tools in our municipal code to allow for high density housing that corresponds with our General Plan. He introduced a draft for their review that our contracted city planners, John Janson and Jake Young, developed regarding an overlay that could allow housing in commercial areas along our 500 South and 500 West commercial corridors.

Mr. Janson explained that commercial areas in the state are changing and it may be time to consider some alternative uses of these retail properties that are being vacated. For that purpose, they developed a draft proposal that introduces more flexible housing types that could be used within the C-H and C-G zones along 500 South and 500 West, and to create a greater mix of uses in locations that provide transportation options and more services. If adopted, the project areas could be rezoned to include residential uses such as townhouses, stacked flats, and mixed-use buildings subject to certain site and building design requirements. A detailed application and approval process was included in the legislative proposal.

Discussion followed. West Bountiful is unique in that its primary commercial areas are clearly separated from its residential areas. This separation would allow higher density residential uses as proposed to be less impactful on the traditional residential zones in the city. As commercial businesses attempt to recover from the past year's difficulties and a change in the way consumers shop, along with a significant shortage of housing, this proposal allows a way for smaller units such as apartments, condos, etc., to exist within a mixed use development that benefits both the commercial and residential users.

There was some concern about allowing multi-family housing in the city and the idea that it could lead to future expansion. The legislature is very concerned about the impact the housing shortage has on affordable housing and has implemented requirements the past couple of years that provide incentives to address the problem. The proposal being discussed tonight allows the city to select the areas it deems most attractive for this type of housing while protecting its primary residential areas.

The city council asked the planning commission to work on this proposal and make a recommendation.

4. Accessory Dwelling Units (ADU) Discussion

Cathy Brightwell introduced a discussion on accessory dwelling units (ADU) noting that they have been around for decades but are making a resurgence and gaining popularity as an effective solution to challenges in limited and affordable housing availability, and as a source of income.

West Bountiful has allowed ADUs since 2011 and currently defines an ADU as a separate dwelling unit, within or attached to an owner-occupied single-family dwelling. (WBMC 17.82). Utah's current Land Use Development and Management Act (LUDMA) definition includes the option for detached,

"Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot. (Utah Code §10-9a-103 (1))

The planning commission has been considering changes to the city's ADU ordinance to eliminate the conditional use requirement as sufficient standards exist in code to mitigate any detrimental effects. In their discussions, there was interest in expanding the definition to include detached accessory dwelling units. These could be units over or behind a detached garage or home, "tiny" homes or small on-site "stick built" homes on a foundation in the side or rear yard.

SB 82, which becomes effective October 1, 2021, encourages the development of internal accessory dwelling units throughout the state and makes the following changes to State Code; it does not mandate detached ADUs.

- Internal accessory dwelling units are a permitted use in primarily residential zones.
- Eliminates "unrelated" in single family definition referring to whom the ADU can be rented.
- Prohibits minimum size, lot area, and frontage requirements in most cities, and
- Changes Building code to make it easier to convert/establish internal ADUs in existing homes.

Over the years, there was concern about how detached ADUs might affect the "single-family" dwelling distinction in our Code, but many cities have determined that regardless of its physical form, an ADU is legally part of the same property as the main home. It cannot be bought or sold separately as a condo or dwelling on wheels might be. The owner of the ADU is the owner of the main home.

Planning Commission is in the process of re-evaluating permitted and conditional uses in each zone. Internal ADUs are recommended to be moved from conditional to permitted use. Staff is looking for direction from city council on whether to allow detached ADUs and if so, should they be permitted or conditional? They would also like input on requiring business licenses from ADU property owners.

Following discussion, most of the city council did not support allowing detached ADU's at this time. In addition, it was felt that property owners should not have to obtain a business license for ADU's as it would result in a lot of work for staff. Mr. Huffman pointed out that monitoring ADU's is a difficult task for city staff.

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, May 18, 2021.


Cathy Brightwell, City Recorder

