

KAYSVILLE CITY COUNCIL
August 20, 2020

Minutes of a regular Kaysville City Council meeting held on August 20, 2020 at 7:00 p.m. in the Business Resource Center of the Davis Technical College at 450 South Simmons Way, Kaysville, UT.

Council Members present: Mayor Pro Tem Michelle Barber, Council Member John Swan Adams, Council Member Andre Lortz, and Council Member Mike Blackham

Excused: Mayor Katie Witt, Council Member Tamara Tran

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Deputy City Recorder Maria Devereux, Information Technology Assistant Jordan Hansen, Community Development Director Lyle Gibson, T. Jay Frazier, Jerry Larsen, Travis Mitchell, Justin Stevenson, Annie Stevenson, Joyce Clarkson, Bruce Laser, Maureen Laser, Avery Peterson, Greg Peterson, Abigail Moody, Liz Moody, Cam Randall, Victoria Larkins, Frank Larkins, Heather Peel, Darren Peel, Julia Johnson, Ashley Johnson, Tyson Smith

OPENING

T. Jay Frazier opened the meeting with a prayer.

RECOGNITIONS AND PRESENTATIONS

Council Member Blackham said that recently one of the businesses within our city, Goodson Signs, had a very substantial structure fire. Both Farmington and Layton Fire Departments were dispatched to assist with the fire. The crews did a great job and nobody was hurt. Our fire department accomplishes a lot with few staff. The city's October newsletter will have an article discussing the need for more firefighters because our city has grown and it's become harder to provide the same level of service. Our public safety staff is committed to their jobs and serving the citizens of Kaysville. Council Member Blackham thanked our public safety officers.

Council Member Adams arrived.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Adams made a motion to accept the following consent items:

- a. Approval of the Minutes of July 16, 2020.
- b. Approval of the Minutes of July 29, 2020.
- d. Approval of purchase for Ermco transformers – Power Department.
- e. Approval of purchase to replace tilt deck equipment trailer – Public Works.

f. Approval of purchase for road salt – Public Works.
The motion was seconded by Council Member Blackham.

The vote on the motion was as follows:

Council Member Adams, yea
Mayor Pro Tem Barber, yea
Council Member Lortz, yea
Council Member Tran, yea
Council Member Blackham, yea

The motion passed unanimously.

C. APPROVAL OF PURCHASE FOR EMERGENCY MEDICAL EQUIPMENT – FIRE DEPARTMENT

Shayne Scott explained that the fire department is in need of 3 LifePaks as the current ones are outdated and parts for them are no longer available. Also needed are 2 autoloaders and cots, which allows a technician the ability to safely load patients into the ambulance. A LUCAS Device, which is an automatic CPR machine to limit patient contact, is also considered for purchase. All of these items will be purchased with CARES Act funding and will cost \$164,741.76.

Council Member Adams commented that he had a resident contact him about this item and would like a chance to be able to talk with the fire chief to give him a quote on similar products through his own business.

Shayne Scott responded that these items have already been purchased through CARES Act funds. However, the resident can meet with the fire chief to discuss future purchases.

Council Member Lortz made a motion to table the approval of purchase for emergency medical equipment for the fire department, seconded by Council Member Adams.

The vote on the motion was as follows:

Mayor Pro Tem Barber, yea
Council Member Lortz, yea
Council Member Tran, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

G. AWARD OF BID FOR THE KAYSVILLE PEDESTRIAN BRIDGE IN THE EAST MOUNTAIN WILDERNESS PARK

Cole Stephens explained that Kaysville City received a Davis County Prop One Funding grant in the spring of 2019 for the Kaysville Wilderness Park, Bonneville Shoreline Bridge transportation project. The grant is a 70/30 matching grant; 70% Prop One funding and 30% City funding with

active transportation funds. The original grant was based on a \$120,000 total project estimate, with \$84,000 from Prop One and \$34,000 from Kaysville active transportation funds. We are currently working with Davis County to increase the total project amount of the grant to \$166,600 and keep the 70/30 match to the new amount. Davis County staff are working on this and we hope to hear back from them by August 20th. Kimley-Horn was awarded the design consulting contract at the March 5, 2020 City Council meeting. In June 2020 an RFB was solicited for the construction of the pedestrian bridge over Holmes Creek in the East Mountain Wilderness Park. Four bids were received by the July 29, 2020 bid due date, with Acme Construction being the low bidder at \$129,100 for the installation and construction of the trail bridge. Mr. Stephens added that the city feels that the County will be supportive of this new amount, but must receive approval through the Davis County Commission.

