

**West Point City
Planning Commission
3200 West 300 North
April 13, 2017**

Present: Brad Lee, Brian Vincent, Jeff Macfarlane, Korey Kap, Rob Ortega, Jake Shepherd, Kent Henderson – City Council Representative, Boyd Davis – City Engineer, Michelle Bailey - Planning Commission Secretary

Excused: Jeremy Strong

Visitors: Catherine Carlson

WORK SESSION

1. General Commission training

Boyd Davis reviewed City Code Section 17.40 Farm Animals. Farms animals are allowed in West Point City, on residential property, based on the point system chart listed in the Code. Every acre of property gets 100 points. If there is a house on the property, it takes 20 points away, and then you are allowed animals on that property based on the point system with your remaining points. Animals held for non-commercial purposes are permitted solely in the Agricultural, R-1, and R-2 zones, and shall be a conditional use in the R-3 zone for all animals except small animals which may include chickens, ducks, geese, pigeons and rabbits, unless restricted by private development agreements, covenants, or other legally binding contracts. Roosters shall not be kept in any residential zone. Boyd Davis pointed out that dogs and cats are not included in this ordinance. They are addressed specifically in another ordinance. This covers farm animals. Each home is allowed two dogs and five cats without a kennel license. A resident went to a City Council meeting and said they live on a 9,000 square foot lot so they aren't allowed to have even a single chicken. With the current ordinance, you would have to have a minimum of 11,000 square feet to have one chicken. It has been suggested to allow every property, regardless of size, to have a minimum of three chickens, and then they would be required to follow the point system from there to determine how many more they would be allowed. Boyd Davis stated that the point system works very well. It is easy to explain to residents and it is easy to enforce. Staff suggests leaving the point system in place even if they decide to adjust it. There seems to be a movement throughout the entire state of people wanting to have chickens regardless of the size of lot they live on. The second part of the Code talks about barns, coops, stables and other structures. The structure must be at least 75 feet away from the street and 150 feet from the nearest dwelling on adjacent lots. If it is a smaller sized coop, they may go 50 feet from the street and 50 feet from the nearest dwelling on adjacent lots. Rob Ortega commented that the important part is we are trying to protect the neighbors from smells and other nuisances. We may need to point out that you may have chickens on a smaller lot, but you will still be required to meet the distance requirements. If that isn't possible, they will need to buy a bigger lot to have chickens.

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

Brian Vincent said this discussion will be about the standards regarding apartments. The Good Landlord Program has been split off from this. That will be addressed at a later date. Brian has been in contact with a few people that will be coming to talk to the commission regarding the Good Landlord Program. There is a landlord who participates in the program that will be coming as well as someone from the Utah Apartment Association.

The commissioners took turns reading Chapter 17.120 R-4 and R-5 Multi-family Residential Zones. There was discussion regarding roofline articulation and wall articulation. In the proposed Code, the roofline has to vary every so many feet; it is the same with the walls. This is based on a percentage; the larger the building, the bigger the bump out and the bigger the change in the roofline. Boyd Davis commented that these standards have worked very well on commercial buildings so they suggest using the same standards on apartments and townhouses.

There was a discussion regarding the requirements for color. The word ‘preferred’ was used intentionally in the verbiage so there is room to allow variations to that if the commission feels inclined to grant the request. It also says that the colors must fit in with the surrounding community. It was suggested that they could add verbiage saying two colors are required but three or four colors are preferred.

There was a discussion regarding how Staff determines what is considered 50% brick, stone, or synthetic stone on all sides of the structure. Boyd Davis stated that on residential structures, they measure every wall from the top of the foundation to the top plate. Gables, windows and doors are not included in that. Therefore, 50% of any of the wall that is not window or door must have brick, stone, or synthetic stone. Jake Shepherd said he feels that as styles change, those requirements may need to change.

A brief discussion was held regarding balconies. Jake Shepherd felt that shouldn’t be regulated as far as open rails or enclosed balconies as long as they conform to safety codes. The commission felt that balcony design should be left up to the developer.

Amenities were discussed. The commission would like the community garden option removed from the list

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Jake Shepherd
4. **Approval of Minutes from March 23, 2017.**

Jeff Macfarlane made a motion to approve the minutes from the meeting held on March 23, 2017, as written. Korey Kap seconded the motion. All voted aye.

