

Mayor
Kenneth Romney

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

**Community
Development**
Addison Jenkins

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

Chairman
Alan Malan

Commissioners
Laura Mitchell
Corey Sweat
Dennis Vest

**City Council
Representative**
Dell Butterfield

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, JANUARY 9, AT THE CITY OFFICES.

1. Prayer/Thought – Commissioner Vest;
Pledge of Allegiance – Commissioner Mitchell
2. Confirm Agenda
3. Consider Recommendations to the City Council on Home Occupations Ordinance
4. Approve Meeting Minutes from December 12, 2023
5. Staff Reports (Engineering, Community Development)
6. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org),
and provided to the Davis Journal on January 5, 2024, Remington Whiting, City Recorder.*



MEMORANDUM

TO: Planning Commission

DATE: 01-05-2024

FROM: Addison Jenkins

RE: **Home Occupations – Land Use Updates**

The purpose of this memo is to assist the planning commission in their continued discussion of an update to the Home Occupations ordinance.

Background

Over the past year, the planning commission has engaged in multiple discussions about the Home Occupations ordinance, including a joint meeting with the city council in October 2023. Following additional review, the planning commission is now considering a “clean” draft ordinance (Exhibit A) with previous comments, edits, and red-lines incorporated. Also included in this packet, at the commission’s request, is a list of the conditions imposed on the 9 most recent conditional use permits for home occupations from 2019 to present, as well as other requirements and conditions for the commission to consider.

Considerations

It is up to the commissioners to discuss today whether they would like to add any additional requirements to the draft ordinance, or make any further changes, corrections, or edits before a final review and vote at this or a future meeting.

Home Occupation Requirements for Consideration

A review of the past 5 years (2019 -2023) of Conditional Use Permits for Home Occupation and selected businesses revealed the following commonly recurring conditions that the planning commission has imposed:

1. No employees that do not reside in the house
2. No external signage
3. Parking, drop-off/pick-up, and equipment storage must be off-street and not block the sidewalk
4. Owner must notify and obtain city approval before acquiring new equipment
5. City must be allowed to inspect the premise with appropriate notice
6. Limits on the amount and timing of deliveries

In addition to the commonly occurring requirements the planning commission has imposed in the past, the commission should consider regulations that other communities use to ensure home occupations do not change the nature of residential areas. These regulations include:

- a. Accessory Structures – There is concern that use of accessory structures significantly increases the likelihood of “non-residential” activity. Some reviewers suggested that it might be acceptable to permit offices in accessory structures, but not permit more intensive uses.
- b. Prohibiting the storage and exchange of commodities and merchandise on site.
- c. Further clarifying that home occupations cannot create noise, dust, odors, noxious fumes, glare, or other nuisances discernable beyond the premises.
- d. Prohibiting the use or storage of equipment and vehicles
- e. Prohibiting the use or storage of flammable material, explosives, or other dangerous materials or chemicals, including gun powder.
- f. Prohibiting the use of mechanical or electrical apparatus, equipment, or tools not commonly associated with residential use or as are customary to home crafts.
- g. Prohibiting the use or parking of equipment or motor vehicles having a gross weight of twelve thousand (14,000) pounds or more.
- h. Any other requirements the commission may find useful or necessary.

