City of Taylorsville
Planning Commission Meeting Minutes
December 13, 2022
Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission
David Wright – Chair
Lynette Wendel – Vice Chair
Don Quigley
Cindy Wilkey
Don Russell
Marc McElreath (Excused)
Gordon Willardson
David Young (Alternate)

Community Development Staff
Jim Spung – Senior Planner
Terryne Bergeson – Planner 1
Stephanie Shelman – Deputy City Attorney (Remote)
Jean Gallegos – Admin Assistant/Recorder

CITIZENS/GUESTS PRESENT: Steve Pratt, Scott Peterson, Gaven Stumpf, Monty Beaumont, Donna Miller, Craig Miller, Samatha Price, Ken Rowberry.

BRIEFING SESSION – 6:00 P.M.

1. The Briefing Session was conducted by Mr. Jim Spung. He reviewed the items on the agenda which consisted of the following: (3) File 22C22 – Consideration of a Preliminary Non-Administrative conditional Use Permit to Operate a Class D Home Occupation Daycare at 5756 South Player Ridge Circle (presented by Tarryne Bergeson/Planner 1) (4) A Public Hearing and consideration for a Subdivision Plat Amendment, Amending Lot 2 of the American Express Subdivision Plat at Approximately 4235 South 200 West (presented by Jim Spung/Senior Planner); (5) A Public Hearing and Consideration for a Subdivision Plat Amendment, Amending Lot 2 of the Trans West Subdivision at 6189 South Redwood Road (presented by Tarryne Bergeson/Planner 1); (6) A Public Hearing and Recommendation to the City Council for a Zoning Text Amendment to Taylorsville Municipal Code Sections 13.07.020; 13.08.020; 13.09.030; 13.10.020; 13.11.030; 13.16.080; and Chapter 13.36: Definitions, Related to Home Occupation Standards (presented by Jim Spung/Senior Planner). The last item on the agenda, #7 was Review and Discussion of Proposed Text Amendments to Title 5; Business Licensing, Related to the Good Landlord Program, which will be presented in the meeting by Jay Ziolkowski/Community Outreach. Each Planner explained their individual items and answered Commissioner's questions.

   Break: 6:55 P.M.

Commissioner Wright opened the meeting with the Planning Commission statement and welcomed those in attendance.

GENERAL MEETING – 7:00 P.M.

Consent Agenda

2. Approval of the Planning Commission Minutes for October 11, 2022. **Commissioner Quigley** advised he had some corrections he wanted added to those Minutes.
   MOTION: Commissioner Wendel moved that the Minutes be moved to the next Planning Commission meeting for consideration to allow those corrections to be made.
   SECOND: Commissioner Quigley
   VOTE: All Commissioners present voted in favor. Motion passed unanimously.

Conditional Use Permit

3.	22C22 – CUP-000214-2022 – Consideration of a Preliminary Non-Administrative Conditional Use Permit to Operate a Class D Home Occupation Daycare at 5756 South Player Ridge Circle, Taylorsville, Utah. (Terryne Bergeson/Planner 1)

3.1 This item was presented by **Terryne Bergeson**. **Ms. Bergeson** advised that Samantha Price had applied for a conditional use permit to operate a daycare out of her residence. She has applied for Home Occupation Class D – Family Childcare Class D3, defined as a Class D home occupation that provides caregiver services for nine to twelve children with sufficient staffing required by the State of Utah Health Department. This number includes the caregiver's own children under the age of six who are not yet in full day school.

3.1.1 Samantha Price has five children under the age of six and not attending school all day, allowing her to request to provide service for up to seven additional children with a second provider present, or provide services for three if there is not a second provider present.

3.1.2 A Class D Home Occupation is generally reviewed by City Staff in accordance with Administrative Conditional Use Review Process. During Staff's review, public notice was mailed to entities and property owners within 300 feet f the subject property. Staff received seven comments expressing concern or opposition to the proposed daycare use related to concerns about traffic and noise. Due to the feedback received because of the mailed public notice, the Director delegated this Administrative Conditional Use to the Planning Commission for review and decision, pursuant to the powers and duties identified in 13.03.030 (A)(3)(c)(4).

3.1.3 The application was presented to the Planning Commission on July 12, 2022, at which time a motion to table was passed due to open code cases, a lack of proper fencing in segments of the rear yard, and non-compliance with the City's internal accessory dwelling unit requirements. The applicant and property owner have worked with the City to address the outstanding issues. The applicant provided photos that demonstrate compliance with landscaping and fence requirements. Previous open code cases have been resolved and there is now an active ADU license associated with the property.

3.1.4 **Ms. Bergeson** advised that the applicant has laid all the sod. There is still one portion next to the house that has just dirt, but they have already begun paving that. **Commissioner Quigley** advised that in looking at the pictures the applicant has submitted he noted that the yard was not updated yet but was in the process thereof. **Ms. Bergeson** said she didn't include all of the photos the applicant submitted to Staff but indicated there is dirt in the backyard on a small strip next to the house still but the photo being displayed on the image screen shows they have started the paving process on some of that dirt. She advised that the applicant was in attendance and Commissioners would be able to ask her their questions.

3.2 **FINDINGS**: **Ms. Bergeson** reviewed Staff's Findings.

3.2.1 This application was initiated by Samantha Price on April 12, 2022.
3.2.2 The subject property is in the R-1-15 zoning district.
3.2.3 The subject property is in the "Estate Residential" designation in the City's General Plan.
3.2.4 This conditional use permit request is consistent with current zoning and General Plan designations.
3.2.5 Samantha Price resides in the internal accessory dwelling unit (ADU) on the property.
3.2.6 The driveway is 1,950 square feet and can accommodate parking for all requested uses of the structure.

3.2.7 The proposed daycare use has passed all State inspections at this location.
3.2.8 City Staff received seven (7) responses to the mailed notice in April 2022.
3.2.9 Application was presented to the Planning Commission on July 12, 2022 and was tabled due to non-compliance with multiple City Standards, which have been resolved.
3.2.10 Property owner has obtained ADU rental license.
3.2.11 Landscaping has been installed in the rear yard.
3.2.12 Rear yard fencing complies.
3.2.13 Planning Commission has the authority to grant an exception for area of fence that varies due to an unusual circumstance.
3.2.14 Staff and review agencies have identified conditions of approval (listed below) to be considered by the Planning Commission prior to preliminary approval.
3.2.15 The Director has deferred decision-making authority for this administrative conditional use permit to the Planning Commission.

3.3 **CONDITIONS OF APPROVAL**:

3.3.1 The Director is authorized to conduct the final administrative conditional use review.
3.3.2 All outstanding City Department and review agency comments be resolved, and subsequent revisions comply with applicable City Ordinance, Codes and Standards prior to issuance of final administrative conditional use permit.
3.3.3 Rental license for ADU must remains active for as long as the ADU exists to keep property in compliance with business license requirements. If the ADU license expires, the home occupation will be operating on a property that has an active code violation and will be subject to review for compliance with the possibility to have the license revoked.
3.3.4 The outdoor play area must be kept in a well maintained and safe condition.
3.3.5 Parking associated with home occupation is limited to off-street spaces located on the subject property.
3.3.6 Approval is contingent upon a traffic impact analysis, submitted by the applicant. Analysis must demonstrate Jordan Canal Road and Player Ridge Circle have the capacity for traffic increases due to additional home daycare use in the cul-de-sac.
3.3.7 Home Occupation Class C or D business licenses permitted to be active at this address shall be limited to one.

