

KAYSVILLE CITY COUNCIL
October 5, 2023

Minutes of a regular Kaysville City Council meeting held on October 5, 2023 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson, and Council Member Perry Oaks

Others Present: City Manager Jaysen Christensen, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Information Systems Assistant Ardi Harsono, Brigg Lewis, Laurene Starkey, Val Starkey, Garrett Gross, Kara Hurst, Lauri Storey, Chris Doxey, Douglas Foster, Erin Clark, Kirk Hughs, Mark Quillen, Neka Roundy, Wenfei Yu, Amanda Summer, Cory Burt, Mark Brown, Tyler Ferguson, Rob Parry, Natalie Quillen, Ryan Arnell, Travis Clemens, Natalie Clemens, Stewart Barlow, Don Coleman, Ramona Porter, Carole Walker, Megan Condie, Sarah Love, John Love

OPENING

Council Member Blackham opened the meeting with a prayer and led the audience in the Pledge of Allegiance.

CALL TO THE PUBLIC

Brigg Lewis expressed frustration with Connex, the company running fiber utility lines through his neighborhood and installing numerous utility boxes in neighbors' front yards instead of the park-strip. Mr. Lewis stated that the workers are disrespectful, have lied to residents, and cause damage to properties without rectifying it. He expressed concern that if this continues, our city will resemble slums. The city had to have permitted Connex to do this work, and the city needs to tell them to stop what they are doing.

Laurene Starkey expressed gratitude to the city council for recognizing their role as representatives of the citizens of Kaysville. Mrs. Starkey also expressed appreciation for those cities that are saying that they do not have to be pushed around by the state or federal government, and can choose to listen to the needs and desires of their city's residents.

PRESENTATIONS AND AWARDS

SWEARING-IN OF 2023-2024 YOUTH CITY COUNCIL

Council Member Adams introduced the 2023-2024 Youth City Council, and Mayor Tran swore the Youth City Council into office.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

ACTION ITEMS

CONSIDERATION OF A DEVELOPMENT AGREEMENT AND REQUEST TO REZONE 2.397 ACRES AT 41 WEST 100 SOUTH FROM R-1-8 SINGLE FAMILY RESIDENTIAL TO R-M MULTIPLE FAMILY RESIDENTIAL FROM HAL T. ANDERSON

Mayor Tran commented that the city had received a lot of feedback from the community before tonight's council meeting. Many residents genuinely care about what happens in our city. Some residents act as if council members do not live in Kaysville and do not care as much about the city's well-being as the residents do. Council members serve precisely because they care about the city. There has been extensive efforts put into researching and discussing each item among council members, staff and residents to ensure they are well informed before making any decisions.

Melinda Greenwood explained that Mr. Anderson owns the properties at 41 West 100 South and has submitted a request to rezone the property from R-1-8 Single Family Residential to R-M Multiple Family Residential. The parcel is 2.397 acres in size and has an existing home on the property with frontage along 100 South. The property also has a detached accessory structure located south of the home. These parcels are surrounded by a variety of existing zones. This proposed rezone was presented to the Planning Commission at their September 14 meeting where a public hearing was held. There was a large public presence and many residents made comments in opposition of the zone change, though there were some comments supporting the change. Additional comments submitted to the Commissioners via email have been made available to the city council. Those emailed comments mostly oppose the zone change. A common theme among comments was that the property owner had not yet presented any plans for a project and a development agreement has not been presented as part of the zone change application. Other concerns shared were regarding traffic, parking, storm water, safety, neighborhood character, noise, removal of trees and the historic nature of the home due to age. The change in zoning would allow for the construction of up to thirty-seven attached dwelling units. However, with requirements for open space, parking, setbacks and outdoor storage, site constraints are such that the feasibility of that many units is unlikely. The Planning Commission has sent a 3-1 recommendation of approval to the City Council with the recommendation that a development agreement be part of the approval. The Planning Commission did not provide any details or requirements for a development agreement, so a draft agreement has not yet been drafted. While the Future Land Use Map of the 2022 General Plan shows this property to remain single family residential, the Plan contains several Goals, Objectives and Implementation Measures that support the zone change.