Lyle Gibson added that the county has been using tourism tax funds to help improve the trail up to this point. This trail benefits the whole county because it connects through all the cities in Davis County.

Council Member Blackham said that if this item is approved, it should be approved with the stipulation that it continue to be a 70/30 matching fund split with the county.

Cole Stephens said that the location of this bridge has very tricky access and there is no vehicular access to this location, which means that the bridge will have to be brought in by helicopter. There are some timing issues as the contractor hopes to have the bridge ordered by September 1st so that they'll have time to install it by November 14th. There are not many companies that provide a service to have the bridge lifted in.

Council Member Blackham made a motion to approve the award of bid for the Kaysville Pedestrian Bridge in the East Mountain Wilderness Park with the stipulation that with the increased project total that the county continue to agree to the 70/30 fund split, with 70% coming from the county, 30% from the city. Council Member Lortz seconded the motion.

The vote on the motion was as follows:

Council Member Lortz, yea
Council Member Tran, yea
Council Member Blackham, yea
Council Member Adams, yea
Mayor Pro Tem Barber, yea

The motion passed unanimously.

ACTION ITEMS

CONSIDERATION OF DEVELOPMENT AGREEMENT AND REZONE OF APPROXIMATELY 0.425 ACRES OF PROPERTY AT 263 EAST 100 NORTH FROM THE R-D (RESIDENTIAL DIVERSE) TO THE R-M (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE FOR COMMON OPEN SPACE SUBDIVISION WITH A PRIVATE DRIVE – JERRY AND MICHAEL LARSEN

PRELIMINARY PLAT FOR THE JERRY LARSEN SUBDIVISION AT 263 EAST 100 NORTH
– JERRY AND MICHAEL LARSEN

Lyle Gibson explained that the property located at 263 East 100 North is under consideration for a rezone to accommodate a proposed common open space subdivision on a private street which includes 6 units in a townhome style configuration. The property is surrounded on all sides by the R-D district, which includes a variety of housing types historically, however the ordinance requires that new development under the R-D zone only be single family dwellings. While the zoning is consistent all the way around this property, the use of land is reflective of the districts history, including a variety of housing types. The development of new single family homes under the existing ordinance would be limited to lots of 8,000 square feet in size. However with the PRUD overlay, a common open space subdivision in the R-D district may have a density equal to that allowed in the R-M district. Because a request for the PRUD overlay was required, city staff felt the consideration of the R-M would be appropriate to clarify the different sections of the city ordinance as to what type of housing may be permitted. The project as proposed would include two-story townhomes with a footprint of about 900 square feet each. Based on the size of the units and the number of units, the number of units the project would require 5,800 square feet of open space. The current proposal includes 6,000 square feet of open space. The units would be accessed by a private street that forms a hammerhead turnaround for the shared driveway that the units front, with a zero lot line against the private street, 19 foot yards to the north and south of the units, and an 8-foot yard to the east. The amount of open space would meet the standard requirement of the common open space provisions. However the following would require approval through an acceptable development agreement: zero lot line, distance between buildings. The standard front yard setback for buildings on a private street is 20 feet. Detached homes have a standard side yard of 8 feet. The developer plans to install grass in the open space area and a masonry wall fence. The Planning Commission voted unanimously to recommend approval of the proposed rezone and development agreement. The Commission also recommended approval of the preliminary plat with the condition that the final plat have 1 guest parking stall for each unit.

Jerry Larsen commented that they want to be good neighbors and are willing to work with the neighbors to try to resolve concerns. Single family housing has become very expensive. These homes would be built to be sold for individual ownership. When this area was developed it was with the idea of having long and narrow lots so that backyards could be used agriculturally, but that isn't what people want anymore. Mr. Larsen read a comment by Lexi Ward who expressed her support for this development because it would be a good location for young adults or young families to be able to buy a home.

