

**West Bountiful City
Planning Commission**

February 8, 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 February 3, 2011 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, February 8, 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:

STAFF PRESENT: Craig Howe; City Administrator, Ben White; City Engineer, Heidi Voordeckers (City Recorder) and Debbie McKean (Secretary).

VISITORS: Mayor Ken Romney.

The Planning and Zoning Meeting was called to order at 7:00 p.m. by Chairman James Ahlstrom. Denis Hopkinson offered a thought.

Accept Agenda

Chairman James Ahlstrom reviewed the agenda as posted. Terri Turner moved to accept the agenda as presented. Steve Schmidt seconded the motion. Voting was unanimous in favor.

Business Discussed:

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

Chairman Ahlstrom likes the simple family definition. But does not want to have a definition for family but for dwelling only (single unit Ben White suggested a Public Hearing be scheduled for the next meeting to give opportunity to the public to address the changes that have been made since the last Public Hearing as it has taken on a different flavor.

Ben White provided a draft copy of the ADU Ordinance with the proposed changes discussed in last meeting and some deletions/additions as he reviewed with legal council and as he deemed necessary as he prepared it but using the same format. He noted that the "Dwelling Unit" definition is needed for enforcements and clarification on what is desired. Mr. White clarified that the definition defines what the unit is. Single Unit definition was determined acceptable language by the commission. Mr. White pointed out that within the definition there is a list of conditions that defines if a dwelling qualifies as an ADU.

Review and discussion took place regarding the ADU ordinance draft:

- Family definition is already in code and can be used as a reference to this ordinance.
- Changed the definition of dwelling unit but still is consistent with and carries across all other city ordinances and codes. Legal reviewed this definition and approved the language as being something that can be defended.

- Steve Doxey is drafting an appeal section of city code. Appeals would go to City Council.
- Process to take place will be application submitted to Zoning Administrator to determine if dwelling is an ADU, forwarded to Planning Commission for Conditional Use permit, appeals (if any) to City Council.
- Discussion took place regarding the definition for Dwelling Unit. It was felt by some commissioners that the definition still needs to have some language change that addresses how many rooms are within the unit.
- Denis Hopkinson spoke regarding what role the staff plays in making subjective calls to the language codes to screen what is in code to forward it to planning commission or city council. He feels that the call needs to be made early on by a staff member.
- Mr. Ahlstrom feels that discretion should be made by the Commissioners and Council and not the Zoning Administrator. He would like citizen's to be able to know from the ordinance whether they qualify as an ADU or not. He feels the definition of dwelling unit is too ambiguous.
- Mr. White explained that the checklist is adequate and gives options to the owners. This definition can be defended in court per Steve Doxey.
- Alan Malan had issues with some of the language in the definition. Mr. White supported his suggestions and will continue to work on the definition of "dwelling unit".

Other issues that were discussed concerning changes to the ordinances were:

- Driveway setback restrictions- it was determined that restrictions would fit with required fire regulations and that setbacks were not important to regulate. Building permit will take care of some of these issues.
- Consideration of detached ADU's in the A-I Zone which will open up a whole new set of issues. Things that will need to be decided are size, look, materials, driveway, size of parcel. It was determined that this would not be an ADU but rather a separate dwelling unit and would not qualify under the ADU conditions. A new ordinance will need to be drafted to address that situation.
- Mr. White inquired whether the size of the ADU (50% max) matters and does the owner need to occupy the larger unit? Commission determined that it did not matter as building permit requirements would regulate this. Language needs to be architectural in nature but without specific footage regulations.
- Some discussion took place regarding parking stalls are needed for the ADU. Parking needs to be paved or graveled (if already existing) but not on the grass or street violating winter parking ordinances. It was determined to leave the language as is and let the City Council make the determination. Alan Malan suggested that parking should be "off street".

Mr. White will bring the final draft to the next meeting. A public hearing will be scheduled for the next meeting in two weeks as well.

ACTION TAKEN:

Denis Hopkinson moved to have staff correlate the discussion from this evening into an ordinance and notice a Public Hearing on the ADU drafted Ordinance for the next meeting. Tori Boggess seconded the motion and voting was unanimous in favor.

Staff Report-

- Mr. White informed the commissioners that there will be other Public Hearings scheduled for next Planning & Zoning meeting including Travis Shupe for a small lot subdivision (this item was controversial among some of the commission, so Mr. White

will do some research on this issue to determine whether or not a Public Hearing is necessary), the proposed drafted ADU, Home Occupation permit

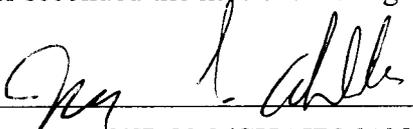
- Home Occupation permit has been reviewed by legal and is ready for public review.
- Legal is working on a documental procedure that will have staff signing off on Home Occupation permits unless conditions are present in the permit that need to be approved by the Planning Commission. This changes the current procedure of having the Planning Chairman sign off on the Home Occupation permits.
- Developers looking at the Equestrian Center to do some development in that area.
- Invited to attend Budget Work Sessions coming in the near future.

Approval of Minutes dated January 25, 2011

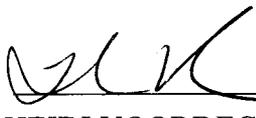
Denis Hopkinson moved to approve the minutes dated January 26, 2011 as corrected. Tori Boggess seconded the motion voting was unanimous in favor.

Adjournment

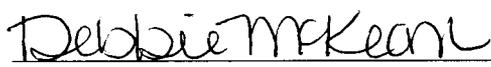
Tori Boggess moved to adjourn the regular session of the Planning Commission meeting. Terri Turner seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:30 p.m.



 JAMES AHLSTROM /CHAIRMAN



 HEIDI VOORDECKERS/CITY RECORDER



 DEBBIE MCKEAN /SECRETARY