3.4 **APPLICANT ADDRESS**: **Samantha Price** advised that they did get part of the cement poured but some is still on hold until the weather clears. The caps for the walls are still to be installed.

3.5 **SPEAKING:** **Commissioner Wright** opened the public hearing, and no one came forward. **Ms. Bergeson** said she had received two comments; one was regarding the van width compared to the road and the other was concerning traffic in general in the cul-de-sac. **Commissioner Wright** then closed the public hearing and opened the meeting for discussion or a motion.

3.6 **DISCUSSION**:

3.6.1 **Commissioner Quigley** complimented the applicant for making progress. He wanted to reiterate to her that conditional use permits can be taken away if in violation. If they don't live up to the standards, the permit goes away. He noted that in July they had not fixed things in a timely fashion and was concerned that would prevail in this instance too. That Staff has indicated tonight that the landscaping is all installed, which has been shown not to be accurate. Because of that past record for this property, he was concerned in giving approval tonight.
He clarified that if it is found that all conditions have not been taken care of in the time stipulated, the permit will be retracted. He was willing to trust her to finish what she has started relative to the yard work needed. The Commission has placed the requirement for the safety of the children.

Children will want to walk on the block wall, so it is essential that the caps be placed there as soon as possible. Another point he wanted to make was this is a special area – estate residential classification in Taylorsville. That this is not the first day care proposed in this area. His concern is if the neighborhood is being diminished from estate residential with all the home businesses and ADUs being put in there by taking away from what the original owners on that street bought into. The street has already become much busier with the access now to 6200 South being opened, along with more houses and adding more home businesses he was concerned that would get even worse. He said it was not enough of a problem right now to have him not want to approve this application but rather to have a watchful eye on what transpires as a result in the future.

3.6.2 **Commissioner Wendell** asked Mr. Harper, since he would be the final decision maker as the Director, what he was looking for with the traffic study. **Mr. Harper** advised the traffic impact studies go through and cover the aspects of what is the telemetry, what is the safety, what are the negative factors like the canal, how much daily traffic the road can handle, what size of vehicles, what is the parking, is the radius correct going over the bridge going into that and how much parking/queuing can be allowed within the circle. There are many different factors. If it is determined that the additional traffic from the day care can be managed then it would be approved and if not, it would not be approved. **Commissioner Wendel** clarified that recommendation of the independent contractor who is conducting the traffic study is what the Director would be basing the decision on, from their recommendation. **Mr. Harper** agreed that was the case.

3.6.3 **Commissioner Young** said in Staff's presentation it was indicated that the applicant was living in the ADU. **Ms. Bergeson** said that was correct. That in the original Staff Report she included a floor plan and indicated it is a very large house. She lives in the ADU, which is in the basement level but meets all square footage requirements.

3.6.4 **Commissioner Wilkey** asked to see the image to see which parts of the yard had been paved. She noted during that review she noticed that there was a board propped against the gate holding it closed. The applicant explained off microphone that it was there temporarily until the proper locking device could be installed.

3.6.5 **Commissioner Wendel** advised that one concern of neighbors discussed in the pre-meeting was the concentration of businesses along this street. The Planning Commission verified that legally there is nothing in City Code to control how many of those home daycare businesses can be in a proximity. In discussing the concentration of businesses, she wanted to note on public record that there is nothing that determines what the Planning Commission can legally do to determine or control the number allowed at this present time. But she wanted to make sure that residents know that is taken seriously with regard to a cul-de-sac in particular even though, based on that particular condition, presently there is nothing that keeps the Commission from being able to approve this.

3.6.6 **Commissioner Wright** said he was under the impression that the landscaping was complete but from what was seen and heard this evening that is incorrect. **Ms. Bergeson** said that appeared to be correct. That there are apparently still some items that need to be finished, such as the cinder block caps and the paving next to the house. **Commissioner Wendel** wanted to know if the Planning Commission could add a condition to the Staff Report Findings and Conditions that the landscaping must be completed by time the Administration makes a decision based on the traffic study. **Mr. Harper** advised that was reasonable but that the Commission must determine what conditions they want to impose. **Mr. Spung** offered the suggestion that for the timing of that, the Commission could just say "prior to issuance of the business license."

3.7 **MOTION:** **Commissioner Wendel - I move that we approve File #22C22 a preliminary Non-Administrative Conditional Use Permit for a home day care at 5756 South Player Ridge Circle in Taylorsville, Utah subject to the Findings and Conditions outlined in the Staff Report, including that the landscaping requirements that were contingent in the Staff Findings and Conditions will be completed in addition to the administrator's or director's approval based on the traffic report prior to the issuance of the business license.**

SECOND: Commissioner Russell

VOTE: Commissioner Quigley – AYE, Commissioner Wilkey – AYE, Commissioner Russell - AYE, Commissioner Young – AYE, Commissioner Wendel - AYE, Commissioner Willardson – AYE, Commissioner Wright – AYE. Motion passes unanimously.

Subdivisions

4. 11S22 – SUB-000261-2022 – Public Hearing and consideration for a Subdivision Plat Amendment, Amending Lot 2 of the American Express subdivision Plat at approximately 4235 South 2700 West, Taylorsville, Utah. (Jim Spung/AICP/Senior Planner)

4.1 **Mr. Spung** presented this item. Marty Beaumont, St. John Properties, is requesting consideration to amend Lot #2 of the American Express Subdivision Plat at approximately 4235 South 2700 West, Taylorsville, Utah. The property is zoned Professional Office (PO) and is currently one large parcel (Parcel 21-04-251-006-0000) containing 19.44 acres. A large portion of the site (proposed Lots 1-4) is currently being developed to include four single story commercial buildings with approximately 30,000 square feet per building. The property owner received site plan approval (File #5P19) on May 10,2021 and has been issued building permits to construct the improvements. This proposed subdivision amendment will create individual lots that correspond with the buildings currently under construction, as well as create a "Lot 5" that will be developed in the future. All subdivision amendments are required to be reviewed and approved by the Planning Commission in accordance with Section 13.30.060 of the Taylorsville Land Development Code (LDC).

4.2 **FINDINGS**:

4.2.1 This application was initiated by Marty Beaumont, St. John Properties.

4.2.2 The property is zoned Professional Office (PO).

4.2.3 The applicant is requesting to amend Lot #2 of the American Express Subdivision Plat.

4.2.4 The proposed amendment will divide the existing lot into five individual lots that correspond with the buildings currently under construction (Exhibit F).

4.2.5 On May 10, 2021, the property owner received site plan approval to construct four single-story commercial buildings in the area identified as Lots 1-4, per File #5P19.