2019 – 2023 Home Occupation Permit Conditions

1. Auto Italia Repairs (05-23-2023)

1. At least two spaces of off-street parking for residents must be designated on the property.
2. At least one space of off-street parking for customer drop-off or pick up must be designated to the south or east side of the shop.
3. Customers seeking services may be parked in a designated off-street parking space for a maximum of one hour, all other customer vehicles awaiting services must be parked inside the shop.
4. All auto repairs must be performed in the allotted space inside the shop as shown on Exhibit B.
5. Owners to provide and maintain a current list of personal vehicles showing they are registered or have title in owner's name and maintain an updated list of personal vehicles every 3 months.
6. Tow truck deliveries, customer drop-off and pick up and business deliveries of supplies and materials will be limited to 3 times per day and may only be between the hours of 8 am and 6 pm Monday-Friday, with the exception of any personal common carrier deliveries.
7. All businesses must meet state and federal environmental quality requirements for auto repair businesses, including but not limited to the following:
 - a. Collect and contain vehicle fluids as required;
 - b. Use a licensed company to collect oil, anti-freeze, and other vehicle fluids;
 - c. All vehicles waiting for work and those with work in progress must be on concrete or asphalt surface that stop fluids from entering the ground.
8. Site activities must comply with federal and state EPA Storm Water regulations.
9. Owner must provide evidence of compliance with fire codes and any other applicable building codes, and the building/property must remain in compliance.
10. Business equipment and vehicles in the detached shop will not exceed 25% of the total building space. (2000 sf x 25% = 500 sf)
11. No additional business equipment will be added without notice to the city for verification of storage limits.
12. No signage can be used for the business.
13. No employees that do not reside in the home.
14. Planning Commission review of neighborhood impact after the first three months of license.
15. Upon reasonable notice, the city can inspect the premises periodically with the owner present.

2. Harrison Fire Services (02-28-2023)

1. An address sign will be placed on the mailbox or post at the entrance to the driveway indicating the numerical address and that the home is in the rear of the property.
2. Business traffic will be limited to 3 vehicles per week.
3. Business traffic will be limited to customer personal vehicles and normal delivery vehicles.
4. Business traffic will be limited to the hours of 8 am and 6 pm Monday-Friday.
5. Customers and delivery drivers will be given specific instructions as to the location of the business, so they do not disturb neighbors.
6. Business equipment stored in the garage will not exceed 25% of the total building space.
7. No signage will be used for the business.
8. There will be no employees that do not reside in the home.

3. AK Daycare (09-12-2023)

1. No external signage.
2. A person who is not a resident of the dwelling shall not be employed to work on the premises.
3. All drop-off and pick-up of children will be off-street.
4. A copy of the applicant's Utah State Day Care Certificate will be provided to the city once processing is complete.

4. Cinnamon & Sage Spa (09-27-2023)

1. No external signage.
2. A person who is not a resident of the dwelling shall not be employed to work on the premises.
3. Clients will be by appointment only.
4. Clients will park in the driveway or behind the home.

5. Jenny's Daycare (09-13-2022)

1. No external signage.
2. A person who is not a resident of the dwelling shall not be employed to work on the premises.
3. A fire inspection passed by the South Davis Metro Fire Department, plus annual inspections.
4. A copy of the applicant's Utah State Day Care Certificate will be provided to the city once processing is complete.

6. SH Excavation (11-15-2022)

1. Dump truck must be parked off-street.
2. Complete construction of new retaining wall (BP#1535) no later than July 1, 2023.
3. Truck must be empty upon entering and exiting property when used for business purposes.
4. Trucks loads must meet all applicable state and city regulations.
5. Business equipment to be stored in a garage/accessory structure not to exceed 25% of the total space.
6. No additional business equipment to be added without notice to the city for verification of storage limits.
7. No external signage.
8. A person who is not a resident of the dwelling shall not be employed to work on the premises.

7. Nelson Wholesale Resale (11-16-2021)

1. The home occupation must comply with all applicable laws and, in particular, WBMC 5.28 – Home Occupations, including the requirements specified in these conditions, to protect the residential character and lifestyle of this residential zone.
2. The home occupation will be limited to a home office in the dwelling that does not exceed 15% of the main floor. Applicant may use up to 25% of a garage or accessory structure on the property for business purposes, as long as such use does not change the residential character of the lot and is not contrary to the purposes of WBMC 5.28.
3. Inventory or supplies may not occupy more than 50% of the permitted area in the dwelling, garage, or accessory structure. Based on the building permits for the property, this means

inventory and supply storage is limited for each building on the property (only the garage *or* accessory structure may be used for inventory and supplies, not both), as follows:

