

**MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION MEETING**

Tuesday, December 19, 2023

5:30 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Planning Commission Members:

Dennis Roach, Chair

Ginger Vilchinsky

Paul Cunningham

Jill Fonte

Karianne Prince

Angela Gong

Brian Berndt

City Staff:

Carrie Marsh, City Planner

Jonathan Teerlink, Community & Economic
Development Dir.

Brad Christopherson, City Attorney

WORK SESSION

Chair Dennis Roach called the Work Session to order at approximately 5:32 p.m.

The agenda items were reviewed and discussed. Chair Roach reported that there are three Public Hearing items on the Regular Meeting agenda because the fourth item listed was rescheduled to a future Planning Commission Meeting. The agenda also includes two Action Items including approval of the Planning Commission 2024 Meeting Schedule and two sets of Meeting Minutes.

City Planner, Carrie Marsh, reviewed the Public Hearing items in more detail. The first was the “County Pine View” Subdivision Landscaping Plan Amendment. It had to do with trees in the northwest corner of the property. On the Planned Unit Development (“PUD”), those trees were designated to remain on the site, but the applicant submitted an assessment by an Arborist. An amendment to the Landscaping Plan is now before the Planning Commission for consideration.

Commissioner Prince believed this was a proposal to remove additional trees because those trees are diseased or near utility lines, but more trees will be added back. Ms. Marsh reported that the original plan was to replace more than was being removed, but the new plan will replace the same amount being removed. Chair Roach asked if the grove area itself will have the same number of trees planted. Community and Economic Development Director, Jonathan Teerlink, clarified that the requirement is for a 1:1 replacement to the canopy spread, not a 1:1 replacement in each specific area. That old section of trees is 900 square feet and the seven trees at full maturity will equal 900 square feet. He reminded Commissioners that this is a PUD and flexible setbacks have already been granted for the project. Chair Roach asked about the trees planned to be added. Ms. Marsh reported that there will be Norway Maples and London Planes. She reviewed the canopy notes, which state there will be 12,513 square feet of canopy removed and 13,522 replaced. Commissioner Cunningham asked if the trees have been removed already. Ms. Marsh stated that the ones originally permitted to be removed have been. The property has four housing units being

placed on it. The Preliminary discussions related to the placement of the houses around those existing trees. Commissioner Fonte asked about the tree canopy. While trees are being replaced, the canopy will not be the same for many years. Ms. Marsh explained that the ordinance states there needs to be the same canopy at maturity to replace whatever has been removed.

Commissioner Vilchinsky referenced Page 16 of the Meeting Materials Packet. In red, it states that a 13,235 replacement canopy is required, which is 3,016 more than the 10,219 proposed in the plan. She asked for clarification about that, as it seems inconsistent. Ms. Marsh clarified that those are initial calculations done before the actual Landscaping Plan was submitted.

City Attorney, Brad Christopherson, shared information about the Tree Ordinance in the City of Holladay and discussed the Tree Committee. With this application, old trees are being removed and replaced with new ones. Over time, the replacements should maintain, and potentially increase, the tree canopy in the City. He reported that it is within the purview of the Commission to request that the language be strengthened further. Commissioner Fonte asked what that means from a practical standpoint. Mr. Christopherson explained that when a large number of trees is removed, it may be possible to request that a more detailed report be submitted for future applications. Mr. Teerlink shared additional information about what is currently being requested.

Commissioner Fonte reminded those present that the tree canopy is something that sets the City of Holladay apart from other cities. Chair Roach stated that he is an advocate for trees, but noted that he is also supportive of property rights. In this case, there needs to be a discussion about the application because of the previous request to adjust the placement of the homes based contingent on the trees.

Ms. Marsh reported that the second item on the Regular Meeting agenda is a Conditional Use Permit for a building footprint size. She explained that this relates to an existing building. Currently, it is over the allowed footprint size for an accessory building. Some modifications to the footprint were being made, which requires a Conditional Use Permit. For the footprint, there is an area that is being removed and an area that is being added. Chair Roach asked about the home that was removed from the site. Ms. Marsh stated that there is a Building Permit for a residence.

