

**West Point City
Planning Commission
3200 West 300 North
March 23, 2017**

Present: Brad Lee, Brian Vincent, Jeff Macfarlane, Korey Kap, Rob Ortega, Jeremy Strong, Jake Shepherd, Kent Henderson – City Council Representative, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

WORK SESSION

1. General Commission training

Troy Moyes did a brief training on the Code regarding Accessory Apartments. This is located in section 17.75 of the West Point City Code. The question is, “Can I rent my Home?” There are two options for renting your home. Option 1. Renting your home is allowed if: A. You rent to a relative or family member. B. You are unable to maintain property due to age, illness or incapacity. C. The secondary unit is occupied by members of clergy. Option 2. Can I rent a basement apartment and advertise it on social media? Yes, you can, but the following criteria must be followed. A. You must have a separate entrance that faces away from the street and that does not disrupt the single-family appearance of the existing structure. B. At least one additional paved off-street parking space. C. A minimum of one bedroom and a three-quarter bath. D. A kitchen. E. A one-hour fire-rated door between any accesses to the primary unit.

If a resident wants to rent their basement, they would submit an application to the City, and the Planning Commission would need to grant approval. The Planning Commission would have to apply the Code as written. It states: 1. The primary unit shall maintain the outward appearance of a single family residence. 2. The primary unit shall have a fully landscaped yard. 3. The primary or secondary unit shall not be occupied by more than three persons per bedroom. 4. No vehicles shall be parked on the front lawn or other landscaped areas. 5. A one-hour fire rated door between any accesses to the primary unit is required. 6. The property shall be neatly maintained and shall meet all current Codes regarding property maintenance and public health standards. The requirements to approve someone applying for an accessory apartment were discussed.

Jake Shepherd commented that a one hour fire rated door is pretty hard to come by. He suggested they change the requirement in the Code to be a 20 minute fire rated door.

2. Discussion regarding multi-family dwellings in West Point City

Brian Vincent said he would like to discuss the Good Landlord Program. Who does the Good Landlord Program apply to? How many units would it apply to? What is the purpose of that program? And what are we trying to accomplish with it? Korey Kap asked what the program does specifically. Troy Moyes explained that what it does is allow control for the City. The City can't tell a landlord who they can or cannot rent their property to, but they can give you incentives for following some rules. There would be

perks for opting into the program. For example, it could cost \$30 per unit per year as opposed to \$300 per unit per year if you don't opt in. Most cities require a background check, and most won't knowingly rent to someone with a Class A misdemeanor or felony within the last four years. This has been a hot topic at the legislature lately. Property maintenance is usually part of the Good Landlord Program as well. There are pros and cons to the program. It can be very specific or very general depending on the regulations set by the City. Jake Shepherd said he feels it's a back doorway to say the City is taxing them. The opt in or out program lets us get around it, but he feels it's just another program the government puts out there. Jake continued to say that he feels that most landlords know what they are doing and they are in the business to rent to good people and he feels that the government doesn't need to get in the way of that process. Troy Moyes said that this came about because the General Plan has been discussed extensively and this multi-family zone has been discussed. That brings up the concern of what type of people would probably occupy apartments. This is something that was brought up and advocated by Gary Wright. Jake Shepherd continued stating that if it's an apartment complex then charge the fee for a Conditional Use Permit for the building but there shouldn't be a charge for every unit.

Troy Moyes said that Ogden City has created a waiver program for landlords to come to the city and say, "This person has committed a felony within the last two years, but he is an outstanding guy and we want to apply for a waiver for him to rent." The City can then grant a waiver on a case by case basis. Troy continued to say that Utah is really the only state that does the Good Landlord Program; most other states, it's reversed. They actually will incentivize apartment complexes to make sure they will rent to people that can't get homes so they can get people off the streets. Jeff Macfarlane said he worries that if we put too many requirements on people they won't find a place to live. Plus he worries that it will become an enforcement problem. Discussion took place regarding pros and cons of incorporating the program. Jake Shepherd suggested talking with a City that currently has that program in their city to see how it is working for them. The Commission agreed that they would like to talk with someone that has been involved with the program. Korey Kap said it basically boils down to whether we want to be proactive or reactive.

Troy Moyes explained that this is kind of in two pieces; you have the standards for the multi-family and you have the Good Landlord Program. We can keep talking about the Good Landlord Program and send the standards for the multi-family forward to the City Council. At this time, we only have master planned one area in the city for the R-5 zone. If someone were to come in wanting to build apartments in another area of the city, it would be a huge process. We have time to look at this program further. Rob Ortega said he doesn't feel like they are clear yet on what it is they are trying to prevent.

