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Kenneth Romney

WEST BOUNTIFUL CITY

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**THE WEST BOUNTIFUL CITY COUNCIL AND PLANNING COMMISSION WILL
HOLD A SPECIAL WORK SESSION MEETING AT 6:30 PM ON TUESDAY,
OCTOBER 17, 2023, AT THE CITY OFFICES**

1. Discuss Home Occupation Regulations.
2. Discuss Other Miscellaneous Land Use Code Updates
3. Adjourn.

The above agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org), posted at city hall, emailed to the Mayor and City Council, and provided to the Davis Journal on October 13, 2023, by Cathy Brightwell, City Recorder.

Minutes of the West Bountiful City Council and Planning Commission work meeting held on Tuesday, October 17, 2023, at West Bountiful City Hall, 550 N 800 West, West Bountiful, Davis County, Utah.

CITY COUNCIL:

Mayor Ken Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Rod Wood.

PLANNING COMMISSION:

Chairman Alan Malan, Corey Sweat, Laura Mitchell, Dennis Vest, Dell Butterfield

STAFF: Duane Huffman (City Manager), Steve Doxey (City Attorney) Kris Nilsen (City Engineer), Addison Jenkins (Community Development), Asst Chief Lance Wilkinson, and Cathy Brightwell (City Recorder).

EXCUSED: James Ahlstrom – Council member

PUBLIC: Aimee Hinojosa, Dan McConkie, Craig Hammond, Renate Allen, Sharon Schofield, Richmond Thornley, Jenn Nielsen

Mayor Romney called the work meeting to order at 6:30 pm. He offered an opportunity to the public to make comments.

Aimee Hinojosa provided a summary of her family's situation that includes finding a new home on 660 West so the detached garage could be used for an auto repair business, the granting of a conditional use permit for the home occupation by the planning commission, subsequent appeal of the decision, and city council's denial of the conditional use permit. She said she has been present in every meeting held by the planning commission as they considered changes to the city's home occupation business license regulations and is hopeful the city council will consider the planning commission's recommendation with an open mind.

Renate Allen shared her disappointment with the city council's decision to deny the Hinojosa's conditional use permit for their home occupation on appeal. She said the turmoil caused by this issue in the neighborhood is sad and she is hopeful the planning commission's recent recommendation will put an end to the conflict.

Craig Hammond said he filed the appeal of the Hinojosa's conditional use permit which is consistent with his opposition to all home occupations in the area. He said this is a great community and the code should be enforced as allowing certain businesses in residential zones negatively affects the entire community. He noted that ULCT and LUAU both caution against conditional use permits. He acknowledged there are a lot of similar businesses in the city but believes it is important to protect residential areas.

Dan McConkie said he has attended all the planning commission meetings as they have considered home occupations. They have worked very hard to recognize and consider the uniqueness of the city.

Nathan Halling said that when he lived in Bountiful, he had a conditional use permit but was not in compliance. When he moved to West Bountiful, he believes he was told his business is the kind the city

wants in the community. He plans to add a salon to his home at some point which he hopes will still be allowed. He also noted his neighbor has a crane in his back yard which hasn't been a problem. As far as neighbor notification, he recommends it be limited to adjacent properties rather than the current 600 feet or the proposed 300 feet distance from applicant's property lines.

Following public comments, Mayor Romney thanked the planning commission for their hard work on new home occupation requirements. The goal of this meeting is to better understand the recommendation and to work toward something that is right for the city while remaining friendly and respectful of neighbors. He asked Duane Huffman to lead the discussion on Home Occupation Business License regulations.

Duane noted that the intent is not to leave this meeting with a new ordinance but to find a path to move forward to the next step in updating and clarifying the regulations. He asked the planning commission to share their thoughts and reasoning behind the recent proposal.

Chairman Malan and Commissioner Sweat explained the process of the planning commission and the focus on standard requirements that would protect neighborhoods while allowing property owners to reasonably use their homes. If home occupations meet the requirements and conditions can be implemented in some cases to ensure negative impacts are mitigated, why should the city care if the business exists?

Commissioner Vest stated that his concern is that residents have certain expectations that their neighborhood will remain residential and if some types of home occupations are allowed, the primary focus of the neighborhood changes. Several of the businesses proposed as conditional uses are prohibited in other cities, so why would we allow them here? He is also concerned about the ability to enforce conditions without unreasonably increasing staff workload.

There was discussion about the concept and legal constraints of conditional use. Steve Doxey commented that is often a challenge to come up with good conditions that protect the neighborhood long term. Generally, clear regulations are preferable to conditions. He also commented on potential purpose and definition clarifications to the proposal.

Council members offered thoughts and feedback on the proposal. Members thanked the planning commission for their hard work. There was discussion on the need for clear regulations, on whether it was good policy to consider certain conditional uses, and wanting to find the right balance.

Mayor Romney commented that the primary use in a residential zone is residential, not home occupations. Commercial uses should be in commercial zones, not residential. Conditional uses have always been a problem, so we need to consider them carefully. Our primary goal needs to be to protect residential neighborhoods. People should be able to do what they want on their property for personal use within reason, but not for business use.

Duane summarized the discussion. He acknowledged the hard work done by the planning commission and noted that several changes other than listing conditional and prohibited uses are proposed to clean-up and clarify the code. As a path forward, he recommended that 1. council members review the general requirements and review the list of conditional and prohibited uses and provide comments to staff, 2. Mr. Doxey and staff again review definitions and other general language, and 3. A summary of the results of these reviews be given to the planning commission for a final recommendation from them.

12. Adjourn -

MOTION: *Kelly Enquist Made a Motion to Adjourn the Meeting at 8pm. Mark Preece Seconded the Motion which PASSED Unanimously.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, November 7, 2023.


Cathy Brightwell, City Recorder