Commissioner Berndt asked if there is a maximum the accessory building can be. Ms. Marsh denied this and explained that what comes into play is the lot coverage percentage. Structures can only cover a certain percentage of the lot. Setbacks and lot coverage percentages will ultimately restrict the size of the accessory building. Commissioner Prince asked about the percentage that can be covered by an accessory building. Ms. Marsh reported that as property size increases, the percentage reduces. Lot coverage is evaluated when Building Permits are submitted.

Commissioner Gong asked to view an image of the site. Ms. Marsh shared one and explained that it shows where the property boundary is located. She informed those present that a few trees will be removed, but multiple trees will be planted across the site. There can be a condition to state that trees removed near the building addition must be replaced elsewhere.

The third item on the Regular Meeting agenda is a Text Amendment to Chapter 13.76.730 – Home Occupations. Ms. Marsh explained that there is a desire to address parking and to be able to

approve Home Occupations with a set list of standards, rather than those be reviewed by the Planning Commission with a Conditional Use Permit. Additional language was added and there are highlighted portions included in the Meeting Materials Packet. If there is a positive recommendation made by the Planning Commission, the item will move forward to the City Council for consideration. Ms. Marsh reviewed some of the proposed amendments:

- Customers/Clients shall be allowed at the residence only if scheduled on an appointment basis and are only allowed between the hours of 7:00 a.m. and 10:00 p.m. Group lessons or sessions shall not exceed six people at a time.
- On-street parking may be approved by the Community and Economic Development Director under circumstances where on-site parking is unsafe or is in conflict with property access and use. Off-site parking agreements may be utilized to fulfill parking requirements. Temporary exceedance of allowed parking on-site may only occur twice within a single calendar month.

Ms. Marsh explained that the language proposed can be adjusted or removed entirely. Chair Roach asked how the amendments will work from an enforcement standpoint. Ms. Marsh noted that language can be added to require a Single Event Permit if there is an event associated with the Home Occupation. Commissioner Fonte believed the highlighted items in the Meeting Materials Packet are the items the Commission has the opportunity to weigh in on. Ms. Marsh explained that those are some that have been identified. Other language is open to discussion as well, depending on what the Commission wants to see added or removed. Commissioner Berndt asked about the parameters for on-street parking. Ms. Marsh noted that it is reasonable for the language to state a specific distance or state that it can be immediately adjacent to the subject property.

Mr. Christopherson reported that the default is off-street parking, but the proposed language leaves the Community and Economic Development Director some flexibility if there are circumstances that make it impossible to comply with the on-site parking. It is within the purview of the Planning Commission to make recommendations and share suggestions about what is currently proposed.

Commissioner Fonte noted that there is language in the document that states group lessons or sessions shall not exceed six people at a time. She wondered what will be done to address parking when there are six clients at a home at the same time. Chair Roach asked that the question be addressed during the Regular Meeting, as there will be more discussion about the item at that time.

Chair Roach closed the Work Session at approximately 6:02 p.m.

CONVENE REGULAR MEETING – Public Welcome and Opening Statement by Commission Chair.

Chair Roach called the Regular Meeting to order at approximately 6:02 p.m. Commissioner Berndt read the Commission Statement for the benefit of those present and reviewed procedures.

PUBLIC HEARINGS

1. **Country Pine View - Landscaping Plan Amendment - 2761 East 4510 South (R-1-8 Zone). The Applicant, Grant Harrison, Proposes an Amendment to Approved Landscaping Plans Approved by the Planning Commission in Accordance with**

Applicable Holladay Ordinance 13.08.010D(5) 13.08.170.H, 13.10.050B2c(7) and 13.77.D2(c). File #22-1-03-2.