- a. *Dwelling - 1281 main floor sf x 15% = 193 sf x 50% = 97 sf for inventory*
 - b. *Garage - 886 sf x 25% = 222 sf x 50% = 111 sf for inventory*
 - c. *Accessory Structure - 2100 sf x 25 % = 525 sf x 50% = 263 sf for inventory*
 - d. Applicant must confirm in writing at the time the permit is issued which structure—the garage or accessory structure—will be used for the home occupation. If the applicant subsequently elects to use the other structure, the applicant must seek prior approval from the planning commission, which may or may not impose additional or different conditions in modifying the permit.
4. Applicant must provide a clear separation of space between inventory for resale and any personal equipment or products so that each may be clearly identified upon inspection. If applicant elects to use the garage for the home occupation, for example, any inventory and supplies must be stored in the garage, and any personal equipment or products must be stored elsewhere.
5. Consistent with WBMC § 17.60.050, the applicant will allow the City and its agents to inspect the property and the structures on the property at reasonable times without prior notice to verify compliance with applicable laws and the conditions of the permit.
6. Except as provided below, delivery of merchandise will be limited to standard delivery trucks used for regular online purchases. One delivery by a truck not to exceed 28 feet in length is allowed no more frequently than every 30 days.
 - a. Deliveries will be limited to the hours between 8 am and 7 pm.
 - b. Delivered merchandise may at no time be placed or kept on the street right-of-way.
 - c. Customer pick-ups will be scheduled between 8 am and 7 pm with no more than one customer per hour so that neighborhood traffic is limited.
 - d. Sufficient off-street parking will be provided for customer vehicles when picking up merchandise.
7. No vehicles, including those owned by or used for the home occupation, will obstruct any sidewalk.
8. Outdoor storage related to the home occupation will not be permitted (WBMC § 5.28.040.I).
9. Applicant will cease all sales from the property until a home occupation business license is issued.
10. Applicant will comply with city and state regulations for retail businesses, including obtaining a state registration and sales tax id, and will provide any requested information as part of its home occupation license review.
11. Applicant will obtain and maintain a home occupation business license.
12. The permit will be subject to a 90-day probation period. If any condition is violated during the probation period, the permit and home occupation business license will be revoked, and the final permit will not be issued absent additional evidence presented to the planning commission justifying the issuance of the final permit. Following issuance of the final permit, the permit may be modified, suspended, or revoked upon complaint after a hearing before the planning commission.

13. Applicant's obligations under these conditions will be binding upon any successor, heir, or assign of applicant with respect to the property.

8. Vogel Crane (06-23-2020)

1. Comply with WBMC 5.28.040 – Home Occupation;
2. The Home Occupation license will be limited to a home office in the dwelling;
3. Any business vehicles or equipment over eight feet in height must be parked indoors, provided that for a period of one year after issuance of this CUP such vehicles or equipment may be parked outdoors as long as they are (a) parked behind an opaque fence six feet in height approved by city staff, and (b) applicant provides and maintains landscaping to obscure such vehicles and maintain the residential character of the property; any damages to concrete, sidewalk, curb, etc. will be repaired in a timely manner by the resident; and applicant applies for, receives, and maintains a current Home Occupation business license.

9. Arts & Smarts for Little Hearts (10-08-2019)

1. Parents will be told to drop off and pick up their children directly in front of the home, or park in the driveway or immediately in front of the home;
2. No external signage will be used for the preschool;
3. A person who is not a resident of the dwelling shall not be employed to work on the premises.

WBMC 5.04 BUSINESS LICENSES IN GENERAL

5.04.010 Definitions

“**Business**” means all activities engaged in within the corporate limits of West Bountiful carried on for the purpose of gain or economic profit, except that employees rendering service to employers shall not be considered to be engaging in business unless otherwise specifically prescribed.

"**Engaging in business**" means the sale of tangible personal property or the rendering of personal services for others for a consideration by persons engaged in any trade, craft, business, occupation, profession or other calling, except the rendering of personal services by an employee to his or her employer under any contract of personal employment, but includes the operation of storage buildings or storage warehouses for the storing of motor vehicles, trailers, boats, and other household equipment or personal property.

“**Home occupation**” means a business operated in a dwelling, accessory structure, or both, on a residential property by the resident of the property.

5.04.040 License Fee Levied

The license fee payable by persons engaging in or carrying on any business within the city shall be periodically fixed by resolution of the city council and listed in the city’s Consolidated Fee Schedule.