Mayor Pro Tem Barber asked for public comment on this item.

Joyce Clarkson commented that this old part of Kaysville needs to be preserved because of its history, older homes, mature trees, and big yards. The drawback to this area is there is more turnover because families outgrow these homes and the homes are less expensive. Developers and landlords will purchase these homes to turn into rental properties. Rentals have become more common in their neighborhood, and she has counted over 75 of them in this area. By approving this rezone it might open it up for other property owners to want to do the same. This development is proposing too many homes and isn't appropriate for this area. There are already too many of

these types of products in our neighborhood and it's becoming oversaturated. The Council needs to consider the neighbors who have vested in their properties and this area.

Bruce Laser said that years ago he had been asked to sit on a city committee to discuss flag lots within the city. Many concerns were expressed by citizens during these meetings. Mr. Laser said that during that time he felt he was being a voice for personal property rights. He also wanted proposed flag lots to have sufficient setbacks so the homes built on them were built too close to neighboring homes. The size of these proposed buildings and the setbacks on flag lots need to be considered very carefully. This development seems to run against the zoning of the area. After listening to what the Planning Commission had to say, it seems that the Commission is in favor of all flag lot developments and are in favor of approving whatever development that will bring in a maximum tax revenue. They have no concern for how the character of a neighborhood will be affected. The Commission is going against everything that the flag lot committee had discussed years ago in trying to protect this area from further development of flag lots and multi-family housing. This proposal in its present form might be more accepted if the setbacks and size of the homes were reconsidered.

Justin Stevenson said that he lives on the corner directly east of this lot and feels that the subject property is too small for 6 units to be built on it. There is no supporting evidence as to why this development would be good for the neighborhood. It will increase traffic congestion and create safety concerns for our children who live here. We need developments that will add to the city and to our culture. This will diminish the area and doesn't fit into the framework of the city. We need to protect our traditions and heritage, and what Kaysville stands for. This is just an opportunity for someone to make money. Allowing this is not worth the deterioration it will create.

T. Jay Frazier commented that he lives on the same block as this project and just sold his previous home located across the street from this property, and is very concerned with this project. They bought that home because they loved the area, and they took care of and improved the home. It is appropriate to have one single family dwelling on the subject property. This project is not for the good of the community and will not help with the current housing crisis. He supports real estate, but this is an opportunity for someone to make as much money as he can with the property. There needs to be consideration taken for the neighborhood. New developments should fit into the look and charm this area has. The traffic this subdivision could create would be devastating. The proposed complex will draw in families who will likely have at least two cars per unit. Where are these vehicles going to be parked? What happens when it snows? Where will the snow be plowed to? There are 20 children that live within this block. It is also on a major thoroughfare for Kaysville Elementary. Those who live here have chosen to live here for a reason and those reasons are put into jeopardy when a complex like this is being proposed to be built in our backyards. We don't want this in our neighborhood.

There were no further comments or questions from the public.

Council Member Lortz asked about the proposed setbacks for this development.

Lyle Gibson responded that currently they are proposing a 15 foot setback behind the units, on the north and south sides borders, and an 8 foot setback on the east side. The lane is 25 feet wide, and the setbacks from the units on the west side will be about 30 feet. There is no setback from the homes to the private street.

Council Member Lortz asked if there would be room for cars to park in front of their garages, in the lane.

Lyle Gibson said that there really isn't any room to park any vehicles on that private street.

Mayor Pro Tem Barber suggested requiring some kind of guest parking to be included in this plan.

Council Member Adams asked if the developer had heard any concerns from the neighbors about this project.

Jerry Larsen responded that he had only spoken with about 6 of the neighbors but hadn't received any negative feedback.

Council Member Adams commented that he felt that the developer should have spoken with all of the neighbors directly abutting this property because they will be the ones who will have to live next to the development once it's done.

Jerry Larsen commented that they had originally considered building 8 units, but felt that it would be better to request 6.