Mayor Tran opened the public comment period for this item.

Garrett Gross commented that he lives near the subject property and has observed that any support for approving this development appears to revolve around compliance with state mandates regarding housing. It seems premature to approve these types of developments until we have heard

the city is not in compliance. The demand for non-low income housing multi-family developments has decreased. Rather, the trend seems to be shifting towards affordable homes with yards for first-time homebuyers. The legislature passed a bill this year to provide first-time homebuyers a \$20,000 credit as incentive. Mr. Gross said that there are concerns whether this development would have the infrastructure needed. There needs to be studies done to provide data to determine if the infrastructure is adequate.

Kara Hurst said that the city council serves as a voice for the residents, and she hopes that the council would listen to the concerns of the neighbors near the subject property. Ms. Hurst expressed opposition to the rezone because the developer has presented no plan. Approving the rezone without a plan would limit the city's ability to influence how the property is developed. The property should be developed in a way to maintain the hometown feel that we have in our city. A traffic study needs to be done to assess the impact of adding thirty-seven homes on the surrounding streets.

Lauri Storey shared that she has lived at 35 North 100 West for thirty-six years and has witnessed numerous changes in the area. Years ago, she, along with her neighborhood, were actively involved in changing the zoning in this area from commercial to a residential zoning district. The Professional Business zone was created as a result because the Rampton's still wanted to keep their dental practice within a commercial zone while avoiding having retail-type uses nearby. The neighborhood's next endeavor was to establish a zoning district that would safeguard their community, which houses many historic homes and buildings. Their aim was to preserve Kaysville's history within their neighborhood. Through collaboration with the city, they successfully created the Old Kaysville Townsite Residential zoning district, which is the only area of the city with the zoning designation. Once we lose historic homes we will never get them back again. Changing a zone to something more profitable incentivizes the demolition of old homes. We should be incentivizing the preservation of old homes. Their neighborhood is already contributing to the demand for multi-family housing with 167 options within four blocks of the subject property. Their neighborhood also shoulders the businesses on Main Street and 200 North, which helps bring in tax base to our city. The city needs to prioritize the preservation of what history we have of the city, including the homes. There are individuals willing to undertake the effort of preserving these older homes. We just need the time to find the right person to do it.

Chris Doxey mentioned that during the Planning Commission meeting where this item was discussed, one of the reasons cited for recommending approval of this rezone was the city's purported lack of affordable housing. However, given that there has been no development plan presented, it is unclear this would result in affordable housing or not. The Planning Commission also remarked that Kaysville is not doing its fair share in providing multi-family homes. While this may be true if considering the city as a whole, within this particular area there are already several multi-family housing options. A Planning Commissioner mentioned a study that suggested an increased demand of people looking for multi-family housing. However, Mr. Doxey said that he had looked up the referenced study and found it stated that while more people are ending up in multi-family housing, 95% of them still prefer single-family homes. Mr. Doxey noted that similar properties in their area have been proposed for a rezone to a multi-family dwelling zone district, but have been rejected by the city council. Oftentimes a reason for denial is because the rezone is adjacent to single-family homes. Kaysville has a history of creating buffers between single-family

and multi-family dwellings, typically through commercial use, healthcare or professional business use, or twin homes. If this property were approved for the proposed rezoned, three sides of the property would abut single-family residential homes. Approval of this rezone would set a potentially risky precedent for the city.