Ms. Marsh presented the Staff Report and explained that this is a request for a Landscaping Plan Amendment for “Country Pine View.” The property is located at 2761 East 4510 South in the R-1-8 Zone. She reported that the PUD was approved with a grove of trees on the northwest side of the property. That grove of trees was originally intended to stay on the lot. The applicant has already removed some trees approved for removal. Since then, the arborist has provided an assessment stating that trees on the northwest corner originally designated to remain on the property were diseased or have other issues. Removal of those trees was recommended by the arborist. The applicant has submitted the arborist assessment as well as a new Landscaping Plan.

The applicant’s representative, Mark Harrison, reported that he is the son of Grant Harrison and is the General Contractor and Developing Partner. He will be building the homes on the site. Mr. Harrison explained that the request is for an addendum to the previously approved plan. As the project work started, the items scheduled to be removed were removed, which left the grove of trees in the corner. Diamond Tree Experts was asked what can be done with the grove of trees in the corner to make sure it looked aesthetically pleasing. There are 15 trees currently, with 13 Siberian Elms, one Box Elder, and one Apple Tree. The trees have not been touched in over 50 years and are unmaintained. There was a desire to find out if it was possible to trim them and make them look better, but the tree experts do not believe it is worth the effort to try and save the trees. The proposal is to take out the existing trees, plant an equal number of trees to replace them, and improve the quality of trees in that area. Mr. Harrison understands that Holladay is known for tree coverage and the Tree Ordinance, so there is a desire to maintain the canopy. However, he does not feel the existing trees are best due to their age, diseases, and various risk factors.

Chair Roach asked for the date the arborist assessment was done. Mr. Harrison was not certain but noted that the assessment was done before any trees were removed. It was clarified that the assessment is from November 16, 2023. Chair Roach asked for the date the PUD was approved. Ms. March reported that it was approved on October 24, 2023. Chair Roach clarified that Diamond Tree Experts were contracted to handle the removal of the other trees and provided the assessment.

Commissioner Berndt asked when construction on the homes is anticipated. Mr. Harrison explained that the development still needs to be done. Commissioner Berndt wanted to know when the trees will be planted. Mr. Harrison stated that planting will likely occur after the houses are built. Chair Roach noted that it is difficult for the trees when there is heavy equipment and construction conditions. Mr. Harrison referenced Page 4 of the plan and explained that there is a large French drain that has to be put in, which encroaches on the grove of trees. Chair Roach asked if it will impact the landscape trees that are proposed to be there. For instance, whether it will limit their ability to reach full canopy maturity. This was denied. Mr. Harrison stated that some of the trees will need to be removed in order to place them appropriately. Planting can then be done around it.

Chair Roach opened the public hearing.

Megan Miller gave her address as 2775 East 4510 South, which is next door to the subject property. She explained that the grove of trees in question does not have good trees. She does not imagine that anyone living in a brand-new house will want those trees in their backyard. Chair Roach

asked for additional details. Ms. Miller explained that the trees are half-dying and are not quality trees. If she built a new house in that location, she would want those trees removed.

Scott Miller gave his address as 2775 East 4510 South. For years, there has been a lot of deadfall. He explained that the trees are hard to maintain and there is support to remove them.

There were no further comments. The public hearing was closed.

Sean Sortland from Diamond Tree Experts identified himself as a Certified Arborist. He agreed with the comments shared during the public hearing. All of the elms are exhibiting signs of a bacterial infection that leads to rot in the trees. The Siberian Elm trees also exhibit signs of leaf miners, which will dramatically decrease the canopy of the trees. As for the Apple Tree, that is completely dead. There are weaknesses in the Box Elder as well. Chair Roach asked if Mr. Sortland is Tree Risk Assessment Qualification (“TRAQ”) certified, which was confirmed. He explained that there are images to highlight these issues, which were reviewed by the Commission.

Chair Roach appreciated that the applicant took the time to have the Arborist look at the trees. He likes the plan that has been presented as it will make sure the canopy is met. With the drainage that has to be put in, the disturbance to the root zone will be problematic and impact the long-term survival of the trees. That will push them into further decline and it sounds like many of them are already in a state of decline. However, he has some concerns that the arborist review in this case was done by a company that also specializes in removal. There might be an unintended conflict of interest there. In the future, it might be beneficial for these types of reviews to be done by someone who specializes in tree care and preservation rather than tree removal.