Council Member Lortz asked what would be allowed to be developed within the R-D zone.

Lyle Gibson explained that under the current zoning it would allow for a single family dwelling, with existing multiple family dwellings. The setbacks are very similar between the R-D and the R-M zones.

Council Member Lortz commented that they are asking to go from one single family home to six on the same property, which is a 600% growth in density. The developer has the burden of proof to show how this will fit within the neighborhood.

Council Member Adams asked about this area being rezoned to R-D 20 years ago.

Council Member Blackham explained that during that time there was a lot of development going on in the city. This particular area had the most diverse housing than anywhere else in the city, and developers continued to trying to develop multifamily housing here. After much feedback from the neighborhood, the city complied a committee to decide how to address this issue. It was decided to rezone the area to the R-D zone to try to protect the area from further higher density developments. Any existing duplexes were grandfathered into the zone. During this time they also changed the setbacks for flag lots to 20 foot front, back, and side setbacks, as well as adding a caveat that any future developments under the R-D zone would be for single family dwellings only.

Council Member Lortz commented that if people are looking for an apartment, Kaysville is not the place to look. Kaysville isn't known or designed to be a place with lots of apartment complexes or starter homes. The west side of the city is very different from the east side, but the concept is the same; people move here with an expectation and they don't want that to change. There is some diversity with our housing, but it's not common. Those who do want to bring in diverse housing

need to convince us why their idea will make our city better, and not just use the excuse of SB 34. None of the high density housing developments that have come before the Council in this last year will create affordable housing. They are high density housing with unaffordable homes.

Mayor Pro Tem Barber said that affordable housing is hard to find these days, especially in Kaysville. We talk a lot about creating affordable housing. But we also need to be very intentional with these proposals and make sure it would fit well within the area. It's a complex issue and we need to create situations where we can make affordable housing available and still preserve the area.

Council Member Lortz made a motion to deny the development agreement and rezone of approximately 0.425 acres of property at 263 East 100 North from R-D (Residential Diverse) to the R-M (Multi-Family Residential) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone for a common open space subdivision with a private drive for Jerry and Michael Larsen. Council Member Blackham seconded the motion.

Council Member Lortz said that many have expressed interest in moving back to Kaysville or creating a place for their children to be able to live in Kaysville to buy their first home. However, sometimes it's best for people to live elsewhere and save their money in order to afford to live in Kaysville. We shouldn't change the character of Kaysville just to force affordable housing within the city.

Council Member Adams commented that he is tired of developers using SB 34 as an excuse to push high density housing on us at unaffordable prices. We have yet to see a high density housing development proposed to us that is affordable. Council Member Adams said that he hopes that something different will be proposed for this property which will better fit into the neighborhood. Having this number of units on this size of lot is asking for too much.

The vote on the motion was as follows:

Council Member Tran, yea
Council Member Blackham, yea
Council Member Adams, yea
Mayor Pro Tem Barber, yea
Council Member Lortz, yea

The motion passed unanimously.

FIBER BALLOT RESOLUTION CLARIFICATION CHANGES RECOMMENDED BY LT. GOVERNOR'S OFFICE

Mayor Pro Tem Barber commented that the municipal fiber project has been worked on and reviewed for over a couple of years now. We are now at the stage in this process of getting it on the ballot for this upcoming November. The fiber ballot resolution was recently approved by the City Council, and then forwarded on to the Lieutenant Governor's office. After review, the Lieutenant Governor's office asked for more clarification on what is being voted on. We want to make sure this proposition is as clearly identified as it can be on the ballot. No changes to the

project has changed. We are just proposing some small language adjustments to make the ballot language more clear.

Council Member Lortz added that one change to the language was to specify the reference the Utah code for this special election. They also asked that this election be called a “special bond election”, even though the proposition is for a project and a bond. The statements for and against have also been reworded to reflect this change.

Council Member Blackham stated he approves of these changes because it creates better clarity for residents.

Council Member Adams made a motion to approve a fiber ballot Resolution clarification as recommended by the Lieutenant Governor’s office, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Mayor Pro Tem Barber, yea
Council Member Lortz, yea
Council Member Tran, yea

The motion passed unanimously.