4.2.6 A development application has not been filed for the area identified as Lot #5.

4.2.7 The proposed plat amendment complies with Taylorsville Subdivision and zoning Standards.

4.2.8 The Taylorsville Planning Commission is the decision-making body related to subdivision amendment requests.

4.3 **CONDITIONS OF APPROVAL**:

4.3.1 Any outstanding City, County, or Referral Agency comments be addressed prior to recording the final plat.

4.3.2 The private CC&Rs governing the site be recorded with Salt Lake County with the final plat.

4.3.3 **STAFF RECOMMENDATION**: Staff recommends approval based on the Findings and Conditions of Approval.

4.4 **APPLICANT ADDRESS**: **Marty Beaumont** advised they have started on the site plan for four of the office buildings proposed on the site. They are now looking at plotting the property that allows them to do their financing for the multi-story building that is in conceptual status right now. He said he would be happy to answer Commissioner's questions.

4.4.1 **Commissioner Young** asked what the intent for Lot #5 was. **Mr. Beaumont** said it was a multi-story office building.

4.4.2 **Commissioner Wendel** said in the pre-meeting they were talking about the negative impact subdividing has had on the City and gave Mr. Beaumont the opportunity to talk about the longevity of his subdivision plan, the CC&R's, what he can do to reassure the Commission that subdividing the property in the long run is still going to be okay for the City in the future. **Mr. Beaumont** said that this is a unique project. That the property owners typically do not sell their properties but rather lease them out. This is mainly for financing of the building. Typically, they can be divided up into individual lots and parking associated with those lots is incorporated within the lot boundaries, which allows for individual financing. They have extensive CC&R's which get recorded with the subdivisions so that spells out all the details of the maintenance, upkeep, cross access, etc. Those things are all identified and set up with an owner's association, with a manager who is over all the open space, shared space, shared access, parking lots, etc. It is one way to address needing to have individual buildings rather than all of them as a whole. There is no intent to sell but if someone at some point did purchase one of those lots then they would also need to follow the same CC&R's established with recording of the plat.

4.4.3 **Commissioner Quigley** asked what the timeline for completion was, and **Mr. Beaumont** advised that two buildings are presently under construction with anticipated completion in late Spring. There was one issue with one of the building's foundation, which has been worked out with the building inspector. Those two buildings will be finished first and the next two started thereafter. Then they can look at the financing for the multi-story building being proposed.

4.4.4 **Commissioner Wendel** wanted to know what type of tenants they proposed to have in there. **Mr. Beaumont** said they don't have tenants already slotted for these building. The buildings are flexible in their space, where they build the shell and add the inner walls based on the tenant's need. The plan is to have typical office type uses in these buildings.

4.5 **Commissioner Wright** opened the public hearing and asked if there was anyone wishing to speak either in favor or opposition to this proposal, a seeing no one came forward and **Mr. Spung** saying he received no comments electronically, **Commissioner Wright** closed the public hearing and opened the meeting for discussion or a motion by the Planning Commission.

4.6 **MOTION: Commissioner Quigley – I move that we approve File # 11S22/SUB-000261-2022 to amend Lot 2 of the American Express Subdivision plat to create five commercial lots at approximately 4235 South 2700 West in Taylorsville, Utah, based on the Findings and Conditions of Approval as stated in the Staff Report.**
SECOND: Commissioner Wilkey.
VOTE: Commissioner Quigley – AYE, Commissioner Wilkey – AYE, Commissioner Russell - AYE, Commissioner Young – AYE, Commissioner Wendel - AYE, Commissioner Willardson – AYE, Commissioner Wright – AYE. Motion passes unanimously.

5.	10S22 – SUB-000266-2022 – Public Hearing and Consideration for a Subdivision Plat Amendment, Amending Lot 2 of the Trans West Subdivision at 6189 South Redwood Road, Taylorsville, Utah. (Terryne Bergeson/Planner 1)

5.1 **Terryne Bergeson** presented this item. Avenues Consultants submitted an application on behalf of Trans West Credit Union, represented by Steve Pratt. The applicant is requesting consideration to amend Lot #1 of the Transwest Subdivision plat at 6189 South Redwood Road. The property is zoned Professional Office (PO). It is currently developed as a bank and has an area of 52,272 square feet.

5.1.1 Directly north of Lot #1 is the property at 6161 South Redwood Road. This property is not currently part of any subdivision. The property is zoned Professional Office (PO) with an area of 28,314 square feet and is developed as a custom drapery store. The proposed subdivision amendment will combine the two parcels to create "Lot 101" with a total area of 80,717 square feet. There are currently no plans for new development or changes to existing structures.

5.1.2 All subdivision amendments are required to be reviewed and approved by the Planning Commission, in accordance with Section 13.30.060 of the Taylorsville Land Development Code (LDC).

5.1.3 There are two residential lots located at 6161 South #Rear and 6163 South, directly east of the property on 6161 South. The two homes are accessed via a 10' right-of-way that corresponds to the driveway on the north of the 6161 South property. The existing right-of-way will be maintained and is illustrated on the plat. The proposed amendment also creates a water and sewer easement in the same area. The plat notes that the easement is in favor of Parcel 21154510200000 and 21154510800000, ensuring that the rear parcels remain useable.

5.1.4 The Salt Lake County Recorder's Office has reviewed the plat for compliance with County standards. The comments have been forwarded to the applicant and the plat documents will reflect the changes prior to final approval and recording.

5.2 **FINDINGS**:

5.2.1 This application was initiated by Avenues Consultants on behalf of Trans West Credit Union.
5.2.2 Trans West Credit Union owns the properties at 6161 South and 6189 South Redwood Road.
5.2.3 The properties are zoned Professional Office (PO).
5.2.4 The applicant is requesting to amend Lot 1 of the Trans West Subdivision.
5.2.5 The proposed amendment will create a new Lot 101.
5.2.6 Existing easements found in the Title Report for both properties will be maintained.
5.2.7 A water and sewer easement will be recorded along the northern-most property line of the proposed lot.
5.2.8 The proposed plat amendment complies with Taylorsville Subdivision and Zoning Standards.
5.2.9 A building permit must be obtained prior to any development or construction on the site.
5.2.10 The Taylorsville Planning Commission is the decision-making body related to subdivision amendment requests.

5.3 **CONDITIONS OF APPROVAL**:

Any outstanding City, County, or Referral Agency comments be addressed, prior to recording the final plat.

5.4 **STAFF RECOMMENDATION**: Staff recommends approval.