Douglas Foster expressed concern that the council has not been provided with adequate data to make an informed decision on the proposal, aside from a potential idea. There have been no studies done to assess the impact on the city's infrastructure, particularly considering the existing issue of overcrowded schools, with many students in portable classrooms. Adding thirty-seven more families could significantly exacerbate the problem. There is a lack of community backing for the project. There is no availability for the city to subsidize affordable housing, and there likely won't be any pricing caps for the housing. The state has put cities in a challenging position by urging an increase in affordable housing without providing specific metrics, details on what affordable housing entails, or clarification on who will bear the excess funds should they go above that rate. The city needs to push back against the legislature and insist that if they want the city to move towards a more affordable housing metric, they should provide a defined metric. Had the applicant provided the necessary data upfront, many of the neighbor's questions could have been addressed before tonight. When data is presented, time needs to be allowed for citizens to be able to review the data before the proposal is presented to the council for a vote.

Erin Clark, residing near the subject property, said that according to the city's General Plan, the first goal is to preserve and protect Kaysville's small-town atmosphere by limiting change in functioning neighborhoods. Objective 1.1 underscores the need to preserve single-family neighborhoods by restricting development to models that preserve the existing character of the neighborhood. In the appendix of the General Plan, it outlines development priorities, with a majority of surveyed individuals expressing a desire to preserve single-family dwelling neighborhoods. The plan also addresses the identification of potential cut-through routes in subdivisions and the importance of making them unattractive. What measures will be taken to limit the traffic that cuts through these neighborhoods?

Kirk Hughs, residing in Gailey Court just a couple blocks west of the property, expressed gratitude to the city council and Mayor for taking the time to read the letters he had send, as well as considering the feedback from residents in the area. This area is their home. While not opposed to development in general, he is against the proposed rezone. During the Planning Commission meeting on this matter, a Commissioner commented that residents in this area need to be more open to diverse housing and the people it brings. Mr. Hughs said that this area already has the most diverse housing in the entire city, with a notable amount of multi-family housing, including apartments, rentals, a women's shelter, a trailer park, and two government-subsidized housing buildings within blocks of the property. There is a disproportionate amount of multi-family housing concentrated to this area. Mr. Hughs expressed concern about potential traffic and safety issues the proposed development may create. There is already traffic congestion, both vehicular and pedestrian, in the area. Adding more traffic to the area would be a liability. Traffic flow is already a challenge due to backups at two lighted intersections on 300 West and 200 North, and at 50 West and Main Street. More traffic will worsen the situation and hinder the resident's ability to navigate the surrounding areas, particularly impacting schoolchildren walking to the nearby schools. There needs to be a comprehensive traffic study done of the area before a decision is

made.

Mark Quillen, residing a couple of blocks from the property on 300 West, expressed his concerns about traffic and pedestrian safety in the area. Many students travel to and from school in this area, and their safety is a significant concern for the community. There is already congestion along 50 West because cars are parked on both sides of the street, particularly near the dental office near the intersection of Main Street. With 50 West already very crowded, it is difficult to see kids attempting to cross, especially during busy times of the day. Studies have been done indicating that many people aspire to live in a single-family home of their own. Affordability of homes is a supply-and-demand issue, and building more smaller single-family homes would increase options for buyers and reduce prices. The current zoning needs to remain on the property, and small starter homes should be built here. Building more townhomes will result in more transitory housing, either becoming rentals or occupied by individuals who will not stay here long as they will use the townhome as a stepping-stone for a single-family home. Not everyone wants to maintain a large yard, but a small home with a small yard would be ideal for many. The reason people are moving into townhomes and apartments is because developers are not building single-family homes, but rather are focused on making more money by building more units as they can on a piece of ground. Kaysville is a nice bedroom community and many of the residents are invested in the community. The claim that there are no multi-family housing options in the area is untrue as there are options in neighboring cities, some within walking distance. The proposed rezone is driven by financial motives – for the seller, the purchaser, and the city because the state threatens to withhold funding if such developments are not approved. This decision should not be solely based on money. This is our community and we should have some say over its development.