WORK ITEMS

INTRODUCTION TO MULTIPLE LAND USE ORDINANCES

Lyle Gibson explained that the Planning Commission has been discussing a few different proposed ordinances over multiple meetings. They recently unanimously recommended approval for each of these proposed ordinances as written and the ordinances are being presented before the council tonight. Tonight the council will be given an introduction to what they are, discuss any concerns or questions, and then decide where to go from here. The first proposed ordinance is in regards to an ordinance amending Section 17-31-18 to refine the clear view requirements for corner lots which would prohibit the planting of trees within that clear vision triangle. This ordinance revision is being proposed as there have been concerns with the roots from trees damaging sidewalks, trees blocking pedestrian traffic on sidewalks and streets, and concerns with landscaping impeding the view of traffic at a corner lot. The amendment being proposed is to add the language to our clear view requirement order prohibiting the placement of new trees within this triangular area.

Mayor Pro Tem Barber asked about existing trees within that triangle.

Lyle Gibson responded that they would remain. This amendment would only apply to new plantings of trees.

Council Member Lortz said that suggested adding language that would allow law enforcement to have a tree removed if it’s causing a safety hazard.

Council Member Blackham responded that this is the code enforcement's jurisdiction and they would continue to address any issues. We have had this ordinance in place for many years and if the resident won't comply then the city will come in and have it cleaned up. If it's a safety issue we have always had the authority to step in and rectify the issue.

Lyle Gibson said that the second ordinance for the Council's review tonight is in regards to accessory building regulations. Over the years the city has found several accessory buildings out of compliance with city ordinances and residents have had to remove those buildings as a result. Many residents have asked the city to review our ordinances to see if anything differently could be done to allow for these accessory buildings to be allowed within more areas on their properties. Staff has reviewed this proposal for some time and discussed different options about this. The ordinance being proposed tonight continues to not allow accessory buildings within side yards, however smaller type sheds may be located in a rear or side yard abutting a public street as long as the side yard does not abut the front yard of an existing dwelling. An accessory building may be located in a side yard between the side property line and a portion of the main dwelling, which is open on 3 sides (such as a covered patio) as long as the accessory building is not further forward on the lot than any enclosed portion of the dwelling. An accessory building may also be located in the side yard between the dwelling and a side lot line where the footprint of a dwelling narrows by at least 15 feet a minimum of 30 feet from the front of the dwelling. Also being proposed within this ordinance is an amendment regarding the height of accessory buildings. The Planning Commission's recommendation is to amend the language so that if an accessory building is within 5 feet of the property line, the building shall not exceed 17 feet in height. Accessory buildings that are set back further than 5 feet maybe be 1 foot higher than 17 feet for each 2 feet beyond the 5 foot setback from property line, up to the maximum height allowed in the zone.

Council Member Blackham commented that the neighbors would likely rather see a hip roof rather than a gable roof built next to them. With the current order it is more restrictive so that someone couldn't build a 15 foot wall with a flat roof right next to the neighbor's property line. Depending on the layout, they could choose to build either a hip or gable roof. The proposed amendment will make this less restrictive and we might see more intrusive buildings erected. Council Member Blackham asked if there was a reason behind the proposed ordinance amendment to accessory building height limitations.

Lyle Gibson said that this amendment was requested by a Planning Commissioner who thought it was strange the city was forcing a hip roof and specific style of architecture because of how the ordinance was written.

Council Member Blackham said that with the current ordinance it guarantees that a neighbor can't build an accessory building with a wall higher than 12 feet right next to the property line, and that building has to have an angled roof at a 45 degree angle towards the interior of the property line. It gives more of a sight line for the neighbors and doesn't block out the sunlight.

Council Member Lortz commented that hip roofs are not uncommon in today's construction and will continue to be built no matter if the ordinance is changed or not. Why are we changing this ordinance just because someone doesn't like a specific type of architecture? Council Member Lortz added that he would like to see the building height restrictions not be amended.

Council Member Blackham said that he feels it a good idea to allow for, in specific cases, accessory dwellings within more areas of their yard because some yards are oddly shaped.

