

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Dell Butterfield
Laura Mitchell
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, AUGUST 22, 2023, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Sweat;
Pledge of Allegiance – Commissioner Butterfield.
2. Confirm Agenda.
3. Discuss Home Occupation Business Regulations and Uses.
4. Discuss Detached Accessory Dwelling Units.
5. Meeting Minutes from August 8, 2023.
6. Staff report
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Cathy Brightwell)
7. Adjourn.

This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org), emailed to planning commissioners, and provided to the Davis Journal on August 18, 2023, by Cathy Brightwell, City Recorder.

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on August 18, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, August 22, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, Dell Butterfield, and Laura Mitchell.

MEMBERS EXCUSED: Council member Kelly Enquist

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder), and Debbie McKean (Secretary).

VISITORS: Debby Marshall, Richmond Thornley, Roger Montgomery, Dan McConkie, Aimee Hinojosa

The meeting was called to order at 7:30 pm by Chairman Malan.

1. **Thought by Commissioner Sweat/ Prayer by Commissioner Butterfield
Pledge of Allegiance- Commissioner Vest**
2. **Confirm Agenda**

Chairman Malan reviewed the proposed agenda. Commissioner Sweat moved to approve the agenda as presented. Commissioner Butterfield seconded the motion. Voting was unanimous in favor among all members present.

3. Home Occupation Business Regulations and Uses.

Commissioner packets included a memorandum dated August 18, 2023, from Kris Nilsen and Cathy Brightwell regarding Home Occupation Business License Uses with an attached redline exhibit of WBMC 17, 5.04, and 5.28. The memorandum outlines the home occupation regulations and uses previously considered by the planning commission at the June 9, and July 25, and August 8th, 2023, meetings. The exhibit incorporated those comments and suggested additional ideas to provide a basis for continued discussion.

Staff introduced the proposed final redline document which has been reviewed by legal counsel and there was discussion on several outstanding items.

In Section 5.28.040, a maximum weight limit of 14K GVW was placed on auto/truck repairs. Commissioner Vest stated that he still disagrees with having auto repair as a conditional use.

In Section 5.28.050, it was determined that automobile and truck engine repair might not cover new electric vehicles which do not have engines, so language was changed to motor vehicles.

In Section 5.28.060, D – was changed so that approval of multiple home occupation business licenses at the same address was changed from planning commission to city recorder. H & I were combined and clarified to make it clear that on-street pick-up and drop-off associated with instructional occupations were allowed, and N was modified so that the sentence addressing additional traffic and parking was moved to 5.28.030.

Section 5.28.080 – unnecessary language was removed.

Another outstanding issue was private schools in residential areas. Cathy Brightwell reminded the commission that at its April 26, 2022 meeting, they discussed a proposal to consider places of worship or primary schools (private, parochial, and homeschool pods) as conditional, or to define quasi-public uses as “a use operated by a private non-profit, educational, religious, recreational, charitable, or philanthropic institution; generally, such uses have the purpose of primarily serving the public, such as churches, private schools, universities, and similar uses.”

After much discussion and consideration, they decided to deny the proposed text change. They stated it is not about the city not wanting a private school, but about finding a location that fits. They pointed out that there is likely a place within the city for this type of application and they are willing to give it more consideration in a different location that does not cause disruption to a residential area. Ms. Brightwell noted that there has to be specific details laid out in order to allow them to be in the proper location.

At its May 3, 2022, meeting, the city council also denied the request for text change and directed the planning commission to explore where private schools might be allowed in the city, including defining the terms public/quasi-public and/or creating an overlay zone specific to the use. The suggestion for an overlay zone was thought to be a way to limit the area and have specific parameters tied to the use.

For the current discussion, the commission decided they would leave out private schools from this document and put it on the agenda to discuss and consider at a later date.

In addition, the commissioners were asked to consider storage units/facilities. If home occupation businesses are allowed in garages or accessory structures, can a resident rent out space for personal storage, vehicles, boats, trailers, etc. if it complies with the square footage restrictions? After some discussion, it was decided that this type of business was not an appropriate home occupation.

The question was asked if fueling stations and electric charging stations should be allowed. Staff will consult with Mr. Doxey regarding these items. Most commissioners felt there was not a place for these services since they may take up more space than code allows.

Based on the above discussion, staff will prepare an updated exhibit for the public hearing scheduled for September 12.

4. Discuss Detached Accessory Dwelling Units.

Commissioner packets included a memorandum dated August 18, 2023, from Kris Nilsen and Cathy Brightwell regarding Detached Accessory Dwelling Units (ADUs) with an attached copy of WBMC 17.82 Accessory Dwelling Units.

Ms. Brightwell introduced this agenda item stating that the commission has asked for some time to have this issue on the agenda, and staff needs clarification and direction as to how the commission would like to proceed. Is the commission in favor or opposed? If in favor, what restrictions should be in place? Parking, traffic, and noise may be a concern.

