

**KAYSVILLE CITY PLANNING COMMISSION
MEETING MINUTES
September 23, 2021**

Planning Commission Members in Attendance: Vice-Chair Hunt, Commissioners Barrus, Lyon, Doxey, Branch and Sundloff

Staff Present: Lyle Gibson, Dan Jessop, Mindi Edstrom

Public Attendees: none

The Planning Commission meeting was held on Thursday, September 23, 2021 at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street. Vice-Chairperson Hunt opened the meeting by welcoming those present.

OPENING

Vice-Commissioner Hunt made a motion to approve the minutes from the September 9, 2021 meeting. Commissioner Lyon and Commissioner Doxey seconded the motion and they were unanimously approved.

Public Hearing for the rezone of 0.18 acres of property from HC (Health Care) to the PB (Public Business) zoning district.

Introduced by: Dan Jessop

Description:

The applicant is requesting to rezone the property at the subject address. It was Re-zoned from PB to HC in 2018 for purpose of running an adult day care business. The property is located just south of Davis Tech along the east side of Main Street, and has been used as a commercial property for many years. Now the applicant would like to return the zoning of the parcel back to the PB zone and return to using the building for office use.

Recommendation:

As a legislative decision, the Planning Commission is tasked with making a recommendation to the City Council. The Commission has broad discretion in its

decision making on a rezone, but should look to see how the requested zone fits at this location based on its surroundings and the general plan.

Discussion:

Commissioner Lyon: Asks that if this is just a rezone not a tear down.

Lyle Gibson: No, just a rezone for a business change.

Commissioner Hunt: Since there is no public here for the Public Hearing we will entertain a motion.

Motion: Commissioner Sundloff to motion to approve the property for the rezone

Motion to approve: Commissioner Sundloff

Motion to second: Commissioner Lyon

Vote on the motion: Vote is unanimous

Public Hearing for consideration of a Water Efficient Landscaping Ordinance

Introduced by: Lyle Gibson

Description:

The Planning Commission has previously discussed this item. The ordinance is primarily focused on addressing the desires of Weber Basin Water Conservancy District to conserve water resources. The ordinance as prepared is based on a draft ordinance given by the water district focused on the essential items that if implemented would qualify property owners in the city for incentives from the district to install more water efficient landscapes. The requirements are applicable to new construction.

The draft ordinance highlights the minimum requirements from the district in green. The other language attempts to address previous discussions from the commission to give options to residential development and place more specific requirements on commercial and institutional development types.

The Commission requested that a public hearing be held for this item before moving further along with the discussion and making a recommendation to the city council.

Recommendation:

The ordinance as proposed is still very detailed, staff may prefer to simplify, but with the intent of providing multiple options and addressing the minimums of the water district is ready to have it discussed by the public. Staff is seeking additional direction from the commission if changes are needed or would recommend that the commission forward a recommendation to the council should they feel ready.

Public Comment: No emails or calls and no public at meeting.

Discussion:

Lyle Gibson: Items in green in the ordinance draft are all items that Weber Basin Water is requiring in the ordinance. Everything else is a bonus. We could really simply this ordinance

Commissioner Lyon: 17-6-7 and 17-6-8 reference existing draft. Perhaps leave that section in there and reference the city code.

Commissioner Hunt opened and closed public hearing comment due to the fact that no one was in attendance.

Commissioner Lyon: Aware of some cities that water certain days by last name or house number.

Lyle Gibson: How does staff regulate or control those who are doing new building?

Residential example: Right now if Ivory homes builds homes and we don't have the builder bring in plans for landscaping as landscaping is often done well after occupancy. Staff is grappling with how to regulate.

Commissioner Lyon: You almost have to have it set that when you approve a new subdivision in the deed documents then you have the requirements in there so that the home owner is aware of the ordinance.

Commissioner Sundloff: Why do we add this into the document since it could open flood gates. Questions Lyle...the green items are what Weber Basin Water Conservancy District are requiring us to insert into the ordinance, what benefit do the residents get for participating.

Lyle Gibson: Flip your strip, in order to participate you have to have an ordinance. Weber Basin Water Conservancy District would give up to \$1.50 per square foot to pull out the existing park strip and put in a water wise park strip.

Commissioner Lyon: Would Weber Basin be open to just allowing rock without green strip?

Commissioner Sundloff: If we are going to put a number on the turf, let the home owner put their percentage where they would choose. Park strips are hard to water efficiently. Like turf, not all created equal. Some are even better than non-turf. Definition of turf is read.