Commissioner Prince asked if there are enough companies out there that focus on care and preservation rather than removal. She did not want to implement requirements that will be cumbersome for future applicants. Chair Roach knew some that existed that can provide the service. He asked City Staff if there is a way to articulate something like that in the ordinance in the future. As far as what the applicant has presented at the current meeting, based on the tree health assessment and the work that needs to be done in the area, he does not believe the existing trees will handle the additional stress. He agrees with the recommendation presented by the arborist.

Chair Roach pointed out that part of the previous approval for the project had to do with trying to protect the grove of trees. As a result, he thought it was best to hold them accountable to ensure there will still be a sufficient tree canopy. He suggested a recommendation that proper irrigation techniques be followed to ensure the long-term viability of the trees. Chair Roach reminded those present that the intention is to have a lush canopy. Commissioner Fonte asked if it is important moving forward that a secondary assessment be conducted by an organization that is also qualified to remove the trees. Chair Roach clarified that he is concerned about using an organization that specializes in removal or profits from the removal of trees, as there can be a conflict of interest. Commissioner Fonte suggested that any vendor can provide an assessment as long as the applicant is not contracting with that particular vendor. Chair Roach was interested in a full discussion about this matter with City Staff and Commissioners at a future Planning Commission Meeting.

Commissioner Fonte moved to APPROVE the Landscaping Amendment application by Grant Harris for “Country Pine View Subdivision and PUD,” located at 2761 East 4510 South, in the R-1-8 Zone, based upon the following findings:

- 1. The trees are determined by a Certified Arborist to be high risk, as defined in Section 13.04.040.*
- 2. The tree canopy area of additional trees proposed to be removed is around 4,522 square feet.*
- 3. The proposed 1:1 tree canopy area replacement plan proposes 46 total replacement trees, increased from 37 replacement trees on the original plan, resulting in 13,235 square feet of canopy replacement.*
- 4. That the irrigation is adequate for the long-term viability of the replaced trees.*

Commissioner Prince seconded the motion. Vote on Motion: Commissioner Vilchinsky-Yes; Commissioner Cunningham-Yes; Commissioner Fonte-Yes; Commissioner Prince-Yes; Commissioner Gong-Yes; Commissioner Berndt-Yes; Chair Roach-Yes. The motion passed unanimously.

2. Conditional Use Permit - Entrance Barn Accessory Building Footprint Size - 2520 East Walker Lane (R-1-87) Review and Consideration of a Request by the Applicant, Jackson, and Leroy, for a Conditional Permit Allowing the Expansion of an Existing Accessory Building to a Footprint Size Larger than Normally Permitted. Item Reviewed as an Administrative Application as Per Provisions Stated in Holladay Ordinance §13.14.030 & 13.08.040 13.14.030 & 13.08.040 File #23-2-14.

Ms. Marsh presented the Staff Report and stated that the application is a Conditional Use Permit for property located at 2520 East Walker Lane in the R-1-87 Zone. This application relates to the building footprint size for an accessory building. There is an existing building on the property that is currently non-conforming to the accessory building footprint size that is permitted outright. The applicant is proposing to remove part of the structure and replace it with an addition. Since it is already non-conforming, a Conditional Use Permit is needed for the footprint size.

The applicant’s representative, Wade Budge, introduced himself and shared a PowerPoint presentation. As Staff indicated, the property is on Walker Lane. The main home is under construction and is anticipated to be completed in the summer of 2025. Mr. Budge explained that the site is a combined site of multiple parcels that equals 13.7 acres. The existing barn is 2,662 and the proposed barn is 2,898 square feet. He explained that a Conditional Use Permit is required based on the square footage. Ahead of submitting the application, time was taken to ensure that there is compliance with elements from the code. The use is consistent with the zoning district as well as the types of residential and associated agricultural uses that exist and are allowed and contemplated in the zoning district. There is a barn currently, but the style is inconsistent with the style being pursued for the rest of the site. The intention is to remove the non-conforming aesthetic elements and rebuild so it ties into the site.