Neka Roundy commented that this area is an older section of Kaysville and is very significant to the city. Mrs. Roundy mention that although she may not live in this area, she shares similar concerns about its future. She expressed appreciation to the council, noting their receptiveness to the community and their willingness to discuss city matters. The county and state have recently started providing financial assistance as incentives to first-time homebuyers, stating that the American dream is to buy a single-family home. This year Senate Bill 240 created a first-time homebuyers assistance program to help Utahns achieve the American dream and build equity in their future. The city needs to take into consideration this American dream and help create opportunities that align to this dream. There are many unknowns surrounding this proposed rezone, and the council needs to consider their decision cautiously.

Wenfei Yu stated that he had researched the zoning codes of neighboring cities, as well as Kaysville City's code. In Kaysville's code, the R-M zone would allow for sixteen units per acre, without any conditional use permit required. Mr. Yu questioned whether Kaysville's R-M zone truly qualifies as a residential zone, or if it is a commercial zone disguised as residential, especially when developers request the maximum limit the zone offers. Mr. Yu relayed concern expressed to him by one of his neighbors in regards to the approval of this rezone without a proposed development plan. Without a development agreement, the maximum allowed number of residential units would be permitted. Even if the existing home were to remain, it would still be possible to fit several units on the rest of the land. Nobody wants to see that happen. The neighbors want to see entry-level single-family homes built here.

There were no further comments or questions from the public. Mayor Tran closed the public comment for this item.

Hal Anderson, the applicant and owner of the subject property, said that this property is a one-of-a-kind property and there has been some speculation about its future. The existing home, built in 1873, was purchased by the Burton family in 1913 and has remained in the family for 110 years. The family is very reticent about considering selling the property, but feels it would be best because of estate planning for the family. The best way for them to divest their properties is to sell them. Even if the property were to remain zoned as R-1-8, it could still accommodate thirteen townhomes. This proposed rezone was on the local news tonight, and it suggested that people in the area do not want to see the character of the area to be changed, increased traffic, additional residents, and more noise. A council member was interviewed by the news and they expressed the intent to vote against this proposal. It is uncertain what neighbors envisioned for this property when they purchased their homes here. Mr. Anderson said that his mother-in-law was born in the existing home and passed away here in 2010. She loved the home and the family hates to see the ownership of the property change. The family loves the property and what it holds is irreplaceable. Over the years, as development occurred, the once unobstructed view to the west now includes the freeway and nearby homes. The family has made efforts to be neighborly to new residents, and to give privacy to people. Facing decision for estate planning, the family has looked into various options for the property and they believe multi-family units have potential of creating a more inviting appearance compared to twin homes.

Council Member Adams commented that he agrees with comments about this being a premature proposal and appreciated the comments made in regards to the history of this property and the surrounding area. He also expressed appreciation to audience members who made the effort to do further research following the Planning Commission meeting, and then presented their findings to the City Council. Council Member Adams noted that General Plans are intentionally written not exact, but to give a general idea of the city's objectives. We want to protect and preserve our city. Council Member Adams expressed thanks to Mr. Anderson and the Burton family for their longstanding contributions to the city and for their community involvement. Council Member Adams acknowledge the challenges families face in estate planning and in the difficulty of letting go of properties that have been in the family for generations. Recently the Flint family, another longtime family in the city, came before the council with development plan for their family property. At the time it was being presented for approval, several meetings had been held between the family, the developer, and the neighbors where concerns could be discussed. By the time the last meeting was held, only two neighbors showed up because most neighbors were okay with the development at that point. This is a successful example. Many neighbors could be affected by the development of this subject property, and they purchased their homes with the expectation that the area would remain zoned for single-family residential homes. Council Member Adams said that in cases like this, where the proposed zoning will significantly increase density, there needs to be extensive discussions between the property owner or developer and the neighbors. This is an instance where the council becomes the voice of the people. While the council may not have control over the fate of the existing home, they can control if the zone remains the same.