5.5 **APPLICANT ADDRESS**: **Greg Wall** works for Avenue Consultants, which is a surveying and land development consulting firm based in Taylorsville. They are working with the owners of the property after doing an office survey planning to consolidate the two lots into one lot. The means by which that is done is via a subdivision amendment. He said he would gladly answer any questions. **Commissioner Wright** said that the Planning Commission is curious to learn what the plan going forward would be. **Mr. Wall** said that Trans West Credit Union owns the land on the south and purchased the land on the north. When there is a lot line, it limits ability and flexibility because generally no building can be built across a lot line. Therefore, it was decided to first consolidate the parcels. Trans West is looking at options to expand or create new office space for their branch in the future. **Commissioner Quigley** asked if the owners of the lot that is northeast of this had been contacted about possibly purchasing that lot also. **Mr. Wall** said that possibility hasn't been considered in their conceptual process for this property thus far. **Commissioner Wendel** brought up the probability of a UDOT project adding an additional traffic lane to the northbound direction of Redwood Road there and wondered if they saw any resultant changes being incurred on their property because of that. **Mr. Wall** said that UDOT is one of Avenue Consultant's biggest clients and they did the surveying work for UDOT for that particular project which may have been one of the reasons that Trans West chose their firm to also handle their project. That his firm has both the survey for the UDOT change to Redwood Road and the one for the Trans West property. That information has been incorporated into figuring out the new plat and are considering that with the conceptual layouts.

5.6 **Commissioner Wright** opened the public hearing and asked if there was anyone wishing to speak in favor or opposition to this proposal to please come forward at this time.

5.7 **SPEAKING**:

5.7.1 **Ken Rowberry** (owns the property directly east of this site). His concern was that there is a private lane on the north side of the property and he wants that maintained. **Commissioner Wright** said that it is his understanding that will be kept as a requirement with this proposal.

5.7.2 **Craig Miller** (lives next door to Mr. Rowberry). His question concerned the new right-of-way for the sewer and water and who would be expected to pay for that. For him the issue was just the water and gas rights-of-way because he is currently on a septic system.

5.8 **Commissioner Wright** asked Mr. Spung if he had heard from anyone online with questions, to which he replied he had not. **Commissioner Wright** then closed the public hearing and open the meeting for Planning Commission discussion or a motion.

5.9 **DISCUSSION**:

5.9.1 **Commissioner Quigley** asked if the neighbor's question had been answered as to who bears responsibility for the cost of the right-or-way. **Mr. Wall** said he did not hear the question from the first public comment. **Commissioner Wright** said it was that there is a private lane, which they want to be able to keep. **Mr. Wall** said on the plat itself there is designation for an access easement in favor of the two lots to the east on the plat which was recorded as part of the subdivision. That permanently establishes access. He further advised on the plat itself the northern 20' are designated as an access easement in favor of the two lots to the east, which permanently records the easement. Sub-surface beneath that 20' access is designated as a utility easement for sewer and water. The question from the second public comment was about the water. When Avenue Consultants did the survey, the utilities were marked by Blue Stakes so that their surveyors could show the utilities and laterals, therefore, they are aware of those. Upon going further into the development process, they may have to expose some of those to show elevations but the design

and civil engineers are aware of those utilities and if any need to be relocated arises, it would be coordinated with the property owners and as far as the expense incurred, it would be part of the development expense for the new subdivision project and not an assessment for the existing property owners. **Mr. Wall** said they would go to the property line and wouldn't pay for new pipes unless they needed to be relocated. There would be no expense to the neighboring property owners. **Commissioner Wright** added that meant the developer would be providing water to that point where it is at right now, nothing additional. **Mr. Wall** said that was correct, so where it enters the neighboring properties they would try to design an intersect to the pipe at that location. For further clarification he added that from what he understood, currently the water and natural gas are running along the south side of the property. **Commissioner Wright** said that did not include the gas. **Mr. Wall** said that the gas would be in an established utility easement in the northern 20' of the property but the water would not. That the design engineers are aware of that fact. Water would be moved from the new easement along the road on the north side. It is pressurized so it doesn't have the flow and slope issues that a sewer would.

5.9.2 **Commissioner Young** asked if that meant that it gets to the back of the Trans West Credit Union property on the opposing side of where the resident's current water line is. **Mr. Wall** said that was correct, adding there would be a landscape strip running north and south on that eastern property line of what is now the northern lot, so the water could be taken southward to that point where the current pipe is located. **Commissioner Young** suggested that where the current pipe is at, if the development was currently done, it would be part of the development process to bring that water back to the existing line on the property. **Mr. Wall** said that is the most likely scenario. There is a possibility to come up from the south, but they would never leave the neighbors without water and would coordinate it with them if there needed to be a water turn off while the pipes are transferred. **Commissioner Young** said it seems like the biggest concern is the expense. **Mr. Wall** added that anything on the property in the subdivision now would be covered under the cost of the development of the subdivision. The developer would not anticipate any laterals currently in place would need to be changed. If for some unforeseen reason they did, there would be coordination with the neighbors beforehand. If there was a need for an upgrade on their property, if a connection was made, usually there is testing that needs to be done and if it didn't pass a pressure test or something like that, they would coordinate it with the neighbors first.

5.9.3 **Commissioner Wright** asked Staff how that would be addressed on the plat. **Mr. Spung** said that the plat establishes the legal mechanism to allow utilities to go back to those lots, so any development on that property would be the responsibility of the developer. There is not a way on the plat to require the Trans West property to pay for improvements that are outside of their property boundaries. Any improvements on the Trans West property would be their responsibility. Any improvements off-site, they would coordinate with the property owners individually. That is not something with which the City gets involved. The City just insures there are easements in place to allow the utility to cross the Trans West property to serve the back properties. Not really delegating who is paying for what and who does what, just saying there is a legal way to install the utilities to serve those properties. **Commissioner Wright** said the way it is sounding to him is it could be up for interpretation. He believes that Mr. Wall is planning to take care of it but if something unforeseen happens, he wanted to know if there is a legal mechanism that requires them to provide water there. He was aware there is an easement on the north side but doesn't connect to the south side right now. **Mr. Spung** advised that any existing utilities should be covered in the easement on the plat, so if there are utility lines crossing that property that are not noted on the plat, those should either be relocated before the plat is recorded or be included on the plat. In answer to the question, if Trans West doesn't redevelop that property at all and if one of the rear property owners needs to replace their water line, it would be their responsibility to replace their

own water line. They would just have the access through the easement to make those replacements on someone else's land. Basically, any development activities that are created by Trans West developing that site, would be at their cost but any development activity that is initiated by the residents would need to be covered by themselves. Trans West is not responsible for the long-term maintenance and repair of those utilities, they are only establishing a legal easement so that those utilities can be repaired and maintained. If they disrupt those utilities, Trans West would pay for that because they are creating that type of work. **Commissioner Wright** said that answered his question.

5.9.4 **Commissioner Quigley** said that typically if the developer is causing the "need for the updating of the water line" that would be part of the developer's cost, but if the water line were to fail, the developer would not be responsible for the long-term maintenance of the people to the east's property. But by virtue of Trans West building a new structure and if it requires re-doing the water line that would be incorporated in their development costs. That generally isn't written anywhere but just how it is.

5.9.5 **Commissioner Wendel** suggested that this is a civil matter and encouraged the residents and the developer to exchange information so that they can work outside of this hearing. **Mr. Spung** added that the plat doesn't change anything that doesn't already exist. In all reality, the plat is actually formalizing an easement that may or may not exist today, so it is really the legal document memorializing both the right-of-way easement and the utility easement. Who builds what is up to the property owners themselves.

