

**KAYSVILLE CITY PLANNING COMMISSION  
MEETING MINUTES**

**July 8, 2021**

Planning Commission Members in Attendance: Chairperson Josh Sundloff, Commissioners Lyon, Nguyen, Barrus, Hunt and Branch

Staff Present: Lyle Gibson, Dan Jessop, Mindi Edstrom

Public Attendees: Tammy Tran, Collin Gee

The Planning Commission meeting was held on Thursday, July 8, 2021 at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street. Chairperson Josh Sundloff opened the meeting by welcoming those present.

**ELECTION OF PLANNING COMMISSION CHAIRPERSON AND VICE-CHAIR PERSON**

**Introduced by:** Lyle Gibson

Lyle Gibson explains duties and responsibilities of the position.

**Motion:** Commissioner Lyon nominates Commissioner Nguyen as Chairman and Abbigail Hunt as Vice Chairman.

**Motion to approve:** Commissioner Lyon

**Motion to second:** Commissioner Doxey

**Vote on the motion:** Vote is unanimous

**OPENING**

Commissioner Lyon made a motion to approve the minutes from the June 24, 2021 meeting. Abigayle Hunt seconded the motion and they were unanimously approved.

**REVIEW OF DRAFT ORDINANCE FOR ACCESSORY DWELLING UNITS**

**Introduced by:** Lyle Gibson

**Description:**

The State Legislature passed [HB82](#) during the 2021 legislative session which requires cities to allow Internal Accessory Dwelling Units (IADUs) as outlined by that statute.

Kaysville City staff has reviewed the legislation and prepared a draft ordinance for review of the Planning Commission that works within the allowances of that legislation.

In light of this legislation and using some direction from the recent past in considering allowing accessory dwelling units in Kaysville, this ordinance allows most residential properties to have either an internal or external accessory dwelling unit if the property owner also lives on site.

**Key Points:**

- Single Family Residential Properties exceeding 6,000 sq. ft. may have either an internal or detached accessory dwelling unit.
- The property owner must live on the property.
- No short term rentals in an ADU.
- Requires a license from the city to rent an ADU.
- IADUs would be a permitted use, detached ADU would be conditional use.

**Recommendation:**

Staff is looking for input from the Planning Commission to refine changes before noticing a public hearing where the Planning Commission will make a formal recommendation to the city council regarding this ordinance.

**Public Comment:** No public comment

**Discussion:**

Mr. Gibson shows a power point of what is an ADU. Kaysville has allowed an ADU as long as it has been attached and for a familial relationship. He explains the advantages and applications of offering ADU'S.

Commissioner Lyon mentions that an ADU would not impact traffic concerns.

Mr. Gibson says that staff has received many calls about being able to add an ADU to external auxiliary buildings.

Commissioner Lyon asks about those that are already doing them? Will they be grandfathered in? Or will they have to come back in if they are not meeting the code?

Mr. Gibson explains that existing ones will have to come in so they can track them.

Commissioner Lyon says that you would have to recognize ADU's and bring them in and then you could grandfather them in so that you could begin to regulate the rental.

Commissioner Lyon asks if you could do a blanket zoning over the city or if you pick and choose when zones ADU's would be allowed.

Mr. Gibson says it is up to the commission on what they propose to be allowed. Staff was suggesting to do it based on lot size unless the commission is wanting to restrict it a bit more than it is up to them.

Commissioner Lyon backs up from previous statement of choosing which zones can have them and suggests not restricting new development.

Commissioner Nguyen agrees with Commissioner Lyon on not placing restrictions.

Commissioner Hunt asks Mr. Gibson about 17-2-2 and the definition of family. Would ADU not be allowed to have cooking facilities?

Mr. Gibson says that attorneys were worried about restrictions and that each unit could have their own kitchen facilities and that they should be run independently with bathrooms, kitchens, laundry etc.

Commissioner Branch ask about parking requirements.

Mr. Gibson states that there is not a hard surface parking requirement, but will check with the Attorney's office to see what hard surface can be required based on HB82.

Commissioner Doxey asks if this statute overrides HOA CC&R and Mr. Gibson states that the statute does over ride them.

The state does not require that we allow external ADU's. The state says we have to allow internal. The way the code is written, an external ADU's size would be restricted only by the existing limitations of an accessory building. The Planning Commission may recommend a size limit..

Commissioner Hunt asks if the ADU can be placed as a conditional use and Mr. Gibson responds with yes, a detached ADU can be a conditional use.