Lyle Gibson explained that the last ordinance being proposed tonight is in regard to accessory dwelling units. The main reason this is being considered is based on current issues with not enough modern income housing being available. It would also allow for a means for providing different housing options within the city. An accessory dwelling unit would not only serve as an option to provide more affordable housing options, but to accomplish the purposes of the Kaysville City Modern Income Housing element of the General Plan which was added into the General Plan by the City Council in 2019. During the process of reviewing the General Plan in 2019, a survey was done asking residents what housing types were the most needed in the city. Many expressed the interest in Kaysville exploring the idea of accessory dwelling units, rather than seeing more multi-family housing units being built. Statistics show that these accessory dwelling units are typically occupied by family or close friends of the homeowner. These units usually have less cars, and are smaller units for people who don't need as much living space. Currently our ordinances allow for mother-in-law apartments where family members would be allowed to co-exist with another family in a dwelling. We also allow for up to 5 non-related individuals to live within a single family dwelling. The difference with this proposed ordinance is that it would allow for people to have a separate structure on the property to be used as a dwelling. However, as the current proposal is written, if they are not a family relation then they would be limited to two occupants within that unit. The property would still stay under the same tax ID, there would not be any extra utility stubs or connections, and the unit would have to meet building code as a residential unit, including a separate HVAC system, having a separate fire egress.

Council Member Lortz said that these would double the density on a property. The city frequently hears concerns from our residents about our city having too many rental properties where there is not a landlord on the property. It's common for those properties to not be maintained, which is where the main concerns come from. Certainly an accessory dwelling unit would likely not have the same issues since it will be on the same property as the main dwelling and likely the property owner's home.

Council Member Adams said that if applicants went through a due process, this might be appropriate in specific areas.

Mayor Pro Tem Barber said that it was a year ago when the Council reviewed the General Plan and amended it as part of SB 34. Creating an avenue to allow for accessory dwelling units was one of the items the Council decided to add to the General Plan, which was picked out of the list provided by the state. The Council at that time felt this was something we need to consider, especially considering the feedback received by the public. It seems irresponsible to go from not allowing them at all, to approve an ordinance that would allow them practically everywhere in the city. There needs to be a place where accessory dwelling units are allowed. It was a commitment that was made by the Council and is worth considering.

Council Member Blackham commented that if you look at the ordinances for the R-1 zoning there are already provisions in place to allow for someone to have a two-family dwelling by conditional use permit. People can accommodate their needs within an existing family dwelling. Accessory dwelling units is really another single family dwelling. The definition of a dwelling is a living space with provisions for living, sleeping, eating, cooking and sanitation. Allowing for accessory

dwelling units is allowing people to have a second dwelling on a single family dwelling property. We need to know what kind of impacts these units would have on our utility systems before approving anything. Dwelling units are required to have a minimum of 100 amp power service and our city infrastructure has been designed for the existing homes. To go in and arbitrarily add another 100 amps to these service lines is going to take changes to our city infrastructure. Our transformers weren't design to have 300 amps on all of our houses. Also, a bare minimum accessory dwelling unit will require a minimum of 13 fixture units for sewer; a toilet, tub, washer, kitchen sink, etc. A dwelling equivalent has 20 fixture units. We have had many discussions recently about sewer issues as the city continues to grow and more people are wanting to develop their properties into more than two units per acre. These types of units would have a significant impact to the sewer lines and we don't know if we have a sewer system to handle this many units. New homes on a single lot have to pay over \$10,000 in impact fees. The impacts of these dwelling units would be the same as a single family dwelling unit and those impact fees should be charged to these units. We don't have the authority to not charge impact fees for the sewer district. Another thing to consider are property taxes and if the city would collect additional property taxes equivalent to a single family dwelling for each dwelling unit. Additional units will require additional city services, such as public safety, and we need to be able to cover those costs. The Council just reviewed some flag lot developments that had all of the neighbors involved who were very concerned about adding more density the negative impact it would have to their subdivisions. Some of the concerns expressed involved parking, noise, and traffic congestion. These accessory dwelling units have the potential to double the density in an area or zone without going through a rezone, other than a conditional use approval from the Planning Commission. Part of the concern with conditional uses is if an applicant meets the conditions of a conditional use, then the city is obligated to approve it. It is likely that there are many subdivisions within the city that have covenants stating that there shall only be one single family dwelling unit on a lot. While the city does not enforce subdivision covenants, why would the city approve the creation of an ordinance that is in direct conflict with the covenants of many of our subdivisions? Council Member Blackham stated that he hopes that any ordinance with this much of an impact on our citizens would be clearly defined on our agendas as a discussion to pass an ordinance allowing an additional dwelling unit on every owner-occupied piece of property in the city. As regards to SB 34, Kaysville is in compliance with it now, without the proposed accessory dwelling unit ordinance in place.