5.9.6 The discussion regarding easements continued on for a few minutes and concluded with **Commissioner Quigley** saying that would be part of the building permit process and nothing would happen until they decide to develop the whole property. **Mr. Wall** agreed, saying they are fully aware they cannot build anything on top of an easement.

5.9.7 **Mr. Harper** said Commissioner Quigley was correct that that is something that happens with the building permit process. It is essential to make sure all the easements are included on the plat and if there is intent to move it, that would be caught during the building permit procedure.

5.9.8 **MOTION: Commissioner Wendel – I moved that we approve File #10S22, SUB-000266-2022 based on the Findings and Facts and Conditions of Approval stated in the Staff Report.**
SECOND: Commissioner Wilkey
VOTE: Commissioner Quigley – AYE, Commissioner Wilkey – AYE, Commissioner Young – AYE, Commissioner Russell – AYE, Commissioner Wendel – AYE, Commissioner Willardson – AYE, Commissioner Wright – AYE. Motion passes unanimously.

Zoning Text Amendment

6. File #8Z22 - Public Hearing and Recommendation to the City Council for a Zoning Text Amendment to Taylorsville Municipal Code Sections 13.07.020; 13.08.020; 13.09.030; 13.10.020; 13.11.040; 13.26.080; and Chapter 13.36: Definitions, Related to Home Occupation Standards. (Jim Spung/AICP/Senior Planner)

Discussion Item

6.1 **Mr. Spung presented this item**. The City of Taylorsville is requesting a text amendment to several sections of the Taylorsville Land Development Code related to home occupations and corresponding definitions. The proposed text amendment will address known concerns related to home occupations as well as simplify review procedures. City Staff is currently reviewing and updating the Land Development Code, and as part of that effort, identified several updates to improve the regulation and licensing of home occupations. Rather than waiting to implement those changes with the larger Land Development code update, Staff is recommending these updates be considered for adoption now.

6.2 **Staff Analysis**: Following are notable changes from current code proposed as part of this text amendment:

- 6.2.1 Home occupations will be a "permitted use," subject to certain standards, Lane use tables have been updated accordingly.
- 6.2.2 Content has been reorganized for user-friendliness.
- 6.2.3 The Director is the decision-making authority and has the ability to elevate reviews to the Planning Commission as necessary.
- 6.2.4 Class A, Class B, Class C, and Class D home occupation distinctions and subcategories have been replaced with simple terminology and objective standards to address land use impacts.
- 6.2.5 One residential child day care, preschool, home occupation that provides instruction (e.g., dance, music, art classes), or home occupation with a business vehicle or trailer, is allowed per lot or parcel.
- 6.2.6 A residential child day care, preschool, or residential instruction cannot be located within 300 feet of another day care, preschool, or instruction home occupation.
- 6.2.7 Must be incidental to the primary use and no more than 50 percent of the total floor area of ay dwelling.
- 6.2.8 Updated and clarified standards related to business vehicles and trailers.
- 6.2.9 Updated and clarified standards for on-site visits.
- 6.2.10 Updated the definition of residential child day care to align with State Code.
- 6.2.11 Child day care, preschool, and residential instruction with five or more children is only allowed in a detached single-family home that fronts on a street with a minimum pavement width of 25 feet that has curb, gutter, and sidewalk.
- 6.2.12 Child day care is not allowed on a flag lot or a lot with an accessory dwelling unit (ADU).
- 6.2.13 Home occupations cannot generate more than 24 cumulative vehicle trips per day.
- 6.2.14 Drop-off and pick-up associated with a home occupation is not allowed in the public right-of-way.

6.3 **FINDINGS**:

- 6.3.1 This application was initiated by the City of Taylorsville.
- 6.3.2 The City is requesting a text amendment to the Taylorsville Municipal Code Sections 18.07.020; 13.08.020; 13.09.030; 13.10.020; 13.11.040; 13.26.080; and Chapter 13.36: Definitions, related to home occupation standards.
- 6.3.3 This amendment includes several updates to improve the regulation and licensing of home occupations, as summarized herein.
- 6.3.4 The City Council is the final decision-making authority for a text amendment to the Taylorsville Municipal Code.

6.4 **Mr. Spung** summarized the proposed changes:

- 6.4.1 He said this would minimize known issues with home occupations and simplify procedures and standards for more efficient administration and a faster review time. Administrative conditional use permit review currently requires for all home occupations to receive a significant amount of staff time and resources (approximately 6-8 hours per application and 12-16 hours for Planning Commission review). This change would allow home occupations as a permitted use, subject to certain standards, with the Director still having the authority to elevate applications to the Planning Commission when deemed appropriate.

6.4.2 Class A, Class B, Class C, and Class D home occupation distinctions and subcategories for childcare licenses (Class D1, D2, D3 and D4) are replaced with objective standards to address land use impacts. They have reorganized content for user-friendliness. General standards include: (1) Licensing, number, and proximity standards; (2) Operational standards; (3) Business vehicle and trailer standards; and (4) On-site visit standards.

6.4.3 A City business license is still required, with the Director being the approval authority. The Director may refer applications to the Planning Commission if the request is unusually complex; requires greater scrutiny or public involvement; or raises potentially unique or serious impacts on the City or the surrounding development and/or neighborhood(s). The Planning Commission reviews applications per Non-administrative Conditional Use Permit Procedure and a public hearing held.

6.4.4 Maximum of two home occupations per dwelling unit (existing). Maximum of one day care, preschool, group instruction, or home occupation with a vehicle or trailer per lot/parcel. Daycare, preschool, or group instruction, with 5 or more children must be 300 feet from similar use. (Exempt if properties are bisected by major arterial or freeway.

6.4.5 No more than 50 percent of floor area can be used for home occupation (accessory). Hours limited to 6:00 A.M. to 8:00 P.M. Conducted entirely within the dwelling. No exterior modifications. Deliveries by parcel and/or letter carrier services only. No traffic, light, glare, noise, fumes, odor, vibration to diminish residential character. No off-site employees (except for residential day care).

6.4.6 **Business Vehicles/Trailers (new).**
Vehicles: Only one vehicle per home occupation. Must be parked on private property and have sufficient off-street parking for the residential use and business. No tow trucks, tanker trucks, box vans, delivery vans or similar vehicles. Vehicles may have a single sign no larger than four square feet.
Trailers: One trailer allowed (20-foot enclosed or 16-foot open). Trailers may have one sign the lesser of 24 square feet or 30 percent of the trailer side panel. Must be garaged or parked on side of home (not in driveway).

6.4.7 **On-site visits (new).** No more than two customers per hour. Sufficient off-street parking for residents, visitors, and business vehicles/trailers.

6.4.8 **Child Day Care (new).** Updated definition to align with State Code. Maximum of 12 children allowed (State requires another provider with 8 or more children). Maximum of one day care per lot/parcel. Not allowed on lot/parcel with an ADU. Only allowed in detached single-family dwelling fronting on public or private street with curb, gutter, and sidewalk. Maximum of 24

vehicular trips per day, including pick-up and drop-offs. Pick up and drop-of not allowed in public right-or-way. Outdoor play area must be finished/landscaped and in good condition. A daycare is only allowed in a detached single family dwelling fronting on the public or private street with 25' of paving and curb, gutter and sidewalk. The 25' of paving is a typical width of a residential street.