Commission discusses the 6,000 sq. foot lot requirement to have an ADU. Most every property will fit within the requirement. There will still be setbacks and lot restrictions.

Definition of family is read and discussed. Questions about relationships and perhaps there is a need to edit the "family" definition.

In what way are these different from duplexes? The look of the home will still remain the same with no change the feel of the neighborhood. The ADU would not operate on separate meters.

Mr. Jessop explains that ADU are to save families money. If you add additional meters than that starts making infrastructure changes and fees begin to apply.

Commissioner Hunt asks about addresses and the ability for emergency vehicles to access in case of an emergency. And staff will have to come back to that concern in the code.

Commissioner Sundloff suggests doing ADU by limiting area, number of inhabitants, lot size rather than not having any restrictions in place.

Commissioner Lyon asks for short term rentals to be added to the ordinance. Staff indicates that this will be included in the ordinance.

**Motion:** Bring back as a public hearing for additional comments and input.

**Motion to approve:** Commissioner Lyon

**Motion to second:** Commissioner Sundloff

**Vote on the motion:** Vote is unanimous

## **REVIEW OF HOME OCCUPATION ORDINANCES**

**Introduced by: Lyle Gibson**

### **Description:**

Recently city staff has been made aware of a business model that would operate from homes within Kaysville but is not permitted by the city's ordinances as they are currently written. Staff has not approved the proposed business but believes that it highlights a scenario that merits consideration for potential updates to the city's ordinances.

Fictional Sample Scenarios:

1. A Kaysville City resident is proficient at tennis, but they do not have a tennis court at their home. They would like to teach lessons and a neighbor has agreed to let them use their tennis court. Lessons may be one on one or small group.
  - a. The ordinance requires that a business be owned and operated by the inhabitant of the home where licensed.
2. A Kaysville resident has developed a tutoring program for students that works best offering 1 on 1 instruction. The program is successful enough that this resident can't accept all the students interested in their service. They would like to train or find others capable of teaching at the same home as an employee to reach more students.

Currently, with few exceptions (Major Home Occupation A), no outside employees are allowed in a home business.

These two brief scenarios highlight in some fashion a desire to improve or expand available services of a home business with outside help or at other residential properties.

There may be other items that the commission has noticed during their service and time reviewing major home businesses that may be discussed for the consideration of potential ordinance updates.

### **Recommendation:**

Whether a change is merited or not based on the sample scenario or other reasons, staff believes a review of the ordinance is worthwhile to either ensure we are where we desire or to find ways to improve the code. Upon direction of the commission, staff will prepare a draft ordinance and notice a future hearing for official consideration.

### **Discussion:**

Commissioner Sundloff suggests that staff come up with code that can help draw the line on businesses that this can apply to without the situation being taken advantage of.

Commissioner Lyon mentions that the work place has changed since covid and this ordinance would open up new business opportunities.

Commissioner Sundloff also suggests that staff can approve certain CUP (conditional use permit) as to not making a business owner spend time presenting to the Planning Commission.

So less about approving the business based on the trade and more about how the business operates. Uses the example of contractors or eBay business that are low impact to the neighborhood.

Mr. Gibson agrees with the suggestion of limiting what businesses need to come before the Planning Commission.

Commissioner Nguyen states that we can set a number for participants/employees allowed with a stipulation of staggering shifts for example. And in the ordinance it would allow for staff to make the decision.

**Motion:** To have staff make a draft ordinance

**Motion to approve:** Commissioner Nguyen

**Motion to second:** Commissioner Lyon

**Vote on the motion:** Vote is unanimous

### **CALL TO THE PUBLIC**

Nothing was brought forward

### **REPORTS, CORRESPONDANCE AND CALENDAR**

#### **Upcoming items:**

Meeting to be cancelled on July 22<sup>nd</sup>.

Utah league of Cities and Towns is coming soon, information will be coming soon.

There is an interest of a landscape ordinance to encourage or mandate more water efficient improvements. Layton, Syracuse, Clearfield, Sunset, and Clinton have adopted a new ordinance that we can glean from. Logan City is also a great city to look at for landscape ordinances.

Perhaps a field trip up to Weber Basin with City Council and the Planning Commission.

### **ADJOURNMENT**

Motion to adjourn by Commissioner Sundloff and seconded by Commissioner Lyons.

Meeting was adjourned at 8:36 pm.