



**ROY CITY**  
**Planning Commission Regular meeting**  
**June 8, 2021 – 6:00 p.m.**  
City Council Chambers/Courtroom  
5051 South 1900 West

The meeting was a regularly scheduled work-session designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Ryan Cowley, Chair  
Torriss Brand  
Christopher Collins  
Jason Felt  
Jason Sphar

Steve Parkinson, City Planner

Excused: Commissioners Don Ashby, Samantha Bills, Annette Mifflin and Claude Payne, and Assistant City Attorney, Brody Flint

Others in attendance: John Michaelis and Kevin Homer

Pledge of Allegiance: Commissioner Cowley

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF MAY 11, 2021 REGULAR MEETING MINUTES

**Commissioner Collins moved to approve as amended the May 11, 2021 regular meeting with the changes as mentioned by Chair Rowley. Commissioner Sphar seconded the motion. Commissioners Brand, Collins, Cowley, Felt, and Sphar voted “aye.” The motion carried.**

3. CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR BOWSER BATH LOCATED AT APPROXIMATELY 3536 WEST 4800 SOUTH.

John Michaelis, Crawford CO, representative, began by discussing the unit he wants to use for the Bowser Bath and reasoning behind it. He indicated the baths are all aluminum and all powder coated so no hair or growth would accumulate in the bath or building. They are additionally heated and cooled with year-round running capabilities. He said they are also cost effective, and the location in question fit their needs best.

Mr. Parkinson began the planning aspect of the presentation by specifying that this business is effectively a car wash for dogs and would be classified for accessory use. It would change the site a bit and is located by the North Davis sewer. Within the bath itself, he noted there is also a system in place to catch dog hair. Mr. Parkinson stated there is already electric and water, but there is no sewer on the property. He said the parking also already meets requirements as well.

There were no comments from the body as this was a site plan.

**Commissioner Sphar moved to approve the Site Plan for Bowser Bath located at approximately 3536 West 4800 South, with the conditions as stated in the staff report. Commissioner Felt seconded the motion. Commissioners Brand, Collins, Cowley, Felt, and Sphar voted “aye.” The motion carried.**

#### 4. TRAINING – OPEN AND PUBLIC MEETINGS ACT

The Planning Commission viewed a YouTube video for training purposes. The video advocated for transparency meaning these meetings must be open and public. The leader of the training paused to clarify that the classification of the meeting does matter with regards to its public nature. Chance encounters and social occasions do not qualify. Notice to the public with date, time, and place along with an open door are the biggest requirements. Councils must have a regular meeting schedule and notices must be posted online with a copy sent to local news. Second, each individual meeting must have an agenda established at least 24 hours prior. This agenda must be posted to the state notice website and also be sent to local news media. The video stated that this is the minimum requirement for each meeting. This applies for regular meetings and special meetings. If special meetings are called, notice must be given to council members and the public with the same requirements listed above. The only exception is for emergency meetings. Once in the open public meeting, a record is required in two forms. The meeting must be recorded and have written minutes. Minutes also have a minimum standard for substance including voting records. If it is not on the agenda, no final action may be taken. Discussions may occur outside of agenda, but no action can be taken. The YouTube video then presented a hypothetical example of all the rules specified above. The video then went on to distinguish a public meeting a public hearing. He noted that these two classifications have different rules. Public hearings come before zoning orders and the budget.

It was noted that public hearings were required for zoning changes, general plan amendments, ordinances, and annexations.

Next, the video discussed public comments. After the public comment section is closed, no public can comment unless it's a public hearing or if the mayor or council requests public input.

The YouTube video noted every council had the right to vote and change the meeting to a closed meeting with two-thirds of a vote from the Commission. Closed meetings are reserved for talking about an individual person, collective bargaining, strategies on pending litigation/criminal investigations, strategies on the purchase or sell on property and associated prices, and security devices. Closed meetings are recorded except for meetings on security devices or individuals. Closed meetings recordings are not public documents though. They exist largely for legal records. The YouTube video gave an example of a closed meeting on an individual. In this hypothetical, the body would discuss

the health concerns of a public official and how their potentially serious illness could drive up insurance rates for public officials.

#### 5. COMMISSIONERS MINUTE

The Planning Commission discussed which seats were open for reappointment. There was also a brief discussion about crossing guards, which are city employees.

#### 6. STAFF UPDATE

Mr. Steve Parkinson presented staff updates. He started with House Bill 2 which updates single family housing requirements. The Ordinance notes any zone that is primarily residential has permitted use to internal accessory dwelling unit (IADU) like a split level having a basement. This bill regulates size of homes. He noted HOAs cannot prohibit IADUs. There can be some design standards. For example, parking stalls could be required. Mr. Parkinson noted this also prohibits short term rentals. This does not apply to Airbnbs unless building code specifies. Mr. Parkinson then noted that this becomes law October 1<sup>st</sup>.

He then went on to discuss that if the city does not do anything, after October 1<sup>st</sup> people are allowed to have IADUs. He said IADU status does not apply to garages as the need to park will still need to be filled if a garage is converted into a new space. In response to questions from the body, Mr. Parkinson noted that any business going on in a single-family house would require the head of the business and person legally residing there to be the same person.

Mr. Parkinson then went on to House Bill 409 which stated that the "Planning Commissioners to receive four hours of training annually." Mr. Parkinson went through training requirements. These included having one hour allocated for general powers and duties of the Planning Commission (Commissioners can complete this online with a code submitted by Mr. Parkinson). New Commissioners cannot vote without this. Another hour of training can be attending 12 Planning Commissioning meetings and the other two hours can be completed through conferences, seminars, or in house training.

Senate Bill 201 was discussed next. It is a public notice amendment, but Mr. Parkinson described it as "very cumbersome." The Bill states that public hearings do not need to be published in the paper. With that said, if this occurs, "so many places" must post the agenda instead.

House Bill 98 was discussed next. Mr. Parkinson said this was an "overreach" from the state. It was previously vetoed and is now House Bill 10-03. This Bill gave the ability for developers to hire their own inspectors. He noted FEMA objected and many inspectors were in "uproar." Things went with the bill including timeframes for apartments, single family, and townhomes. With that, Mr. Parkinson noted there could be no design standards. He went into how other cities have this requirement and the bill sidesteps this

rule. Early on, he noted this bill required to closely track the time taken for inspection and approval, and it must take no longer than 14 business days. Mr. Parkinson expressed frustration because many developers take long periods of time to inspect and approve sights – sometimes, as long as four to six months. The Bill also says if the inspection is not completed quickly enough, independent inspectors can be contracted. Ultimately, Mr. Parkinson felt the bill allows cities to overly self-govern “without any overreach.”

7. ADJOURN

**Commissioner Sphar moved to adjourn at 7:16 p.m. Commissioner Brand seconded the motion. Commissioners Brand, Collins, Cowley, Felt, and Sphar voted “aye.” The motion carried.**

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Ryan Cowley  
Chair

Attest:

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Morgan Langholf  
City Recorder

dc: 06-08-21