6.4.9 **Preschools (new)**. Same standards as day cares, with the following modifications: Maximum of 12 children allowed per session. Each session no longer than 4 hours. Children may not attend more than one session per day.

6.4.10 **Residential Instruction (new)**. Renamed from "low-impact commercial schools." Includes dance classes, music lessons, martial arts lessons, or other instruction for children that is artistic in nature. Same standards as home daycares with the following modifications: Instruction is for children

under the age of 18 only (no adult classes). Maximum of 12 students per session. No more than 3 sessions per day. All sessions combined not to exceed 24 vehicle trips per day, including drop-off and pick-up.

6.4.11 **Title 5 Amendments (general).** Eliminated Class A, B, C, D distinctions. Updated definitions to align with Title 13. Reorganized content and removed duplicated standards.

6.4.12 **Business License Fees.**

A. All business licenses are subject to the following general and temporary business license fees. The annual general business license fees levied and imposed hereunder include, but not limited to, business license application and registration process, issuance of licenses, collection of fees, monitoring records, preparing business reports, and verifications.

B. All business licenses are subject to a one-time administrative fee of $100.00, in addition to the fees listed.

Proposed changes to fees: (Home Occupations)

Category	New App Fee	Renewal Fee
General	0	0
Residential Child Day Care	$200.00	$100.00
Residential Preschool	$200.00	$100.00
Residential Instruction (5 or less students)	0	0
Residential Instruction (5 or more)	$180.00	$50.00

6.5 **DISCUSSION**:

6.5.1 **Commissioner Quigley** wondered about daycares only being allowed in single family dwelling and how that would affect someone living in a duplex. **Mr. Spung** said a duplex is not a detached single-family dwelling, so it would not be allowed. He added that the City has previously received several requests for daycares along 1175 West or Jordan Canal Road, which roads the City did not feel were adequate to service a day care. **Commissioner Wilkey** advised she lives on a street where there is no curb, gutter or sidewalk, so wondered if this meant a daycare use would not be eligible on that street, to which **Mr. Spung** replied that was correct the way the Code has now been drafted. **Commissioner Young** asked then if an owner first added curb, gutter and sidewalk would they qualify to have a daycare. **Mr. Spung** replied if they had 25' of paving they could, based on the definition. It could be further clarified to say curb, gutter and sidewalk to the next closest through street. **Commissioner Young** felt that it would look out of place being the only lot on a street having those improvements. **Mr. Spung** said he would note that and discuss it with the City Engineer. That it is not Staff's intent to make this more complicated than necessary. The intent is there should be curb, gutter and sidewalk in proper width to the next through street. Essentially the pathway that the vehicles would travel to access the day care would be of sufficient width and improvement. **Commissioner Quigley** asked about flag lots wanting to know if day cares would be prohibited thereon in the new ordinance and **Mr. Spung** replied in the affirmative. **Commissioner Wendel** commented that it appears this isn't necessarily related to a safety issue but a traffic mitigation concern by requiring the curb, gutter and sidewalk. **Mr. Spung** replied that any street that has curb, gutter and sidewalk installed in the last 30 years would be adequate width to handle that capacity. It is really just the older areas of Taylorsville where the street widths are not adequate to handle that amount of traffic. Right now, there is nothing in ordinance to not allow day cares on the older smaller width streets. **Commissioner Wendel** said that means there must be a lot of legal non-conforming day cares in the City right now, to which **Mr. Spung** allowed that was correct and gave her several examples of that. They can continue to operate but if the license lapses, they would need to reapply under the new ordinance rules. **Mr. Spung** continued on to say that preschools will adhere to the same standards as day cares except with a maximum of 12 children

per session. That each session is no longer than 4 hours and children may not attend more than one session per day.

6.5.2 **Commissioner Quigley** determined that for a preschool there would probably be 48 trips a day. **Mr. Spung** said they are still capped at 24, so they can still have 12 children per session but that limits them to having one session per day or if there are two sessions, they could have 8 children in one and 4 in another or 6 and 6. The overall standard would be 24 vehicle trips per day. So however, they want to structure their programs, that is still the limit.

6.5.3 Residential Instruction is a new term but is just renaming current standard for low impact commercial schools. It includes dance classes, music lessons, martial arts lessons – anything that is artistic in nature that involves children. The same standards apply as with home day cares. Instruction is limited to kids under the age of 18, the intent being the City doesn't want people driving and parking at the house and generally parents would drop off and pick up the younger kids. The maximum would be 12 students per session. Would only apply to classes with five or more kids at a time. **Commissioner Wright** asked what the breaking point was between when it becomes that it should be regulated, such as adults taking music classes one at a time. **Mr. Spung** said for students one at a time would fall under the general business license; capped at two visitors per hour.

6.5.4 **Commissioner Wendel** said safety and traffic mitigations would be her main issues. She sees another problem that might be created which is affordable childcare in the State is hard to come across as it is now, along with the problem of inflation, housing costs, etc. The City is trying to keep families in Taylorsville and stay a multi-generational community and she was concerned about the limitations being proposed by this amendment. There is also the issue of enforceability. She felt it was very important to keep the younger generations in Taylorsville to balance the existing aging population. She asked what considerations could made or be aware of when considering the policies related to what are typically the more affordable options for families. In talking about keeping cars off the road it would require having people become less auto dependent and when there are childcares within neighborhoods that would reduce the number of cars on the road, reducing the emissions, improving air quality, and encourage neighborhoods to become more walkable. She was afraid the change being contemplated might create more problems. **Mr. Spung** asked her if there are specific standards of which she is leery. **Commissioner Wendel** replied when he showed the requirement for there being 300' between similar uses she felt that was reasonable. That she did not want to make a decision on this tonight until she receives more information. She would like to obtain feedback from people in Taylorsville who presently own these type businesses and would like to hear what the impact would be to them. Her main concern was affordability. **Mr. Spung** said he knows the proposed standards are stricter and limiting as to where and how a daycare can be operated but felt the businesses that would be impacted by the standards are few and far between such as one in the past which had two daycares in a four-flex on a dead-end street. As far as the hard costs go for the application process, he felt eliminating the conditional use element will save them a few hundred dollars in fees. Also, it would save a substantial amount of time in not having to go before the Planning Commission. Presently a home daycare could be expected to pay three or four hundred dollars just for permitting with the City and that would go down substantially. **Commissioner Wendel** said that indicates merit and felt the City has lived with the idea too long that the more regulation the more deterrent for people to do business. She just wanted to strike that balance between those with what regulations are needed that will improve safety and have traffic mitigation and distribute the businesses more equitably throughout the community without deterring people from having them in this community.