Chair Roach reported that he has seen the existing barn. He asked if the façade will be redone and modernized. Mr. Budge confirmed that the turret will be removed. He shared an image of the surrounding area and pointed out the location of the property. The existing barn structure was circled in red, which is more toward the north end of the site. An image was shared to illustrate the full property. Mr. Budge explained that the main dwelling is essentially in the same location that the prior dwelling was. The existing entrance barn is to the north and will continue to be in that location. Information about topography and drive aisles was reviewed. Mr. Budge next shared some of the landscaping elements that currently exist and elements that will be added in the future.

The footprint of the existing barn was reviewed. Mr. Budge reported that the red sections identify the proposed additions. The height is not proposed to change. He shared elevations with the Commission and explained that the barn is an accessory use. There will be no bedrooms or overnight spaces included in the barn. Information about the tree canopy was shared. There is a requirement that the proposal be cognizant of trees. The actual expansion of the footprint will remove one tree, but seven other trees have been identified that may be impacted. If those other trees are impacted as anticipated, those will be replaced, per the code. There is support for a Condition of Approval that states all requirements related to tree replacement must be met.

Chair Roach asked if the large willow tree adjacent to the driveway heading toward the main home has been removed. It was confirmed that it is still there, has tree protection, and is being watered. Mr. Budge shared a supplemental image of the barn. He referenced the Staff Report and asked that the proposed motion language be amended for clarity. It mentioned a guest house, but this is a barn. Discussions were had about the color of the barn, which is proposed to be more of a slate color. Commissioner Fonte wanted to know if there will be animals in the barn. Mr. Budge stated that there are animals on the property, but animals will not be staying in this particular barn area.

Chair Roach opened the public hearing.

Connie Silver Smith gave her address as 2452 Walker Lane. She noted that a Conditional Use Permit is a zoning exception that allows someone to use their property in non-conforming ways. It can be an alternative to rezoning and can allow someone to use their property in a unique manner where rezoning is not permissible. The concern she and some of the neighbors have is what the ultimate goal is for the use of the property. There doesn't seem to be enough information about what is contemplated. Ms. Silver Smith stated that there are concerns about traffic and what the barn will be used for. She wants to know if there is any other commercial use contemplated for this property that neighbors and the Planning Commission may need to know about.

There were no further comments. The public hearing was closed.

The applicant addressed the comments made during the public hearing. Mr. Budge referenced the Conditional Use Permit under Utah Law 10-9a-507. There are two types of uses in a zoning code: permitted use and conditional use. In this instance, a request has been made that will be subject to any reasonable conditions that address potentially detrimental impacts associated with the use. The application in this instance relates to the footprint. As for the use, it is for private use. This is not a commercial facility and will be used for gatherings with friends and family.

Commissioner Berndt noted that there is no change proposed for the height and asked about the requirements in the zone. Ms. Marsh explained that when there is an existing structure and the height is not proposed to change, the existing height is allowed to remain. Height will be reviewed during the Building Permit process. The Commission further discussed the application. Chair Roach did not believe the request for the additional footprint was out of scope. Commissioner Prince pointed out that because of the size of the lot, there is more than enough space to add to the accessory building. The addition is unlikely to impact the surrounding area in a meaningful way.

As there was a desire to share an additional comment, the public hearing was re-opened.

George Goates gave his address as 2594 East Walker Lane. He asked a question about the term Conditional Use. The request is to expand the building slightly, but he wants to know if this will change the way the property owners can utilize the property. For example, if it can be used commercially in the future. His concern is that if the modification to the building is permitted, it will allow the building to be used differently than it is currently being used.

There were no further comments. The public hearing was closed.