WBMC 5.28 HOME OCCUPATIONS

5.28.010 Scope

5.28.020 Purpose

5.28.030 Application For License

5.28.040 Specific Businesses to be Conditional

5.28.050 Specific Businesses Prohibited

5.28.060 Requirements

5.28.070 Exemptions To License

5.28.080 Noncompliance; Revocation And Suspension Of Permit

5.28.090 Home Occupation Business License Renewal And Delinquency

5.28.100 License Not Transferrable

5.28.010 Scope

The requirements of this Chapter shall apply to any home occupation conducted within the city. Home occupations may be conducted only in residential or agricultural zones, or within homes qualifying as a legal nonconforming use. The provisions of the Chapter shall not be construed to limit or prohibit any other requirements of this Title, the West Bountiful Municipal Code, or other applicable laws.

5.28.020 Purpose

The purpose of this chapter is to ensure that home occupations remain incidental and accessory to the residential use of the property on which the dwelling is located and that any adverse effects of the home occupation are confined to the property.

5.28.030 Application For License

- A. A Home Occupation business license application may be obtained from the city offices or from the city website. Each application shall be submitted to the city recorder and accompanied by payment of the business license application.
- B. It is unlawful for any person to provide false information to the city in relation to the application for, issuance of, or continuation of, a business license, or to knowingly cause or permit the same to be done.
- C. The applicant shall give written notice of the nature and description of the home occupation to owners of property within 100 feet of the exterior boundaries of the property upon which the home occupation is to be conducted. Evidence of the required notice must be supplied to the city as part of the Home Occupation Business License Application. If the home occupation requires a conditional use permit, the applicant shall give such written notice to properties within 300 feet of the exterior boundaries of the property on which the home occupation is to be conducted.
- D. The City Recorder may issue the Home Occupation Business License when the requirements of this Chapter have been satisfied.

5.28.040 Requirements

- A. A person who is not a resident of the dwelling shall not work on the premises.
- B. The home occupation must be clearly incidental and secondary to the use of the dwelling or accessory structure in which it is located and may not change the purpose or character of the dwelling or accessory structure, or the residential character of the property on which the home occupation is

located.

- C. The home occupation shall not involve the use of any part of a dwelling or structure for which, by reason of state, federal or local law or ordinances, special or extra entrances or exits or special rooms are required as a prerequisite condition to the operation of such use, or for which said laws or ordinances require a license or permit, except as approved by the Planning Commission as a conditional use.
- D. More than one Home Occupation Business License may be issued for a property, if after review, the City Recorder specifically determines that the total of all businesses on the property will not have an impact on the community greater than one business.
- E. The home occupation must be conducted entirely within no more than fifteen percent (15%) of the total used floor area of the dwelling, twenty-five percent (25%) of a garage or accessory structure on the same property as the dwelling, or both.
- G. Adequate off-street parking must be provided for both personal vehicles and business customers, except for drop-offs or pick-ups associated with group instructional services.
- H. Yard space may not be used for home occupation activities, except:
 - a. Outside private swimming pools may be used for swimming instruction if the swimming instruction is given by a resident of the dwelling.
 - b. Yard space may be used for day care provided the yard is entirely fenced.
 - c. Yard space may be used for other similar activities that will not alter the residential nature of the neighborhood in which the home occupation will be conducted.
- I. In no event shall outdoor storage be permitted for a home occupation.
- J. Business operation shall be limited to the hours between 7:00 am and 10:00 pm, unless shorter hours are set by the planning commission as part of a conditional use permit.
- K. The home occupation must comply with all fire, building, plumbing, electrical and health codes and all federal, state and local laws.
- L. The home occupation may not cause or create a demand from municipal or utility services or community services, including traffic, in excess of those usually and customarily provided for in residential uses.
- N. The home occupation may not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood by reasons of color, design, materials, construction, lighting, odors, sounds, noise, or vibrations.
- O. Merchandise, goods, or customer services may not be advertised or otherwise visible from the exterior of the building in which the home occupation is operated.
- P. Signs, advertising or displays of any kind shall not be visible from the public streets or from the exterior boundaries of the property on which the home occupation is conducted.
- R. Home occupations requiring State or Federal licensing must comply with all State and Federal regulations before a Home Occupation Business License is issued.