6.5.5 **Commissioner Young** said this is not completely vetted. He said there is a section in the document under review that says no employees are allowed to go to that home business. A person he knows is a contractor and occasionally would have one of his co-workers come by his residence to pick up a truck. That a neighbor had created a significant challenge for the contractor, constantly reporting this to the powers that be. **Commissioner Young** alluded to the future wherein more people will be working from home, however, this new change in ordinance would eliminate any possibility to have a co-worker come to that home office. **Mr. Spung** said that was possible but is dependent on how the verbiage is interpreted. The standard is intended to say that there should not be employees coming to the home as a place of business every day.

6.5.6 **Commissioner Wendel** asked if there were an option saying there needs to be enough off-street parking available for any employees that may be visiting the home. **Mr. Spung** said that any home occupation is responsible for parking availability for any visitor coming to the home. He said it could be clarified by saying that would fall under the same rule as the clause stating "no more than two visitors per hour are allowed". **Commissioner Young** felt that would take care of it but was thinking down the road as employment situations change.

6.5.7 **Commissioner Young** then asked about the newly added section regarding vehicles and trailers and wanted to know why there would be a size limit imposed. **Mr. Spung** advised that right now there is no standards that address trailers, except for Code Enforcement which has a really vague reference thereto, so Staff felt there should be some type of threshold to say what is appropriate in a residential setting for a home business. It helps preserve the residential character of the area. That right now it isn't regulated and adding this would help Code Enforcement. There could be a large trailer on site tied to personal use but once a trailer is tied to a business is when the new standards would be triggered.

6.5.8 **Commissioner Young** then asked for the reasoning behind the requirement for curb, gutter and sidewalk and **Mr. Spung** said it is to help create some objective standards to eliminate daycares or preschools or other home occupations that generate a lot of trips on narrow sub-standard streets in the City. **Commissioner Young** asked if that could not be obtained by establishing a width of the right-of-way and asking for off street pick-up. **Mr. Spung** said that could be done but there could be a right-of-way that is wide but the actual street improvements are not wide. For example, 1175 West in some areas has a right-of-way that is 70' wide and in others it is 30' wide but the actual improved surface does not meet minimum street standards. **Commissioner Young** said having the property owners having to pay for that was not the right thing to do. Also, that it would change the character of the neighborhood. **Mr. Spung** said those standards are not intended to have people install curb and gutter, only to prevent those types of uses in areas with substandard streets. He agreed that language could be made clearer but was not sure how to objectively exclude those areas without some objective standards being in place. It could be the right-of-way width but was not sure how that would play out, which is why Staff suggested the curb, gutter, sidewalk requirement made sense. That Staff is open to hearing other suggestions in that regard. He agreed it would not make sense to have one property along a street having to install the curb, gutter and sidewalk just to be able to have this use. That this change would make this a permitted use and all they would need do is apply for the business license, during which the Planning Staff would review the use to assure standards are met and then the license would be issued. If the application requires additional scrutiny, it would be elevated to the Planning Commission for review as a conditional use.

6.5.9 **Commissioner Russell** asked what the number of existing home occupation childcare/preschools, was currently in the City. **Mr. Spung** said there are seven actively licensed daycares with up to 12 children and three preschools with up to 12 children.

6.5.10 **Commissioner Quigley** felt this change was long overdue, but he had a struggle with the elimination of public input. That he has total confidence in the Director in making wise decisions but would be in favor of people still being notified and let them contact him directly by E-mail or telephone, so that there is still some public input. The other concern he had was the trailer concept. He wanted to know if there was anything that could be done to require trailers having to be parked by the side or rear of the home. Most of the trailers are also mobile bulletin boards and make the neighborhoods look bad. That with the increasing amount of food trucks, this is becoming an issue in the aesthetics of the neighborhoods. 

6.5.11 **Mr. Harper**  said he appreciated the comments, concerns and expressions from the Commissioners tonight. He said that it is the role of the Planning Commission to challenge Staff if they disagree with something being proposed. The goal is to make things right. Mr. Spung and Staff have spent a lot of time on this and are addressing challenges and situations that he, his staff and Code Enforcement see on a daily basis. He said if the product being presented is not right Staff needs to know that. He cited an example on Farmridge Road and Farm Circle off of Canal Road. It has curb, gutter, and sidewalk and feeds onto Jordan Canal Road, which does not have curb, gutter, and sidewalk. He wondered what the solution down there would be. His own home is on a private cul-de-sac which meets every City requirement except for curb, gutter, and sidewalk. That was a choice made in the late 1980's when it was built. He addressed the fact that under the conditional use permit it is true that the neighbors are notified and under an administrative process that does not occur. He wanted to hear from the Planning Commission if that is or is not the way to send this forward. He wanted to make sure that all issues the Planning Commission has are taken care of before this is sent forward to the City Council for approval.

6.5.12 **Commissioner Young** said that in April the Commission reviewed a day care and one of the residents nearby made comments that there is an HOA and CC&R's in place which prohibit that type of business. It was said that was a civil issue but he felt it was wrong for the City to say a license would be issued and then a civil action would be created as a result. He preferred, if there are going to be modifications to the ordinance that something be identified that they are providing some type of agreement with the HOA to allow it first. **Mr. Spung** said that one thing that could be required is requiring a letter from an HOA saying they have approved. He just didn't know if the City could legally deny a business license because it doesn't meet HOA standards, because that is not a City regulation and there is not a way for the City to enforce private covenants. **Commissioner Young** said he understood that, he just would like a legal way to address it. **Mr. Spung** said he would have to contact the City Attorney's office for clarification on that. It is his understanding that the City can request a letter from the HOA to be placed in the file but cannot take action with regard to it.

6.6.13 **Commissioner Quigley** asked about withdrawing a business license and **Mr. Harper** said there are City regulations for revocation in place.

6.5.14 The Planning Commissioners continued their discussion and expressed they did not want to get the City in the wrong place and wanted further clarification regarding several areas of concern such as: The issue of the CC&R's, budgeting for programs for safety to schools, including the City installing curb, gutter, and sidewalks, (as requiring individual property to do so seems discriminatory), size of trailers allowed and parking places for same on the site, clarification on road pavement width, especially if it can be transitioned from differing width roadways. Also discussed was the need for affordable childcare within the City and felt this may be too restrictive for people to want to do that. The Commissioners felt there were too many unanswered questions to be able to make a decision tonight regarding this proposal and asked that Staff bring this back after addressing the proposed changes.

6.6 **MOTION: Commissioner Quigley – I would move that we postpone making any recommendation at this time to the City Council for File #8Z22/DCA-000298-2022 for an Zoning Text Amendment to the Land Development Code Sections 13.07.020; 13.08.020; 13.09.030; 13.10.020; 13.11.040; 13.26.080; and Chapter 13.36: Definitions, related to home occupation standards provided in Exhibit A, based on the Findings outlined in the Staff Report and request that Staff evaluate and explore options based on discussions this evening.**
SECOND: Commissioner Young
VOTE: Commissioner Quigley – AYE, Commissioner Wilkey – AYE, Commissioner Russell - AYE, Commissioner Young – AYE, Commissioner Wendel - AYE, Commissioner Willardson – AYE, Commissioner Wright – AYE. Motion passes unanimously.