Ms. Marsh reported that conditional uses are permitted uses with conditions. The Planning Commission reviews the request and adds any Conditions of Approval that will mitigate potential impacts. Mr. Christopherson added that the Conditional Use Permit does not allow for retail use, as the zone does not allow for retail. It is not possible to open a storefront and have people come in and out of the property. A Conditional Use Permit on a home is different than one on a commercial property or in a different zone where there is mixed-use and retail allowed. In this situation, the property is in a residential zone and there is no retail use allowed in the R-1-87 Zone. Ms. Marsh stated that this is outlined in the table of allowed uses. The R-1-87 Zone is a residential zone, which means commercial and retail services are not permitted to take place within the zone.

Chair Roach noted that what is before the Planning Commission has nothing to do with business or commercial use. What is before the Commission is a Conditional Use Permit for the barn. Mr. Teerlink explained that any zoning code has a list of uses for properties. An accessory building is something that can be built for accessory uses. The list of accessory uses is standardized in the Holladay Code and is not proposed to be changed currently. Retail is not one of the uses listed.

Commissioner Cunningham moved to APPROVE the application for a detached accessory building sized at 2,898 square feet, located at 2520 East Walker Lane subject to the following:

Findings:

- 1. The desired structure meets the conditions included in 13.09.040.***
- 2. The proposed building with additions is within the required setbacks for a primary structure.***
- 3. Trees being removed will be replaced on the site, consistent with the Tree Ordinance.***

Conditions:

1. *The owner/applicant shall obtain a Building Permit for the proposed addition.*
2. *The owner/applicant will comply with all engineering, landscaping, and utility availability letter submission requirements before the issuance of a Building Permit.*

Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Vilchinsky-Yes; Commissioner Cunningham-Yes; Commissioner Fonte-Yes; Commissioner Prince-Yes; Commissioner Gong-Yes; Commissioner Berndt-Yes; Chair Roach-Yes. The motion passed unanimously.

3. **Text Amendment - Chapter 13.76.730; HOME OCCUPATIONS Review and Recommendation to City Council on Proposed Amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they Relate to Home Occupations. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #23-4-08.**

Ms. Marsh presented the Staff Report and explained that this item is a Text Amendment for Chapter 13.76.730 – Home Occupations. She reported that Home Occupations are currently a Conditional Use, reviewed by the Planning Commission, with conditions that are imposed on applicants based on the proposed business use. Many of the applications for home-based businesses are standard. Some common uses are lessons or consulting services where clients come to the home of an individual. Those uses can largely be addressed with standards. She noted that those standards are detailed in the proposed language. Additionally, there is a table included in the Staff Report that outlines what the current language is and what the proposed changes are.

Ms. Marsh stated that the proposed text is open for discussion. What the Planning Commission would like to see added, removed, or modified, can be expressed. She noted that some key points in the language are highlighted in the Staff Report. Those are the key points seen in previous Conditional Use applications for Home Occupations, specifically hours of operations, clients based on an appointment basis, parking standards, and ownership. The language proposed for ownership is the same as it is for accessory dwelling units (“ADU”) so there will be consistency there. Ms. Marsh read the following language from Section H-2 of 13.76.730 – Home Occupations:

- The dwelling unit must be either the primary place of residence for the person(s) conducting the Home Occupation or be owner occupied, with "owner occupant" defined as the following:
 - An individual who is listed on a recorded deed as an owner of the property;
 - Any person who is related by blood, marriage, or adoption to an individual who is listed on the recorded deed as an owner of the property; or
 - An individual who is a trustor of a family trust who possesses legal ownership of the property.

Chair Roach referenced the Prohibited Uses section of the table, which said, “Added specific uses not allowed.” He asked for additional clarity about what was being referred to. Ms. Marsh reported that prohibited uses are detailed in Item D – Home Occupations Prohibited. She clarified

that there is no obligation for the Planning Commission to approve what has been presented. It is possible to continue the item to a future meeting so additional discussions can occur.

