

**West Bountiful City
Planning Commission**

January 25, 2011

Posting of Agenda -The agenda for this meeting was posted on the State of Utah and City of West Bountiful Web-Site and sent to Clipper Publishing Company on January 20, 2011 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, January 25, 2011, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman James Ahlstrom; Denis Hopkinson, Steve Schmidt, Terry Turner, Tori Boggess; Commissioners, and Alan Malan (Alternate) Commissioner.

MEMBERS/STAFF EXCUSED: Craig Howe; City Administrator, Heidi Voordeckers (City Recorder).

STAFF PRESENT: Ben White; City Engineer, Bev Haslam and Debbie McKean (Secretary).

VISITORS: none present.

The Planning and Zoning Meeting was called to order at 7:00 p.m. by Chairman James Ahlstrom. Bev Haslam offered a prayer.

Accept Agenda

Chairman James Ahlstrom reviewed the agenda as posted. Tori Boggess moved to accept the agenda as presented. Steve Schmidt seconded the motion. Voting was unanimous in favor among those present.

Business Discussed:

Consider Approval of Home Occupation Permit for Janene Cook; Compulsive Custom Cleaning

Chairman Ahlstrom reviewed the process of applying for a Home Occupation permit and why the application from Janene Cook/Compulsive Custom Cleaning has come before the commission for approval. Ms. Cook (who was not present this evening) has submitted application for a cleaning service for small businesses and residences, construction clean up and rental properties. There will be no alterations to the home or premises as the home will not be in use. She will be using only a vehicle and some garage space to store basic over the counter cleaning supplies.

After review of the application by the planning commission, it was felt that Ms. Cook to be in compliance with all conditions for the Home Occupation permit.

ACTION TAKEN:

Tori Boggess moved to accept the application for a home occupation permit for Ms. Janene Cook; Compulsive Custom Cleaning having been found in compliance with Chapter 17.80. Terry Turner seconded the motion and voting was unanimous in favor among those.

Review West Bountiful Municipal Code, Section 17.80 Home Occupation and consider a Recommendation to the City Council for revisions of the same.

Prior to the discussion which took place among the Staff and Commission this evening, Ben White took a straw pole from each of the commissioners which involved question that should be considered in formulating this ADU Ordinance.

- Mr. Hopkinson noted that constituents mentioned that they would not sign a deed restriction on their title and they would just get a building permit to build another dwelling on their lot. He expressed that this document needs to reflect what citizen will be willing to abide with and that will not be cumbersome to staff. He feels this needs to be a simple process yet needs to be done in a way that will prevent renters from entering into our backyards after family has been helped. Ordinances need to be enforceable.
- After some discussion it was determined that the bottom line was that we do not want to make our community into a lot of rental units.
- Ben White noted that once an Accessory Dwelling Unit is built it become difficult regulate its use. Current ordinance needs clarification.
- Mr. White asked the commission to consider whether they would like to have an open rental or is it helping family members that may come to live with us? What needs to be considered is the impact of the neighborhood.
- Bev Haslam spoke to the fact about an incident in our city which built two separate home in one household which was approved in design prior to building but violated the ordinance and code by building a wall after they moved in to limit entry and make it a multi-family dwelling.

Discussion took place regarding:

- What do we really want to regulate?
- To define by definition of structure or use.
- Considering the impact to the neighborhoods.
- Does the owner need to live on the property?
- Definition is critical to regulating this ordinance.
- Family setting with no door that locks between them.
- Blocking off space allows more opportunities to charge rent.
- Easiest to enforce would be architectural restrictions being of size and owner must live there, look like a single dwelling home. It can be made to look and feel right but can't control rentals.
- Treat this similar to the Home Occupation permit where owner has to be interviewed and meet certain regulations.
- Does it help to have it as a Conditional Use permit which is renewed yearly similar to business licenses? Must get approval. This could help some with regulation.
- No separate billing for utilities.
- Restrict by Conditional Use or Not?

Mr. Ahlstrom then shared the thoughts of the City Council:

Dave Tovey- people should be able to build home as they want, but outside should look like a single dwelling home. Any rental puts this in a different category. Conditional Use with neighbors input. Must be living there. Not for financial gain. Regulate open rental.

Valerie Shaw felt similar to Dave Tovey. Biggest issue for her is the rental. Supports families being able to help each other.

Mark Preece likes the Alpine Ordinance. Wants home owner to be living if renting.

John Baza – similar to Mark Preece's comments.