5.28.050 Specific Businesses Prohibited

Notwithstanding any provision of this chapter to the contrary, the following uses cannot qualify as home occupations:

1. Motor vehicle sales, rentals, and outdoor storage of vehicle inventory.
2. Repair of automobiles or trucks with a gross vehicle weight of 14,000 lbs. or more.
3. Body work, painting, detailing, or fiberglass repair of motor vehicles, including boats.
4. Funeral chapels and mortuaries.
5. Gift shops.
6. Restaurants.
7. Private schools.
8. Indoor storage facilities.
9. Kennels (except as permitted in A-1 and A-S zones), veterinary services, or animal daycare.
10. Mobile toilet businesses.
11. Sexually-oriented businesses.
12. Retail tobacco specialty businesses.
13. Retail e-cigarette specialty businesses.
14. Medical Cannabis pharmacy (except as permitted in the A-S zone).
15. Cannabis production establishment (except as permitted in the A-S zone).
16. Any business that is prohibited in the City's commercial or industrial zones.
17. Any business which is illegal under State or Federal law

5.28.060 Exemptions To License

The following uses are exempt from the provisions of this chapter:

1. Sale of goods or services by City residents aged 14 and under which sale of goods or services does not conflict with other sections of this Code;
2. Temporary home occupations such as garage sales, yard sales, or craft boutiques that occur not more than four (4) times a year with each event lasting not more than seventy-two (72) hours;
3. Promotional meetings for the purpose of taking orders for merchandise, by invitation only, which occur not more than once per month;
4. Community/neighborhood fund raisers which are sponsored and/or approved by City staff;
5. Any person engaged in business for solely religious, charitable or other type of strictly nonprofit purpose who is tax-exempt in such activities under the laws of the United States and the State of Utah;
6. Any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah;
7. Any person selling, offering for sale, or taking orders for or soliciting the sale of any farm products, but not including dairy products actually produced, raised, or grown by the person so selling, offering for sale or taking orders for, or soliciting the sale of any such farm products; and
8. Other exemptions as specifically approved in writing by the City Council.

5.28.080 Home Occupation Business License Renewal

A Home Occupation Business License is subject to annual renewal, with the license year being the calendar year.

5.28.090 Noncompliance; Revocation And Suspension Of Permit

The City Recorder may revoke or suspend, or decline to renew, a Home Occupation Business License for a violation of any of the requirements of this chapter, or for failure of the licensee to comply with the conditions of the license.

The Planning Commission may revoke, suspend, or modify the conditional use permit associated with a Home Occupation Business License for violation of any of the requirements of this chapter or Chapter 17.60.

The Planning Commission may suspend the permit temporarily to give the permit holder a specified reasonable period of time to cure deficiencies. If such deficiencies are not cured by the specified period of time, the Planning Commission shall revoke the conditional use permit associated with the Home Occupation Business License. During the period of suspension, the Planning Commission may impose any restrictions or conditions upon the permit holder, including cessation of all activities.

5.28.100 License Not Transferrable

No license granted or issued under the provisions of this chapter shall in any manner be assignable or transferable or authorize any person other than the licensee named therein conduct the business specified in the license.

PENDING – NOT APPROVED

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 December 8, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, December 12, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

MEMBERS EXCUSED:

STAFF ATTENDING: Kris Nilsen (City Engineer), Addison Jenkins (Community Development), Duane Huffman (City Administrator), and Debbie McKean (Secretary).

PUBLIC: Stacey Hair, Dan McConkie, Frank Scofield, Aimee Hinojosa, Jonathon Hair, Richard Paget.

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

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

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

3. Public Hearing – Subdivision Code Updates

Commissioner packets included a memorandum from Duane Huffman (City Administrator) dated December 8, 2023 regarding Land Use Code Text Amendment to the Subdivision Code (Title 16). Duane Huffman explained that earlier this year Utah Senate Bill 174 (2023) was passed that requires municipalities to update their subdivision ordinances by February 1, 2023, to comply with a new review and approval process. Staff have been working with consultants contracted by the State of Utah to review the existing West Bountiful Municipal Code for Subdivisions for compliance with the new requirements.