Ms. Marsh stated that Home Occupations are currently tied to the land. If someone sells their house, it can be purchased with the Conditional Use still tied to it. The changes to the code remove that so it is tied to the individual person rather than to the land. Additionally, a Business License needs to be kept current, otherwise the Home Occupation will end. This will make it easier to see what businesses are operating in the area. Commissioner Vilchinsky noted that there are at least three home-based businesses on her street. She does not want to create an environment where more of these businesses are permitted without considering the number of already existing businesses. There is not a desire to see residential areas turning into retail areas or business areas.

Chair Roach asked if there is anything in place currently that allows residents to know which businesses are in operation on a street. Ms. Marsh was not aware of anything like that. Chair Roach agreed with the comments shared by Commissioner Vilchinsky. He felt there needs to be something to allow residents to know how many home-based businesses are in operation in the area. Commissioner Fonte mentioned the language about the hours of operation between 7:00 a.m. and 10:00 p.m., group lessons, and parking. If there are three businesses on a street that can operate between those hours and provide group lessons, that may create some difficult circumstances.

Ms. Marsh noted that something the Commission can address is a scenario where there are neighbors already operating a home-based business and another is interested in one. In that case, it may be appropriate to add conditions to mitigate the use rather than deny the use because there are already home-based businesses in the area. She noted that a standard can be created to recognize that there are already Home Occupations existing on a street and another may need to be modified in a certain manner to address this. Chair Roach noted that this scenario related to home-based businesses that involve clients coming to the home, not uses without additional traffic.

Commissioner Berndt believed the goal of the proposed standards is to avoid impacts that will change the character of a neighborhood. He asked about the distance requirements. Ms. Marsh reported that the current code has a distance requirement. It is not possible to issue a Conditional Use Permit if there is a Conditional Use Permit that exists within a quarter mile. Commissioner Berndt asked how many people can come to a business each day. Ms. Marsh explained that the Planning Commission can set conditions related to that for the applicant. Commissioner Berndt noted that it is important to clearly state how many people can come to a home. He wanted to know whether the City inspects a property before a Business License is issued. Ms. Marsh denied this but explained that it can be added in the application process if that is desired.

There was discussion about specific home-based businesses in the community and whether those are considered retail uses. Chair Roach pointed out that there is retail that exists, but those applications must go through a Conditional Use process. Ms. Marsh stated that it is standard for Home Occupations to see clients by appointment. Chair Roach suggested adding language to state that there can be two clients per hour. Commissioner Vilchinsky wondered how text amendments will impact residents. Mr. Teerlink explained that the procedural steps to obtain a license are outlined in the ordinance. That language will change to be congruent with whatever is approved.

Ms. Marsh noted that home-based businesses have always occurred in the community, but not everyone realizes that they need to have a Business License or that a Home Occupation Permit is needed. The City can work on communicating that through education and code enforcement.

Additional discussions were had about specific home-based businesses in the City. Commissioner Berndt believed there should be a conversation about whether the City is making it too easy to obtain a Home Occupation Permit. He likes the idea of most of these items being handled by City Staff, but there are some instances where a discussion needs to be had by the Planning Commission. Commissioner Berndt liked the language about the home being owner-occupied, but he thought the language about relatives needs to be further clarified and better defined.

Chair Roach stated that for the most part, home-based businesses are part-time ventures. If it is more than a part-time venture, it is likely more appropriate to have a brick-and-mortar location. For a home-based business, there could be a limitation on the hours per day or hours per week. For instance, stating that the use is not to exceed 20 hours a week or 5 hours per day. Mr. Christopherson reported that some requirements from the Legislature need to be considered. Ms. Marsh noted that all home-based businesses that have clients coming to the home require a Conditional Use Permit. She asked about the legality of limiting the number of people or the hours of operation per week. Mr. Christopherson explained that with a Conditional Use, it is possible to place limitations to mitigate impacts to the area. Ultimately, he believes this is a policy question. Chair Roach felt those kinds of limitations will be impactful to residential neighborhoods. Having a daily or weekly cap and a limited number of clients per day will ensure that use is not excessive in the neighborhood. Code enforcement can be called as necessary.