Council Member Oaks expressed appreciation to those in attendance tonight, and for the comments made. Council Member Oaks commented about how, as being part of the military, he lived all

over the country in many different types of housing. Some people prefer to live in townhomes or duplexes. Those who live in multi-family housing contribute to the community. If the zoning remained, twin homes could still be built and the owner would not be required to have any studies done. There is much concern about there being no proposed plans presented with this rezone. If the council were to approve the rezone as presented, we would lose any control of what would be built there. We would not be able to put any restrictions on the property. Had the property owner proposed a plan with the rezone, many questions would be answered. As it is now, there are many unknowns. Council Member Oaks said that he does not feel comfortable approving a rezone without more information and a plan. A month ago, the council approved two apartment buildings in a commercial zone near the freeway. Doing so shows the state that we are willing to put higher density housing in areas where it is appropriate. It would be a disservice to the neighborhood to approve this rezone without having a proposed plan.

Council Member Hunt said that she also shares similar concerns with what has been expressed tonight, and she appreciates all of the comments received. If the council were to deny this rezone as presented, we would lose the opportunity to have any kind of say in how the property is developed under the current zoning. Mr. Anderson would also have to wait a year before making a similar request for the property. Council Member Hunt proposed tabling the item, allowing Mr. Anderson time to gather more information and to formulate a plan for the development. It would also give Mr. Anderson time to gather more input from city staff and the neighbors.

Council Member Blackham said that he agrees with much of what Council Member Adams had said. He had watched the Planning Commission meeting, and many residents made compelling arguments. Council Member Blackham said that he was disappointed that the residents left the meeting feeling like they had not been heard. Through the process of redoing the city's General Plan, the city reached out to residents to try to get as many people involved as they could. In our current General Plan, it shows this area planned for R-1-8 and single-family homes. Developers are building more apartment complexes everywhere right now, but we fail to see any starter homes being built. We have no small homes on small lots to offer young families who are looking for those types of homes. People want to buy into our city and building smaller homes would give more people the opportunity. An expectation has been set that this area remain zoned for single-family homes, and if we were to change that then we may give residents the impression that the council is not representing them. It seems unwise to approve a rezone without having a plan.

Mayor Tran commented that she is in support of respecting property rights. Everyone should have the same right to do what he or she want with his or her properties, as long as it is legal and permitted. Mayor Tran said that based on comments made by council members, it appears that the proposed rezone would not be approved by the council. Mayor Tran stated that the applicant could withdraw his application at this time if he chose to. By doing so, a moratorium would not be placed on the property restricting Mr. Anderson from making the same request within a year's time. It would also give Mr. Anderson time to hold meetings with the neighbors to get an idea of what they may be amenable to.

Hal Anderson said that he currently does not have a developer interested in developing the property, but would be open to reaching out to see if anyone would be interested, should the council choose to table this item. He could also have a traffic study done. Building thirteen units on the

property is not an appealing look for it. However, something will have to happen with this property at some point. Mr. Anderson asked about a development agreement for twin-homes.

Mayor Tran commented that Mr. Anderson would need to work with Staff about a development agreement, based on the type of development he wishes to have.

Hal Anderson stated that he would prefer that the council table his rezone proposal.

Mayor Tran commented that she would like to see that the property owner and the neighborhood come together and collaborate on what they would like to see done with the property. However, residents have property rights and those rights also need to be respected.

Council Member Jackson said that he appreciates how organized the neighborhood has been in presenting their concerns and comments, and in having the courage to stand up and fight for what they feel is best for their community. It is helpful to hear from the community. This property has been discussed for a long time, and he would prefer that a decision be made tonight. When the state looks at crafting policy along the Wasatch Front, they look too closely at city boundary lines, when they should be looking at allowing cities to grow regionally. Kaysville is a bedroom community, and we are different from the cities that surround ours. People are attracted to Kaysville's historic district. This area has a vast diversity of housing and may be our most diverse area of the city. We need to stick to our General Plan as best as we can.

Hal Anderson asked what the timeframe would be if this item were tabled.