Council Member Adams said that oftentimes when people build a pool house, that pool house will become a separate dwelling.

Council Member Blackham responded that people can build another family room above their garage, or build a pool house with fixtures in it. It becomes a problem when homeowners change the use from a single family dwelling with an accessory building. For instance, when a pool house is built for that use, and then it becomes occupied as a dwelling then the use of the building has changed and that's when it is a violation. The city has ordinances against these situations and could potentially go after people for it.

Council Member Lortz said that this could have a very large impact to the city and needs to be considered cautiously.

Lyle Gibson said that the city has options to limit the number of units allowed, proximity of each unit, size of the unit, etc. When this ordinance was originally drafted it included a lot of restrictions

for the units. However, the Planning Commission felt removing those restrictions was the best route to make it easier for everyone.

Council Member Lortz commented that he sees a lot of concerns with proceeding forward with this.

Council Member Blackham agreed and added that he would not want to see this go any further.

Council Member Adams asked if the city would be in violation of SB 34 if we don't pass this.

Council Member Blackham said that he feels that the city has done what it needs to in order to be in compliance.

Council Member Lortz said that there is not a time frame for when the city has to implement these changes as a result of SB 34.

Lyle Gibson added that the city was required to implement at least 3 of the items from SB 34 within the General Plan. The City Council decided on 4 of the items to add to the General Plan. The Council could decide to move ahead with this, modify the General Plan or remove this item completely from the General Plan.

Mayor Pro Tem Barber commented that she is still open to considering accessory dwelling units. We need to look at them in a case by case manner. These are a need within our city and they could be accommodated better than a subdivision. Mayor Pro Tem Barber added that if we consider the units, impact fees are important to discuss.

Council Member Blackham said that we have plenty of apartments within our community to accommodate the need.

Council Member Adams said that if we were to consider these units, our ordinance would need to be very specific and strict in what would be allowed.

Nic Mills commented that the city has a lot of zoning laws that HOAs will chose to restrict and we shouldn't follow the lead of an HOA. If they are restricting something, it doesn't mean we should do the same. People could chose to buy within a neighborhood based on their covenant restrictions. Accessory dwelling units serve a unique purpose and if we limit them to specific circumstances they could serve as a good function within the community.

Mayor Pro Tem Barber said that as the legislative body, the Council could make this ordinance work the way we want it to.

The City Council agreed to move the ordinance amendments regarding the clear view requirements and accessory buildings to an action item, and to bring the discussion regarding an accessory dwelling units ordinance back sometime in the nearby future.

CALL TO THE PUBLIC

Tyson Smith commented that he has been living in the city for many years and has a company

located within the city. He is an advocate of the city, but he also recognizes that something needs to be done to address affordable housing here. Their kids want to live in their own homes within Kaysville and there needs to be more affordable housing so they have a place to live. Mr. Smith said he supports accessory dwelling housing units and thinks that they should be allowed with restrictions in place so that the city will be able to help control the number of units allowed, the number of people within those units, as well as other things. This will allow property owners to utilize our land in a way we can help our families. We already know these units are within the city, so why not make it legal and set some regulations to keep them under control. The city needs to accommodate our current need. There are enough people who need and want this type of housing.

ADJOURNMENT

Council Member Lortz made a motion to adjourn the City Council meeting at 9:13 p.m., seconded by Council Member Adams and passed unanimously.