Ms. Marsh noted that City Staff has discussed an additional component in the section that discusses Permitted Home Occupations. She read the following language:

- No Home Occupation License shall be required for businesses that:
 - Do not have customers that come to the home;
 - Do not have employees who come to the home;
 - Do not have combined offsite impacts of the home-based business and primary residential use that exceed the impact of the residential use alone.

It was suggested that an additional point be added to state that Home Occupations exceeding the standards or outside of the standards outlined will require a Conditional Use Permit. From there, the Planning Commission can review the application and either set more standards or deny a Conditional Use Permit based on the proposed use. Chair Roach thought there should also be language to address an inspection process. Commissioner Prince wanted to know if there is a way to check whether there is a Home Occupation License when a Business License is issued for a home address. Ms. Marsh explained that there is a Business License Official review. Additionally, she noted that if clients come to the home for the business, a Home Occupation is needed.

Chair Roach believed there should be a public list available to residents so it is clear where the home-based businesses are. Ideally, there should be a map to see how many are in each area. Ms. Marsh noted that there is a map that shows business locations. She noted that it is possible to create an additional layer for home-based businesses. Discussions were had about code

enforcement and the options available to residents. Mr. Teerlink informed the Commission that the Holladay Business Advisory Board existed and was created to offer assistance.

Chair Roach opened the public hearing. There were no comments. The public hearing was closed. *Commissioner Prince moved to CONTINUE the application to amend 13.100 and 13.76.760 of the City of Holladay Land Use Code to allow for Home Occupations to be permitted, with standards approved by Staff, to the next regularly scheduled meeting. Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Vilchinsky-Yes; Commissioner Cunningham-Yes; Commissioner Fonte-Yes; Commissioner Prince-Yes; Commissioner Gong-Yes; Commissioner Berndt-Yes; Chair Roach-Yes. The motion passed unanimously.*

4. Text Amendment - Chapter 13; ACCESSORY DWELLING UNITS Rescheduled for First Planning Commission Meeting in January.

The above item was rescheduled to the first Planning Commission Meeting in January 2024.

ACTION ITEMS

5. Approval of Planning Commission 2024 Meeting Schedule.

Chair Roach noted that there are five dates proposed to be changed in the Planning Commission 2024 Meeting Schedule. Mr. Teerlink explained that the meetings are scheduled to be held on the first and third Tuesday of each month, but some changes are proposed to accommodate holidays.

Chair Roach expressed concerns about moving the July 16, 2024, meeting to July 23, 2024, because of the State holiday. Mr. Teerlink reported that the Planning Commission could cancel the meeting on July 16, 2024, or cancel the meeting on July 2, 2024. It was determined that the July 2, 2024, meeting will be canceled and the meeting on June 18, 2024, will be moved to June 25, 2024. The meeting on July 16, 2024, will remain as scheduled. Discussions were had about the schedule in November, where only one meeting is scheduled due to elections. It was recommended that there be a third meeting held in October, on October 29, 2024.

Commissioner Prince moved to APPROVE the Planning Commission 2024 Meeting Schedule, as amended. Commissioner Fonte seconded the motion. The motion passed with the unanimous consent of the Commission.

6. Approval of Minutes – 10/24/2023 and 11/07/2023.

Chair Roach moved to APPROVE the Meeting Minutes from October 24, 2023. The motion was not seconded. The motion passed with the unanimous consent of the Commission.

Chair Roach moved to APPROVE the Meeting Minutes from November 7, 2023. The motion was not seconded. The motion passed with the unanimous consent of the Commission.

ADJOURN

Chair Roach moved to ADJOURN the Planning Commission Meeting. The motion was not seconded. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 7:48 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held Tuesday, December 19, 2023.

Teri Forbes

Teri Forbes, Minutes Secretary
T Forbes Group

Minutes Approved: February 20, 2024