City Attorney Nic Mills said that it would be tabled indefinitely, unless the council specifies a timeframe in their motion. Mr. Mills added that if Mr. Anderson were to choose to withdraw his current application, he would have to pay the application fees again, as it would be considered a new application.

Council Member Blackham commented that items are typically tabled when there are only a couple of things in question. This proposal has more than just a couple of things in question.

Council Member Adams commented that if the item were tabled, when it comes back before the city council the neighbors would not receive mailed notification.

Council Member Oaks said that he would not feel comfortable approving this rezone request without a detailed plan presented. However, if this item were denied, there is a chance that the property could be developed in a way that would be worse than a planned community could be. Council Member Oaks added that the council is usually presented with some kind of concept plan as part of a rezone request.

Council Member Hunt said that if this were denied, Mr. Anderson's property rights would allow him to develop it however he wants, as long as it meets city ordinance. If the council were to table this item, Mr. Anderson could potentially come back to the council with a development agreement and he would have time to get more neighborhood input. He could have time to come up with a different or a thought-out plan, and then we would have something to consider and vote on.

Hal Anderson asked about the standards for twin-homes.

Mayor Tran responded that Mr. Anderson would need to work with staff about the standards, and he would need to obtain a conditional use permit for twin-homes.

Hal Anderson withdrew his rezone request application.

Nic Mills commented that the city would not take any action at this point and the property would remain as is currently zoned. Staff encouraged Mr. Anderson that if he should chose to submit another application, that he consider the council's comments and present something that is different and appealing. Mr. Anderson can still submit the same or similar application, and Staff would process the application the same as before.

Council Member Adams said that there could be thirteen twin-homes built here, but they would still need to be appealing for the buyers of the twin-homes. There are still regulations that will still have to be followed.

WORK ITEMS

AN ORDINANCE AMENDING PROVISIONS OF THE KAYSVILLE CITY CODE REGARDING ABANDONED, WRECKED, OR JUNK VEHICLES

City Attorney Nic Mills explained that current City Code requires that residents store unregistered or inoperative vehicles within a building or behind an opaque fence. City Staff has noticed that this code is somewhat onerous for citizens who are fixing or restoring cars. This code amendment would allow citizens to store these vehicles in their driveways or beside their homes if an opaque screen covered them. Staff is concerned because the ordinance, as is currently written, allows for very little flexibility for those residents who are working on their cars.

Council Member Adams asked about unregistered or inoperative cars parked on the street.

Nic Mills responded that these types of vehicles would have to be parked on private property.

Melinda Greenwood added that the city does not regulate what people store in their backyard, except for in this instance. As long as a vehicle being stored in a backyard is behind an opaque fence, it would not need to be covered.

Council Member Adams made a motion to move the Ordinance amending provisions of the Kaysville City Code regarding abandoned, wrecked, or junk vehicles to an action item. Council Member Oaks seconded the motion.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea

Council Member Hunt, yea
Council Member Oaks, yea
Council Member Jackson, yea

The motion passed unanimously.

DETACHED ACCESSORY DWELLING UNITS (ADUS) DISCUSSION

Community Development Director Melinda Greenwood explained that the city currently does not allow detached accessory dwelling units, or ADUs, within the city. The city does permit detached accessory buildings as long as nobody resides within them. In past discussions by the council, concerns were expressed about potential high volumes of applications for ADUs, which could significantly impact the city's infrastructure. Cities who allow detached and internal ADUs tend to not receive many applications for them, and most are for internal ADUs. City Staff is willing to present an ordinance to the Planning Commission based on the desires of the city council. Mrs. Greenwood added that when the city council adopted the modern income housing plan element last year, there was a Planning Commission recommendation that detached ADUs be included. The city council decided to allow only internal ADUs were allowed at that time. If the council is serious about pursuing the allowance of detached ADUs, it is recommended that the city's modern income housing plan be amended to include detached ADUs so that the city would receive credit from the state for those efforts. State staff working in the modern income housing area have indicated that once the city completes an item on their list, the city must amend their plan to add another item. It would be important for the city to include detached ADUs in the modern income housing plan before approving an ordinance allowing for them.