As part of the background regarding ADUs Ms. Brightwell pointed out the following Information:

- ADUs, within or attached to a single-family dwelling, have been allowed for many years in West Bountiful.
- The Utah Legislature has promoted ADUs as an alternative housing option.
- Surrounding cities have adopted regulations to allow detached ADUs (Bountiful, North Salt Lake, Farmington, Layton)
- The City's General Plan encourages consideration of a variety of housing types to be able to meet the needs of a variety of residents. Goals include meeting the demands of all stages of the life cycle, including starter and senior housing, where appropriate, including ADUs. Listed benefits include providing affordable rental housing and allowing first-time homeowners to gain access to homes that would otherwise be out of reach by renting out an additional unit.
- It has been argued that ADU's, including D-ADU's, provide opportunities for property owners to provide social support for family members where independent living is desirable. In addition, it provides for affordable housing opportunities, making housing units available to moderate income people who might otherwise have difficulty finding homes within the city, and provide opportunities for additional income to offset rising housing costs.

Commissioners discussed the questions presented by staff.

1. Should D-ADUs be allowed in all residential areas or limit them to certain areas of the city? *Presently the commissioners were not sure about this item. Some responded that if it fits by meeting setbacks, it would be okay.*
2. If allowed, should size be limited? *Cathy noted that most cities she has reviewed have a maximum limit but not all have a minimum requirement.*
3. If allowed, should there be a limit as to how many on a property? *Most commissioners concurred that there should only be one per site.*
4. Similar to existing ADUs, should the owner be required to live on property? *Most commissioners agreed the owner should live on the property.*
5. What kind of parking requirements should there be? *Need to make sure there is adequate off-street parking that will meet code for our winter restrictions.*
6. Should there be architectural design requirements? *This will need to be further reviewed. If it is attached, most think it would need to look like part of the home. If detached, it may be good to require use of similar materials. It was suggested that we also consider outside lighting restrictions so that there is no issue with neighbors.*

Some discussion took place. There was consensus that property owners should have to live on the property in order to rent any portion of their home or ADU. Commissioner Sweat stated that he feels people must be allowed to do what they want with their property regarding uses of their property.

However, he stated that renting to outsiders devalues the single-family residential characteristics and he believes D-ADUs should be used only for family members. There was discussion about whether the impact would be different depending on who lives in the ADU and whether there would be discrimination issues if it was limited to family members.

Randy Montgomery was invited to take the stand. He explained that he had come to the city the day before to see if he could convert a portion of his detached garage into an ADU that he could live in and was told about this meeting. He talked about his recent divorce and due to increased home valuations, he will now have a \$700,000 mortgage in order to pay his ex-wife her share. He is hopeful that he will be able to rent out his home and construct an ADU above garage ADU in order to keep his home. Without that option, he will likely have to sell his home.

Commissioners asked staff to gather more information including specific regulations of other cities.

Chairman Malan stated that the Sewer District is charging an additional hook up fee for ADU's. He asked staff to look into the sewer district's reasoning and fees. He also suggested talking with state representatives about the charge.

5. Consider Meeting Minutes from August 8, 2023.

Action Taken:

Laura Mitchell moved to approve the minutes from August 8, 2023. Dennis Vest seconded the motion and voting was unanimous in favor.

6. Staff Report

a. Engineering (Kris Nilsen)

- We have not yet received the preliminary plans for the new Hugoe subdivision on 400 North.
- Google Fiber is frustrating our Public Works department because of their lack of response to requests for construction repairs.
- Public Works is approximately 85% moved into their new building.
- Doug Coons property is cleaned up and looks great. Still working to finalize his plat.

b. Community Development (Cathy Brightwell)

- The September 12 meeting will be busy. There is a public hearing scheduled for the updated Home Occupation Uses, and two conditional use permit applications for businesses. Prior to the meeting, training will be conducted by the Utah Ombudsman's office. The training will cover general land use items and include a Q & A session. Pizza will be provided.

Commissioner Comments:

Chairman Malan invited everyone present tonight to attend the Freedom Light Event in September. He stated there are questions that are very enlightening and lots of informative, interesting things regarding our Constitution. He noted it is a great family event. He asked Cathy to look into whether or not this could count toward commissioner training hours needed.

Dennis Vest was approached by a resident about getting a stop sign at 1450 West and 400 North. Staff told him that they must contact the police department as a traffic study would have to be done. Kris noted that a stop sign in that area would probably not be justified at this time but if it's found to be needed in the future, the stop sign would be on 1450 West as 400 North is a through street.

Dell Butterfield asked if there is a limit to the number of trucks that can go down 400 North to the Ivory development in a 24-hour period. Kris Nilsen responded that 24 dump trucks are allowed per day between the hours of 7am and 10:00 pm. This restriction applies to all areas of the development other than Phase 1. He said the city primarily relies on neighborhood observation and complaints. The police department has frequently monitored the area and has also had UDOT monitor the traffic because they are the only ones that can inspect the trucks and they have reported issuing a lot of citations for various reasons.

7. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:15 pm. Laura Mitchell seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on September 12, 2023, by unanimous vote of all members present.

A handwritten signature in cursive script, appearing to read "Cathy Brightwell", is written over a horizontal line.

Cathy Brightwell, City Recorder