Subdivision application review must meet the following requirements:

- A. Subdivision provisions apply only to one (1) and two (2) family dwellings and townhomes /townhouses.
- B. City Council may not approve subdivision plat applications, for the above subdivision types.
- C. Planning Commission may only approve preliminary subdivision applications, for the above subdivision types.

Preliminary Subdivision Application Review.

1. The administrative land use authority (staff or commission) must review the subdivision application within fifteen (15) business days of receiving a complete application.
2. The administrative land use authority may receive public comment and conduct one (1) public hearing.
3. If the application complies with applicable local regulations, it shall be approved and proceed to the next step.

Final Subdivision Plat Application Review.

1. Municipalities shall complete the final review(s) at this stage. Up to four total review cycles are allowed, with each review cycle limited to 20 days or fewer.
2. A review cycle is not complete until the applicant has adequately addressed all the identified redlines made by the municipality.
3. Municipalities may only add new corrections (redlines) after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.

Public Hearing

Action Taken:

Corey Sweat moved to open the public hearing at 7:42 p.m for public comment on Land Use Code Text Amendment to the Subdivision Code (Title 16). Laura Mitchell seconded the motion and voting was unanimous in favor.

Action Taken:

Corey Sweat Moved to close the public hearing at 7:43 pm with no public comment. Denis Vest seconded the motion and voting was unanimous in favor.

4. Consider Recommendations to the City Council on Subdivision Code Updates

Duane Huffman explained that as most of the required elements are dictated by the state law, the planning commission's recommendations should focus on the elements that could be considered "options." The draft includes only ideas at this point. It has been reviewed by legal.

Staff requests that the planning commission clarify the following:

1. Land Use Authority for Preliminary Subdivisions. What body or individual should be the land use authority for the preliminary subdivision application? Options include (a) the planning commission, (b) the city engineer), (c) something else. Please keep in mind that the city only has 15 days to review and make a determination on a preliminary subdivision application.
2. Public Hearing. Should a public hearing be held for preliminary subdivision applications? The new law allows for one public hearing. Generally, the city does not hold public hearings for administrative actions (it can give the public the false sense that it can be approved or rejected based on the community's feelings), but hearings may at times be helpful for gathering information/concerns. The city's current subdivision process does not include a public hearing. A public hearing would need to be held within the 15 day window if the planning commission is the designated land use authority.

3. Small subdivisions. Should the preliminary and final plat applications and process be condensed into one for small subdivisions? The new state law allows this for subdivisions of 10 or fewer lots. If they are condensed, the planning commission cannot be the land use authority in this situation.
4. Non-residential subdivisions. Should the new process be applied to all subdivisions in the city, or should it only be applied as required by the new law?

The draft code changes reflect the concept of the planning commission being the land use authority for preliminary subdivisions, a public hearing being held, and the process only applying to residential single/double family developments.

Discussion took place among the Commission and staff. Duane explained that some things are not included because they already exist in our code.

Action Taken: Corey Sweat moved to forward the following recommendations to the City Council for their review and consideration that the land use authority for preliminary subdivisions applications be the planning commission that no public hearings will be necessary for administrative actions, that small subdivision process remain as is presently administrated, that non-residential subdivisions remain as presently administrated and should only be applied as required by the new state law. Dennis Vest seconded the motion and voting was unanimous in favor.

5. Consider Recommendation to the City Council on Home Occupations Ordinance

Commissioner packet included a memorandum dated December 8, 2023, from Duane Huffman (City Administrator) regarding Home Occupations-Land Uses Update and a redline copy of Ordinance WBMC 17-Zoning and WBMC 5.28 Home Occupations.

Earlier this year the planning commission began the necessary work of considering updates to the city's home occupation regulations. The current regulations are split between sections of the code governing Business Licenses and Regulations (Title 5) and Zoning (Title 17).