Beyond the park strips, on new development for a ½ acre9000 square feet that cannot be put as turf. That is a lot of non-turf area. If we were to pass this it would be passed in the night since there is no one here. The residents would be furious with %35 required.

Lyle Gibson: Can we still support water wise landscaping, is it worth doing the ordinance in the way that it is written? There could be other options.

Commissioner Hunt: Have other cities passed an ordinance?

Lyle Gibson: Yes, Layton city

Commissioner Doxey: Drought tolerant grass needs to be a specific grass since it would require less water than a Kentucky Blue grass.

Commissioner Barrus: Concerned that just because you have a certain type of grass that you will water less.

Commissioner Doxey and Lyon: Both said that we would need to educate your public as to what would be allowed in the city.

Commissioner Lyon: People are still watering 3 -5 days a week because they are conditioned.

Commissioner Sundloff: Residents would be much more in favor to address water usage if they saw the meter. You can meter it like a cell phone plan. And charge for over usage. Standardize the usages, but then we will lose the incentives from WBWDC.

Commissioner Doxey: When he lived in Ill. he had to pay for water and it was \$200 for a month and after that he was ok to let his lawn go yellow.

Commissioner Branch: What would be the follow up and will they comply? What teeth do we have if someone does not comply too the ordinance?

Lyle Gibson: We don't have much in place and short on staff to regulate.

Commissioner Branch: If an ordinance is not well regulated and no way to follow up, the ordinance would lose its relevance and importance.

Commissioner Hunt: What other options do we have? When would everyone be getting their meters? And once we have them, will we start charging them for water usage.

Lyle Gibson: Meters are mandated by the state. The water districts have been doing some retro fitting for some of the existing home. Around \$2000 for each meter. Could be years until it is all complete with every resident.

Commissioner Hunt: So are we kicking this down the road 5-10 years for having meters in place. If we are trying to solve a problem in the community we would need to have something else in place to help the problem.

Lyle Gibson: Get Weber Basin's suggestions on other ways we can create an ordinance.

Commissioner Doxey: Have we heard from the State on how we are doing as far water conservation? Any statistics?

Commissioner Barrus: They stated on the Weber Basin tour that they have been able to conserve water this year to allow drinking water usage for next year but if things don't improve we won't have drinking water.

Commissioner Lyon: We have had a huge influx of development in the state which has added to the water shortage.

Commissioner Hunt: Open to public comment and closed due to the fact that no one in attendance.

Motion: Commissioner Sundloff to motion to table the item to allow staff to look into other opinions.

Motion to approve: Commissioner Sundloff

Motion to second: Commissioner Lyons

Vote on the motion: Vote is unanimous

Public Hearing for an Instructional Home Occupation Ordinance

Introduced by: Lyle Gibson

Description:

The Planning Commission was given an initial introduction to a new business license type that would address a unique way of conducting business from residential properties within Kaysville.

Recommendation:

After holding the public hearing the Planning Commission should give direction to staff regarding any changes they would like to see made to the ordinance, or the Commission may recommend that the Ordinance be denied or approved by the City Council.

Public Comment: Commissioner Hunt opened up the discussion to the public, however no one is there to comment, so Commissioner Hunt closed the public comment.

Discussion:

Lyle Gibson: Asks what is the temperament of the Commission?

Commissioner Sundloff: Fear of government we are continuing to add more laws to the books, giving a reduction of freedom, however this ordinance will allow more freedom and we will be facilitating growth. Thinks that this ordinance is a great start.

Commissioner Lyon: Does the city worry about liability between the two parties?

Lyle Gibson: He will check with the City Lawyer.

Commissioner Hunt: Do we have a way to make sure the owner is approving the business on their party?

Lyle Gibson: We could come up with a form to help establish permission. Are there any details that need to be changed with number of participants, property usage, instructors, etc.? Is the commission comfortable with the numbers we have in place?

Commissioner Hunt: Suggests maybe removing the percentage of property that is allowed for a home business.

Lyle Gibson: Suggests writing in an exception to the percentage of the outside usable space for the business.

Commissioner Sundloff: In theory home with a pool and it takes up the whole back yard if they had a shed as well.

Lyle: As staff we can play with the numbers on the percentages. Maybe not even necessary to have a percentage.