3. Discussion regarding a Conditional Use Permit for a Major Home Occupation License, Hamblin Auto, located at 226 North 4000 West, Cary Hamblin, applicant.

There were no changes made nor anything new brought up to discuss since the last meeting. Brian Vincent reviewed the discussion from last time to catch Korey Kap up since he was absent from the last meeting. The Commission suggested four conditions that could be placed on this home occupation. They were 1. All the visible cars on the property need to be registered and licensed. 2. A three car maximum of visible cars being

repaired at any given time on the property. 3. There shall be no cars being repaired on the street; they need to be on his property while he is working on them. 4. Mr. Hamblin must be in compliance with all other Codes before being granted a Conditional Use Permit. They discussed giving him a 45 day term to come into compliance with current issues that are against the Code.

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Brad Lee
4. **Approval of Minutes from March 9, 2017.**

Jeff Macfarlane made a motion to approve the minutes from the meeting held on March 9, 2017, as written. Brad Lee seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Conditional Use Permit for a Major Home Occupation License, Hamblin Auto, located at 226 North 4000 West, Cary Hamblin, applicant.**

Cary Hamblin was present to answer questions. Troy Moyes reviewed the application for the record. Troy stated that the proposal is to operate Hamblin Auto which will provide minor auto repairs such as brakes, tune ups, other small diagnostics and general auto repair on his property. This type of activity has been going on for some time and the applicant desires to come into compliance with West Point City Code. City Code states that this use is not ordinarily allowed as a home occupation. Staff feels that specific conditions need to be placed on this applicant so he can come into compliance with City Code for items which will include off-street parking and unregistered/inoperable vehicles. Staff recommends that the commission grant a Conditional Use Permit to Mr. Hamblin.

Mr. Hamblin said he is a mechanic doing minor repairs. He stated that there will be no engine or transmission work done at his home; this business is for minor repairs like front ends, brakes and diagnostic work. He has been doing it for a long time, and he enjoys doing that. Mr. Hamblin acknowledged that he is aware that he cannot have as many cars at his home being repaired as he has in the past, and he will take care of that. He stated that he has cleaned up the debris on the side of his house and has built another shed to house items. He also said he would have the debris in the driveway cleaned up. He helps a lot of people with their cars that don't have a lot of money to pay for repairs. Brad Lee asked Mr. Hamblin if he works on foreign and domestic cars. Mr. Hamblin said, "Yeah I do lawnmowers, snow blowers, and vehicles. Also, I was going to tell you that I don't have old oil or antifreeze on the premises. When I get it in the jug, I take it up to Walt's in Clearfield and I get rid of it. I don't store any of that at my house." Korey Kap asked if it would be a problem for him to maintain his yard from this point forward. Cary

responded that he has a small trailer that he has in front of his house right now and he puts metal parts on that trailer. He will get that out of the way once he gets rid of the other shed. He said he has things organized now.

Jeremy Strong stated the conditions the Planning Commission would like to place on the Conditional Use Permit. They are as follows:

1. Per City Code, all cars that are visible must be registered and licensed; whether that is a permanent or temporary registration.
2. There will be a three car maximum, not including his personal cars, which may be parked at the home. This does not include cars that may be parked in the garage being worked on.
3. There will be no car repair done on cars while they are parked on the street. They must be on Mr. Hamblin's property if he is working on them.
4. In order to obtain the Major Home Occupation Business License, he must be in compliance with all City Codes. The Commission will give Mr. Hamblin 45 days to come into compliance with any Code violations he has at this time.

Mr. Hamblin stated that he has started working part-time at Paul's Auto. That makes it tough to do stuff at his own house, but he would like to be able to continue doing that because he doesn't plan to work at Paul's forever.

Jeff Macfarlane made a motion to approve the Conditional Use Permit for a Major Home Occupation License, Hamblin Auto, located at 226 North 4000 West, Cary Hamblin, applicant, contingent upon the four conditions listed above. Korey Kap seconded the motion. All voted aye.

7. Planning Commission Comments

Brad Lee thanked Staff for the hard work and efforts they put in. He also welcomed Rob to the Planning Commission.

Rob Ortega had no comments.

Jeff Macfarlane thanked Staff for the work they do that makes the commissioners' jobs easier.

Korey Kap thanked Staff for the work they do for each meeting.

Jeremy Strong also welcomed Rob to the Planning Commission.

8. Adjournment

Korey Kap made a motion to adjourn at 7:19 p.m. Brad Lee seconded the motion. All voted aye.


Chairperson – Brian Vincent


Secretary – Michelle Bailey