7. Review and Discussion of Proposed Text Amendments to Title 5: Business Licensing, Related to the Good Landlord Program. (Jay Ziolkowski/Community Outreach/City of Taylorsville)

7.1 **Mr. Jay Ziolkowski** presented this item.

7.1.1 He indicated he has been working with City Staff and City Administration initially regarding the City's fee schedule. The City is looking to review that in regard to all ordinances and all divisions within the City for various fees. From that spawned a discussion regarding the Good Landlord Program itself. Therefore, tonight the purpose for Mr. Ziolkowski's visit is to share with the Planning Commission the recommendations, which will most likely be taken to the City Council in January to essentially remove the Good Landlord Program in the City.

7.1.1.1 He then went into the methodology being considered. Historically the Good Landlord Program began within the City of Ogden, soon thereafter in the City of West Valley and then was taken to the Utah Housing Coalition where several other cities joined in the effort. That basically just outlined various things that landlords are required to do to be considered good landlords and thereby receiving a reduced fee in connection to obtaining a business license. That worked well for a while in theory, but one concern expressed by the City of Taylorsville is it didn't want to be one of those cities not having the program and inherit some typically bad landlords that weren't involved in this program. There were some benefits gained by having the program due to there being quite a few requirements that would insure someone being a good landlord if followed. It has also come with some unintended consequences as a result of the program that none of the cities foresaw happening.

7.1.1.2 One requirement was to obtain certification through taking a training course and then prove the course was taken via completion certificate in order to qualify for the reduced fee. There was no real way to check and make sure the landlords were in compliance with that. In the City there are about 480 participants in the program and staff cannot keep up to validate that everyone has the certification. Also, in connection to Code Enforcement, about 30% of the good landlord participants are not in compliance with City Code, meaning sometimes several inspections must be conducted on individual residences.

7.1.1.3 There is a lot of work on the front side for Staff in processing the applications in connection or comparison to any of the other business licensing taking place. With that, the City is looking to basically streamline all of the fees associated with rental units and make them all the same fee. There is the potential that the City could raise the fees in connection to rental units but rather than that, the City is entertaining a recommendation to the City Council to leave the fees the same for all current owners of rental units but then work on

the back side in connection to Code Enforcement and compliance, with the expectation that all landlords would cooperate. One of the information forms/documents within business licensing has been revamped in draft to include all of the elements necessary to be a good landlord, with the expectation for all landlords who then if not found to be in compliance would not get their license and if Code Enforcement needs to make multiple inspections to make sure of that compliance, then the fees for that would be more significant on the back side. He felt like the same objective can be obtained contained in the original program but doing more on the back side with sharing what the expectations would be. **Mr. Ziolkowski** then opened the time up to the Planning Commission for their input.

7.1.2 **Commissioner Wright** asked how the time/cost structure will change on the back side. Would there be more people to help with the Code Enforcement? He wondered how the Code would be enforced. **Mr. Ziolkowski** answered that is two-fold, one in all discussion so far, it is apparent this will not change anything by way of adding to the burden. The hope is sharing the expectations on the front side for all landlords and by adding the fees to the fact that an inspector will have to go out more than once, thereby causing the increase in fees for the landlord will get their attention more quickly.

7.1.3 **Commissioner Young** asked if currently there was not an escalation fee for Code Enforcement and if this change is adopted there would be a higher fee structure for escalation. He wanted to know what that proposal was and **Mr. Ziolkowski** informed him that is still being worked on and in preliminary research done with other cities that have escalating fees, it is between $100.00 and $150.00 after the first inspection.

7.1.4 **Commissioner Wilkey** asked what the potential revenue gain would be and **Mr. Ziolkowski** replied it would be more of an offset with Code Enforcement having to do more inspections on the same site.

7.1.5 **Commissioner Quigley** said it is a two-way street about landlords. One would be the complaint the neighbors might have and the other would be the tenant having a complaint about their landlord. His concern about the escalation of fees is he would not want tenants to realize if they complain enough about their landlord it is a way of getting even with them. People can become somewhat vindictive if they see an opportunity open. Another concern of his is the potential of waiving the fee. He felt that because there is still an administrative expense involved, a better idea might be to charge the fee when the original application is made and then when it comes time to renew and there have been no problems, then waive the fee at that time might be a better incentive. He also suggested preparing a handbook to give to each landlord which contains advice on what Utah laws are in this regard, including information on evictions and leases. It would also remind them of their responsibilities to make sure tenants do what they are supposed to do. He added that the Utah Apartments Association has a lot of helpful information that could be included therein.

7.1.6 **Commissioner Wendel** addressed Mr. Ziolkowski saying that he probably has been looking at the number of business licenses for rental properties that have changed over the past decade and asked what that pattern was. There has been an obvious increase in rental properties and wondered if they are applying for business licenses or flying under the radar and would bring people to the table to make appropriate business license applications in the first place. **Mr. Ziolkowski** answered that he has not trended anything other than working with the Code Enforcement Department and with Mr. Spung on the actual business licensing. Therefore, he has the

historical data that puts the City around 1200 to 1400 total rentals, which includes all of them regardless of status now. Probably what will become the most compelling issue moving forward will be the short-term rentals. That has been increasing nation-wide and includes Air B&B's. That will be addressed at the State level this year and the City is already looking into that.
Commissioner Wendel thought part of it wouldn't even be a Code Enforcement issue but rather how would neighbors report potentially just the idea that a rental property exists in a pro-active rather reactive way. **Commissioner Quigley** responded that the biggest problem is that neighbors will complain but not to the right people. They don't want to create a problem and are sometimes afraid of retaliation so the biggest problem with people complaining about too many people parking on the street or illegal parking or wild parties is they don't want to complain. He felt there should be some type of anonymous source where people can make their complaints. If they could call and not have to give their name, he felt there would be a greater response. **Commissioner Wendel** was in agreement with that and she would like to be able to verify if a person does have a business license. She felt there should be a way to add to the City's database where the rental properties are and if they are legal. She felt the estimated number between 1200 to 1400 licenses seemed way too low.

7.1.7 **Commissioner Quigley** suggested getting the word out some way such as a one-time amnesty to just get people's attention. Notify them that Taylorsville needs to get a handle on this and if they own property in Taylorsville that they are renting out, they need a business license and if they apply within the next six months, they will receive amnesty and the fee will be waived. But after that they would be a fined for not having a valid business license for rental property in the City.

7.7.8 **Mr. Ziolkowski** thanked the Commissioners for their input. He added that tonight's meeting was to share information and if the Commissioners have any additional information they would like included, to share that with him by E-Mail or with Mr. Spung likewise.

No motion is required. This was on the agenda for discussion only.

CITY COUNCIL MEETING DISCUSSION: December 7 (Commissioner McElreath was not in attendance at this meeting and his report will be deferred to another time).

ADJOURNMENT: By motion of **Commissioner Quigley** the meeting was adjourned at 10:00 p.m.

These Minutes were prepared and presented by:

_____
Jean Gallegos/Admin Asst/Recorder for the
City of Taylorsville Planning Commission

Approved in meeting held on February 28, 2023.