5. **Public Comments: Catherine Carlson, 464 North 3830 West, West Point.** Catherine stated that she came to the meeting because she noticed that the commission would be discussing the Good Landlord Program. She is a landlord in Roy City, where they have that program, so she wanted to provide her input and perspective in hopes of convincing the Planning Commission and City Council to reject the idea and not adopt the program. Mrs. Carlson stated, "It is a burdensome task that yields, in my opinion, no benefit to the city, the renters, or landlords. By way of background, my husband and I never planned to be landlords. But when we went to sell our first home that we bought in Roy, the market was not favorable and we found ourselves in a position where we could rent it out and hopefully use it as an investment property while still building here in West Point. So that's what we did. We were glad to do that. A couple of years after that, is when Roy City adopted this program. I read about it in the paper, but I couldn't believe that my one little rental was really what they were talking about. So I kinda ignored it until finally they caught up to me and I was fined several hundred dollars for the years I hadn't been in compliance and told that the only way I could avoid those fees in the future, or to reduce those fees, because I would still have to pay some, was to join this program. In order to do that, I had to get a business license from the city. I had to attend a six hour training course offered by the Utah Apartment Association. The course costed me money in addition to the money that I had to pay to the city. The courses weren't offered very often and usually on a week day, in the morning, requiring me to get childcare, or my husband had to take off work, or whatever, so they are not convenient to attend. I did take the course. I did pay the fees. I obtained a business license. Now every year I pay the city a tax to stay a member of this program, and I get really nothing for it. Every two years I have to attend a refresher course to the tune of another \$40 or \$50. As part of the agreement, I pledge not to rent my home to convicted felons and to run background checks and credit checks on all my perspective renters, which sounds really wonderful. But I'm not required to submit to the city my application for rental. They have no idea when I'm renting or when the turnover is. They don't have the staff to oversee that kind of stuff. I could be following that contract that I signed, or I could be not following it. The city has no way of policing that. So this just seems like a bunch of smoke and mirrors; it's just a hoop that I have to jump through that nobody can really enforce. Hopefully people are honest but it just seems like a burdensome regulation that I have to follow. Additionally, part of the yearly fee includes about a \$10 disproportionate use fee and it took me a little while to figure out what that meant when I paid that last year. I racked my brain trying to remember what that was about and I finally remembered that it

is meant to defray the cost of emergency services that are used more often by renters than homeowners. I take exception to that tax. My renters pay the same utilities as everyone else. They are entitled to the same services at the same cost. To levy an additional tax simply because they rent rather than own the home seems unfair and it seems, if you want to go as far as discrimination, I think there is some ground to be had there. Lastly, it seems like a great idea to require landlords to exclude certain groups from consideration when looking for tenants. That works fine when the market is really hot and I can find great candidates within a day or two of listing my home, but we've gone through times when the market was less favorable and I have a property sitting vacant for months and months and months and financially it's just a burden that I can't afford. So I may have to look for less favorable candidates. I may have to allow a dog when I don't want to allow a dog. I may have to look for somebody who was a convicted felon twenty years ago, and I may have to rent to them because I need somebody in my home to rent it. So saddling landlords with regulations means that they can't adjust quickly to the market demands and the costs could be substantial. You would have homes in foreclosure, things like that, that you just don't want to have to deal with. Lastly, there are so many rental arrangements. Some have a lot of properties, some have few. Some have been doing it for many years, some are just starting out. Some rent at fair market price, some charge far less to a family member that's in need. To think that the city has the resources or the maneuverability to keep up with the rental market is simply not true. The Good Landlord Program lays additional burdens of time, money and regulation at the feet of citizens with no substantial benefit. Every year when I make that check, every time when I have to attend that course, I'm angry that I have to do it. I encourage members of this committee and the City Council to reject this option. Thank you."

6. Planning Commission Comments

Rob Ortega thanked Mrs. Carlson for the comments she made.

Jeff Macfarlane thanked Mrs. Carlson for her comments and said it was nice of have some public in attendance to give their opinions.

Korey Kap thanked Staff and also Mrs. Carlson for her comments.

Brad Lee echoed the other comments made. He said that was excellent information since we are a city that has never adopted anything like this, or ever had anything like this be available to us. It was excellent information to have available from someone that is actually living with it. Brad also put a plug in for the 4th of July activities that are coming up. The City is trying to put together a community band and are very excited about that.

Jake Shepherd thanked Mrs. Carlson for coming and recommended that she apply for the Planning Commission next time there is a vacancy. Jake also thanked Troy Moyes for all the work he has put into the Multi-family Code.

Brian Vincent echoed the comments made. He thanked Mrs. Carlson for coming and thanked Staff for the work they have done. He also mentioned that Curtis Seeds will be recognized at the next City Council meeting for his service on the Planning Commission.

7. 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