Council Member Oaks said that one of his concerns with allowing detached ADUs is because the city has many long and narrow lots where a detached ADU could be built behind existing homes, and both the existing home and the detached ADU could become rentals. Other cities have also faced problems with regulating vacation rentals as they come into their cities.

Melinda Greenwood said that city could create an ordinance that would not allow detached ADUS to be used as a rental.

Council Member Oaks commented that vacation rentals and home rentals does not do anything towards the city's modern income housing plan.

Council Member Jackson said that he would prefer that detached ADUs have restrictions based on where they are located in the community and the existing housing in that area. We do not want to have someone build a tall detached ADU in an area with single-level homes. Allowing detached ADUs would need to benefit all neighborhoods.

Melinda Greenwood commented that it would be hard to regulate the height of a detached ADU because our current ordinance allows detached buildings to be up to thirty-feet in height. Residents are allowed to build detached buildings taller than their home as long as they meet the required setbacks. However, the council could stipulate that if someone wanted to have a detached building used as an ADU, then it would need to be the same height as the existing home.

Council Member Jackson said that if someone wanted to build a detached building, they would still need to get a permit from the city and therefore the city would have some oversight for these detached ADUs. There also needs to be legal recourse for the neighbors if someone wants to build a detached ADU right next to his or her property line.

Council Member Blackham said that he is frustrated that this discussion has come before the council for the third time. When this discussion occurred last year and the council decided to allow internal ADUs, he expressed his desire for the city to hold off on approving detached ADUs for at least five years so that we would be able to see if any problems or concerns arise from allowing the internal ADUs. Allowing both internal and detached ADUs would essentially allow duplexes on every residential lot. We do not know what the impacts would be to our infrastructure if that were to occur. We do not have enough information on how internal ADUs are impacting us now. Council Member Blackham commented that in his time of being on the council he had only received five comments from people asking about ADUs. A decision to allow detached ADUs would have a major impact on our city and it might be beneficial to put this on a ballot to be voted on by the residents.

Mayor Tran commented that the reason this item was put on the agenda tonight was that a member of the council asked for the council to discuss detached ADUs. It was also put on the agenda because someone in her own neighborhood was able to legally build a large accessory building that is taller than their existing house. Mayor Tran added that she would like the city to create an ordinance to restrict these types of detached buildings because they are intrusive and have an impact on the adjacent properties. These are not the types of buildings we want to see throughout the city. Mayor Tran commented that there have been comments made that the state is pushing to create a statewide ADU regulation, which all cities would need to comply with. It would be important for us to create our own prohibitive ordinance before that happens. The first step in doing so is having the discussion on what Kaysville is willing to allow in our city, and we need to be very specific. Then when the state comes up with the legislation, we can show them what we already have in place. We should not wait for the state to tell us what is going to happen. Rather, we should show them what we have in place to protect our community. We have heard enough push from the state that it is important to have this discussion now.

Council Member Adams asked if there were ramifications if city were to find out that someone were living in a detached building.

Nic Mills commented that it is very difficult to enforce, as it is very difficult to legally prove and gather evidence that someone is living in a detached building. When someone obtains a building permit for a detached building, there are certain things that are not allowed in the building that would consider it a dwelling. It is very complicated.

Mayor Tran added that she is not implying that the people who built this detached building is doing anything illegal. She just wants to create ways to prevent that from happening in the future anywhere in the city.

Council Member Jackson said that he appreciates wanting to get ahead of potential state legislature

that could have a drastic negative effect on our city.