Motion: Table the item and push it back to staff to revise from the notes taken

Motion to approve: Commissioner Sundloff

Motion to second: Commissioner Doxey

Vote on the motion: Vote is unanimous

Discussion Item: Routine and Uncontested Variance Process

Introduced by: Lyle Gibson

Description:

There are regularly items that come before staff where a property owner is looking for a bit of wiggle room in order to accommodate an addition or new construction. The Planning Commission has similarly seen similar requests on occasion where someone determines they would like to pursue it enough that they request a variance. On multiple occasions the Planning Commission has looked at a request and expressed something to the effect of, it makes sense, but it doesn't work with the rules or variance process so have been unable to grant the wiggle room requested. In some instances ordinance changes have been pursued to create new rules or adjust old rules that would accommodate the request and similar circumstances. Zoning ordinances apply broadly too many properties and cannot always anticipate or account for every circumstance. The variance process on the books is extremely rigid and difficult to utilize when a property owner desires some flexibility. The Routine and Uncontested Variance discussion is a potential solution to the right circumstances where some wiggle room makes sense and even the neighbors agree.

Included with the report is the ordinance and the application form for the process used by Layton City.

Staff is looking to discuss this example process with the commission to determine if this is something that should be pursued further for Kaysville City.

Discussion:

Commissioner Lyon: We have changed ordinances to help with situations like on 1475 S. This process is something that could be a good thing for some neighborhoods.

Commissioner Sundloff: Looks like what Layton did was delegate the Planning Commission's authority to staff. Suggestion is to create an ordinance that is legislative and create standards that gives staff parameters within which they are then acting administratively. How can we write a law that allows for some flexibility for those instances and then let staff make the decisions administratively not quasi-judicially?

Commissioner Barrus: When we worked with the applicant from 1475 S. we were able to come up with a better ordinance. If swept under the rug then maybe would push away better ordinances.

Commissioner Hunt: If we were to go with the uncontested process it would not offer a lot of protection for staff.

Lyle Gibson: We (staff) don't always love to make discretionary decisions. A variance is a variance. Getting standards right can be tricky. Maybe come up with something different for the process? Perhaps staff can come up with some examples that are brought to them on a regular basis to help getting the standards right.

Commissioner Sundloff: It is very difficult to create standards and then apply them evenly so we could just say that we are going to keep with our ordinances as written and apply the variance. He could go either way.

Commissioner Doxey: From a strategic perspective he always wants to simplify the process. If you have competent people, then give latitude within boundaries. Then if you exceed the boundaries then bring it forward. You need to be thoughtful in latitude in those boundaries.

Commissioner Branch: What examples have the staff had to maybe make some standards?

Lyle Gibson: We can identify some as staff, pitched roofs, variation in facade, or architectural changes.

Commissioner Sundloff: Maybe not make a new ordinance, but amend the ordinance in place.

Commissioner Lyon: Agrees with making the process simple. Let's amend the ordinances.

Commissioner Barrus: Likes to make things simple, however, would this open the flood gates with everyone asking for a variance.

Lyle Gibson: If the neighbors agree to the applicants proposal it is hard to know if they are "really" on board and not persuaded.

Commissioner Sundloff: Variances that have come before that we like to approve but we can't because of the letter but it seems that we were able to find some solutions within our ordinances. There is also a slight risk that staff could pass something through that would be questionable.

Commissioner Hunt: Could we make a conditional use permit for the variance so that it would always have to come to Planning Commission?

Lyle Gibson: Staff could consider a Conditional Use Permit for this. We can have staff make a list of ordinances that are being addressed daily.

No Motion required

REPORTS, CORRESPONDANCE AND CALENDAR

Reports: The General Plan comments starting to flow in. Will use the Commission to help get the word out. The first week of October will be the Public Open House. Open house will be from 6-8:00 at City Hall. Parks Advisory Board will also be part of the open house. All materials from the open house will be left in the foyer for public. Meeting on the 13th before the public hearing.

Commissioner Lyon: He thought the conference was good. State trying to take control of cities. Taking things away from local control won't work. Loved the conference.

Commissioner Hunt: Deed restrictions, housing affordability issue. Work with developers to help control housing prices.

Commissioner Lyon: Farmington just passed an ordinance to help control housing prices. Doesn't work with a developer without enough funding, the city would be compensating the builder to get them to come in. The city would need to have the funding.

Lyle Gibson: It is likely that taxes would have to increase if the city wishes to help finance affordable units, or the city would need to be willing to increase project densities for builders to justify providing affordable units.

Commissioner Barrus: Park City was talking about their problems at the conference when the employees couldn't afford to live in the house. And the businesses went to the city to get help.

Commissioner Lyon: Asks Lyle to pull the affordability ordinance from Farmington and North Salt Lake.

ADJOURNMENT

Motion to adjourn by Commissioner Lyons and seconded by Commissioner Branch. Meeting was adjourned at 8:35 pm.