- Mr. Ahlstrom shared his recommendations for changes to be made Section 17.80 Home Occupation Permit through a redlined copy of the draft ordinance.
- Mr. Schmidt felt the biggest thing to consider is what impact it would be to the neighborhood?
- Mr. Ahlstrom instructed that there needs to be some guidelines in the ordinance to describe that with allowances on a case to case basis to be reviewed by the commission.
- Staff will come up with some criteria to be applied to decide the impact the business will have on the neighborhood. Things to consider may be traffic, storage, or other such issues. More than one business per lot must be approved by the planning commission. If a business has no impact on the neighborhood/community then the Planning Commission Chair can sign off on the permit. Daycares/Preschools must always come before the commission for approval.

Changes discussed and noted were:

Section 17.80.030- C-2.d & 17.80.040-Q: Day Care, Nursery, or Preschools must be approved by the Planning Commission but also must follow Utah Department of Health for Child Day Care which includes a background check.

Section 17.80.040-

D: Change to allow more than one. Home occupation must be limited one per lot except after review of application of more than one business, it is specifically determination that the total of all business will not have an impact greater than the total of one business.

G. Allow 25 % of the garage or accessory building/structure to be used for storage.

H. If a home occupation is authorized for a garage, parking arrangements must exist for vehicles owned and/or operated by the applicant on the lot.

I. Add a #3- stating that 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. In no event should there be outdoor storage used in relationship to the business permit.

Q. Add language that would include any business that would need to be in compliance with state or federal regulations and require they comply with current conditions regulated by state or federal licensing.

Section 17.80.070- Remove the requirement for a renewal application to be submitted and fees to be paid for review each year. Renewal Application yearly for a business license is adequate unless we have received a complaint about the Home Occupation. If a complaint is filed, there would be a request for review before a business license is issued.

Bev Haslam stated that 49% of business licenses are Home Occupational and it would not be necessary to have a yearly review for Home Occupation permit unless there were complaints.

Mr. Hopkinson would like to see the whole document compiled before it goes to City Council for approval.

ACTION TAKEN:

Tori Boggess moved to send to City Council for adoption the revised 17.80 Home Occupation Ordinance with the changes reflected in the memorandum from Bev Haslam dated January 21 and after discussion and changes made this evening to City Council for their approval after a copy of the final revised has been forwarded for review via email. Denis Hopkinson seconded the motion and voting was unanimous in favor.

Consider the ADU (Accessory Dwelling Unity) Ordinance for potential recommendation to City Council.

- Alan Malan felt we would be better served by letting homeowner decide how to use their home. That we should develop a Conditional Use permit for renting home with criteria. He stated that the dwelling must be able to access the entire home from within and look like a single dwelling home on the outside.
- Mr. White noted that once the dwelling is built it cannot be regulated and enforced by staff.
- Mr. Turner noted that this ordinance needs to be in place so that Staff can have a way to protect citizen's and it is a need tool for enforcing problems that arise from conditions pertaining to this ordinance.
- Mr. White would like to have this issue resolved and the ordinance in place as soon as possible so when he is approached by citizen's requesting to build he will have something to in place to impose the conditions desired by commission and council that represent the voices of the community.
- Mr. White suggested that because this appears to be a Secondary Dwelling Unit not an Accessory Dwelling Unit so suggests that we hold another Public Hearing as it has changed so much from the original ordinance.
- Bev Haslam felt the key to this ordinance and being able to enforce it is in the architectural design restriction.

Conclusion to Discussion: Mr. White was instructed by the Commission to compile the thoughts shared this evening with the Alpine Ordinance and our current ordinance and add some architectural regulations to come up with a document for them to review.

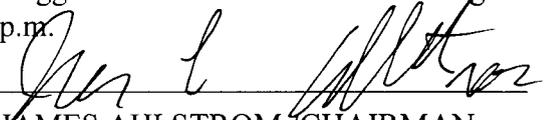
Staff Report - None given

Approval of Minutes dated January 11, 2011

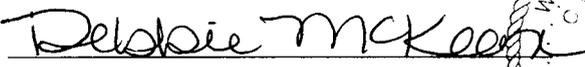
Denis Hopkinson moved to approve the minutes dated January 11, 2011 as noted . Steve Schmidt seconded the motion voting was unanimous in favor.

Adjournment

Steve Schmidt moved to adjourn the regular session of the Planning Commission meeting. Tori Boggess seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:25 p.m.


JAMES AHLSTROM /CHAIRMAN


HEIDI VORDECKERS/CITY RECORDER


DEBBIE MCKEAN /SECRETARY