Council Member Hunt said that she had a resident reach out to her inquiring about the city allowing detached ADUs, and the council is doing their due diligence by discussing it. The council represents our citizens and we should be able to address our residents' concerns. Just because we are discussing something, does not mean that we will allow it. It often feels like we are playing a game of chess with the state where we are constantly being put in check, and when that happens we have to move in order to survive and get ourselves into a better position. That is where we are at with these ADUs. It is important for us to get on top of it now. Council Member Hunt said that she is not implying that the city should allow all detached ADUs, especially with so many concerns being voiced about them becoming rentals. However, there may be instances where detached ADUs would be appropriate. For example, it is a lot less expensive to build a dwelling in a backyard for a disabled family member to live than it is to put them into a care facility. It would allow some people to capitalize on their own property. If we do it correctly, the city council can ensure that these would not negatively affect the neighbors. We do not have to do allow for detached ADUs, but it is important that they be considered. This would allow newly married young couples to have a space of their own until they can afford their own place. It would give opportunity for handicapped or disabled individuals to have their own space, but still be able to have the care they need nearby. It would be a lot cheaper for their families. It would give options to some of our residents, if we can make it work. We can set whatever stipulations needed. Council Member Hunt said she feels that this discussion should not be pushed to the side because it could greatly benefit some of our residents.

Mayor Tran thanked the council members for their comments.

Council Member Blackham made a motion not to move the consideration of detached accessory dwelling units to an action item, seconded by Council Member Adams.

Council Member Hunt made a substitute motion to continue the discussion and consideration of detached accessory dwelling units.

Nic Mills commented that Council Member Blackham's motion was seconded before the substitute motion and needs to be voted on before the substitute motion is entertained.

The vote on Council Member Blackham's motion was as follows:

Council Member Adams, yea
Council Member Hunt, nay
Council Member Oaks, yea
Council Member Jackson, yea
Council Member Blackham, yea

The motion passed with a vote of four to one.

COUNCIL MEMBERS REPORTS

Council Member Adams commented that he appreciates Representative Stewart Barlow attending the meeting tonight. Council Member Adams added that the Davis Technical College recently received a substantial donation from the Barlow and Simmons families. This donation resulted from the sale of land owned by the families. They arranged for perpetual funds to come from the apartment located on the land, and those funds would go to the DTC, mostly for scholarships. This contribution is a great benefit to our community and we want to thank the Barlow and Simmons families for all they do for the city.

Council Member Blackham mentioned that Davis County was making money available for certain first-time homebuyers and those homebuyers will not have to make payments unless they change status or sell the home. Council Member Blackham announced the Kaysville Fire Department's Open House on October 11, 2023 beginning at 6:00 p.m.

Council Member Hunt said that the Communities that Care group, a coalition of community members, had met earlier that day. This group meets together to evaluate data indicating risk factors for the youth in our area, and anyone who might be interested in being part of their coalition could contact her about getting involved.

Mayor Tran commented that Kaysville Gives would begin soon. It is a wonderful time of the year for our community to come together to give back to those in our area who are struggling. This is the seventh year of doing this fundraiser and Mayor Tran thanked Mindi Edstrom and Krista Crane for helping to oversee it over the years.

CITY MANAGER REPORT

City Manager Jaysen said he had recently attended an International City Manager Conference in Texas and attended a session about creating a great workplace culture. Many of the things suggested to improve the workplace culture the city is already doing for our employees. We have great employees who work hard and care about the city.

The city council took a break at 9:42 p.m. and reconvened at 9:49 p.m.

Council Member Oaks made a motion to extend the meeting past 10:00 p.m. The motion was seconded by Council Member Adams and it passed unanimously.

CLOSED SESSION

Council Member Blackham made a motion to recess the city council meeting at 9:49 p.m. and convene into a closed session to discuss the purchase, exchange, or lease of real property, in conformance with Utah State Code §52-4-205. The motion was seconded by Council Member Oaks and it passed unanimously.

Council Member Blackham made a motion to adjourn the closed session at 10:01 p.m. and reconvene into the city council meeting, seconded by Council Member Adams. The motion passed

unanimously.

ADJOURNMENT

Council Member Oaks made a motion to adjourn the city council meeting at 10:02 p.m. The motion was seconded by Council Member Adams and passed unanimously.