

**West Point City  
Planning Commission  
3200 West 300 North  
May 11, 2017**

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

**Excused:** Jeff Macfarlane

**WORK SESSION**

**1. Discussion regarding Accessory Buildings**

City Staff would like the Planning Commission to discuss a possible change to the language in the Code that relates to living space in accessory buildings. The Code (15.15.120.J) reads: “There shall be no living space allowed in an accessory building.” It is understood that this section was added to control the single family nature of the zone by prohibiting accessory buildings to be used as accessory apartments or livable space. Chapter 17.75 of the Code places strict requirements on accessory apartments. Staff would like feedback from the Commission on the possibility of modifying livable space for accessory buildings. This issue has come up because of a home owner using an accessory building as livable space for his mother. The current Code would not allow for this without connecting the accessory building to the primary building. This is just a discussion item tonight. Would the commission consider allowing livable space in accessory buildings? Obviously anything would have to meet building code, but currently we have several accessory buildings in the city that have people living in them; they are not approved accessory apartments. There is nothing defined in the City’s Code at this time as to what is considered livable space. In the Building Code, livable space is defined as that of cooking, eating and sleeping. Jake Shepherd asked if the accessory buildings that are currently being used as accessory apartments meet the setback requirements similar to residential units. Troy Moyes said they meet the setback requirements of accessory buildings because they are buildings that have been converted into apartments. Regarding the issue that has recently come up, they have already gutted the building and converted it to livable space for his mother. They would have to obtain a Conditional Use Permit because those are required. The only loophole would be if he somehow ties it to his home with a breezeway, then technically it would be considered part of his primary structure and this wouldn’t even be an issue. The Code states that they may not rent this space out to anyone except clergy, family, or disabled. Setbacks were discussed. Should a building that has someone living in it be required to maintain the same rear and side setbacks as a home? Or can it meet the setbacks of a regular accessory building? Jake Shepherd said his thoughts are that if it meets the sideyard setback and it’s not attached to the house and it is being rented out, then he doesn’t see a problem with it. He doesn’t feel like attaching it to the house is of any value. Jake continued to say that he feels that it is the moral obligation of families to take care of each other, and we shouldn’t stand in the way of that as long as it falls under the criteria that has already been set.

Troy Moyes asked what some of the negative impacts would be of allowing this use. Brian Vincent commented that if you're cooking in there or you have a fireplace in there, the neighboring property must be protected in case of fire. Jake Shepherd commented that converting accessory building to accessory apartments shouldn't happen unless it maintains the setback of what currently is allowed to be living space; if it is residential, then it must meet residential zones. Jeremy Strong commented that if the accessory building is one foot off the property line, they could do a fire-rated system inside to contain it so that wouldn't be a problem. Troy Moyes reiterated that accessory apartments require a Conditional Use Permit so if the commission wants to place certain conditions on it, they are able to do that. It gets tricky, but that is the purpose of conditional uses so they can place conditions to mitigate impact. A brief discussion took place regarding possible conditions that could be placed on accessory apartments.

Troy Moyes asked the Commission to give him some direction as far as what they would possibly like to see added to the Code. Brian Vincent listed a few items they would like to discuss next time. 1. They would like to see the terms 'living space' and 'livable space' defined. 2. Consider the amount of space a certain number of people will be allowed to live in. 3. Living space must meet the same setbacks as the primary residence.

## **2. Discussion regarding Farm Animal Regulations**

The City Council has had several public comments during the past few meetings pertaining to the regulation that would not allow the keeping of chickens in some locations based off the size of the lot. City Code allows chickens based off a point system which is outlined in Chapter 17.40. The overall points are calculated by multiplying the total acreage by 100. If there is a home on the lot, it has a 20 point value and then that would leave you with the remaining points to keep farm animals depending on the size of the animal. Chickens have a 5 point value and would require a lot to be larger than .25 acres. The Council has requested that Staff and the Commission look at the current Code and make a recommendation. Staff has suggested that they could keep the existing regulations. They could add a base number of chickens to be set at three. Rob Ortega suggested changing the base number to four; that would help with the math plus it makes more sense to have a minimum of four chickens rather than just three. Rob also said he is more worried about the distance of the coop from the neighbor's living space. The Commission suggested that the base number of chickens be changed to four and keep the coop clean so it doesn't become a nuisance to the neighbor. The point system would then kick in after the base number. Also, chickens would only be allowed in single family zones.

## **3. Discussion regarding limited access onto main roads**

For several months, the City Council has expressed concern over allowing driveway connections on main roads in West Point City. The Council feels that homes on main roads should be rear facing and access on residential streets. The purpose of this is to prevent congestion on the main, large roads while creating a more aesthetically appealing result with the required landscape buffer. Currently there are no requirements that pertain to not allowing connections on the main roads. Staff feels like this is tricky to address because of all the differences that exist with each property. Brian Vincent commented

that he understands the Council's point on this matter, but feels that people in certain situations shouldn't be limited; they should have a right to develop their property. In some situations, they don't have other options.

## **REGULAR MEETING**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Brian Vincent
- 4. Approval of Minutes from April 27, 2017.**

Brad Lee made a motion to approve the minutes from the meeting held on April 27, 2017, as written. Jeremy Strong seconded the motion. All voted aye.

- 5. Public Comments:** None given
- 6. Planning Commission Comments**

Rob Ortega thanked Staff.

Korey Kap had no comments.

Jake Shepherd thanked his fellow commissioners. He recognized that he becomes very passionate about things but feels it is their responsibility to discuss these things thoroughly and counsel together. Sometimes there will be disagreements, but hopefully the City will be represented as a whole. He expressed appreciation for their patience and said he hopes that he doesn't ever offend anyone. He thanked everyone for welcoming him to the Commission. He also thanked Staff for all that they do.

Brad Lee agreed with what Jake said and commented that he feels it is great that even though sometimes they have differences of opinion, they are able to come together as a group to discuss things realizing that their first obligation is to the welfare of the City and its residents. Brad also encouraged his fellow commissioners to go to the City's Facebook page and go to the section about the community band they are forming and then share it on their personal social media accounts.

Jeremy Strong echoed the comments given and also thanked Staff for their hard work.

Brian Vincent echoed the comments given as well. He expressed appreciation for their discussion and opinions that were voiced.

**7. Adjournment**

Korey Kap made a motion to adjourn at 7:07 p.m. Jeremy Strong seconded the motion.  
All voted aye.

  
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Chairperson – Brian Vincent

  
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Secretary – Michelle Bailey