Over a series of meetings and a public hearing, the planning commission developed and recommended a set of proposed updates, which are attached to this memo. The city council reviewed the proposal and held a joint meeting with the planning commission to further understand the planning commission's recommendation.

Since that joint meeting, Duane said he has worked with individual members of the city council and staff members to identify general and specific areas within the proposal for potential re-evaluation by the planning commission. The changes are sensitive and these requests for re-evaluation do not represent the unanimous opinions of council and staff, but enough of a consensus to merit an additional thought.

He said that for the most part they would like to keep residential areas as residential as possible and get out of the conditional use business for residential uses. These thoughts are from legal and city council. Public comment was not considered.

He summarized the council's re-evaluation and noted it is at the discretion of the planning commission whether to make changes or confirm their original proposal.

Corey Sweat asked if the Council has been able to review the draft without redlines as prepared by the Planning Commission. Duane felt the redline did not impact their feelings regarding the draft document.

Laura Mitchell stated that she feels it is important to consider public comment. Corey Sweat stated that he feels diplomacy is lost in this effort. Mr. Huffman pointed out that this is about the future of West Bountiful and not the past.

The Home Occupation draft for WBMC 5.28 was reviewed page by page. Corey Sweat lead the discussion pointing out items that need to be changed throughout the document and received support from the commissioners. The following was discussed:

5.28.030 Section E. -strike all language Section D- Should read "The City Recorder may issue the Home occupation Business License when the requirements for this chapter have been satisfied.

5.28.040- Mr. Sweat suggested that this section be eliminated and replaced by a list of requirements that apply to all businesses allowed in West Bountiful.

5.28.050 – Commissioner Sweat noted that added language should be included regarding businesses prohibited by state law.

5.28.060- Corey Sweat suggested that A- D be kept in the language, but blend E and F together and eliminate the second "F" section in the document. G-I are requirements and not conditions and clear language should be used. He suggested striking "M" and "Q" and that the language "including radio and television reception" located in "N" be taken out.

Laura Mitchell requested that Addison Jenkins pull some past conditional use permits so that they can review them in a list of other things that could be considered in the requirements for all businesses.

Action Taken: Corey Sweat moved to table this item until staff can bring forth a new draft that includes the discussion and suggested changes made this evening by the commission. Dennis Vest seconded the motion and voting was unanimous in favor.

6. Discuss Process for Researching and Developing Proposal on Detached ADUs

Council packets included a memorandum dated December 8, 2023, from Addison Jenkins regarding the process for researching and developing a proposal on detached accessory dwelling units (ADUs) with a memorandum dated August 18, 2023, from Cathy Brightwell/Kris Nilsen regarding Detached Accessory Dwelling Units with references to previous discussions of this item. Also included were exhibits from Section 17.210 and 17.82 of the WBMC.

Some discussion took place regarding if we should move forward with reviewing this item at this time since legislature will likely be making changes in the next session. Dennis Vest felt it was important to at least come to some consensus of what we want.

Duane informed the commission that an online survey will be going out this spring that will ask the public their thoughts about various city services. The question regarding attached and detached housing

will be included in the survey. He suggested to wait for city input and direction from the legislature before diving too deep into making decisions. He pointed out that they could continue to research some options.

Laura Mitchell shared some input she has gathered from citizen. The consensus she gathered from over 70% of those she heard from was that the structure needs to blend with the home on the residence and not look like two separate dwellings.

Addison Jenkins asked that the commissioners submit what they are most concerned about regarding ADU's so he can craft a draft to review. Parking was noted as a big concern.

7. Meeting Minutes from November 28, 2023

Action Taken:

Laura Mitchell moved to approve the minutes from November 28, 2023. Corey Sweat seconded the motion and voting was unanimous in favor.

8. Staff Report

a. Engineering (Kris Nilsen)

- Capital project list for next year is currently being prepared.

b. Community Development (Addison Jenkins)

- South Davis Sewer has submitted their application of Intent for Annexation.

9. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:54 pm. Dell Butterfield seconded the motion. Voting was unanimous in favor.

.....

The foregoing was approved by the West Bountiful City Planning Commission on January 9, 2024, by unanimous vote of all members present.
