

City of Washington Terrace

Minutes of the Planning Commission Meeting held on
Thursday, July 25, 2024
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

PLANNING COMMISSION AND STAFF MEMBERS PRESENT

Chairman Steve Jacobson - Excused
Vice- Chair Dwight Henderson- Excused
Commissioner Amy Morgan - Excused
Commissioner Dan Johnson – Acting Chairman
Commissioner Jethro Dee Watson
Commissioner Morgan Wilkins
Commissioner Matthew Roper
City Recorder Amy Rodriguez
General Planner Tyler Seaman

Others Present

Mike , Craig Urry, Chris Jenkins

1. ROLL CALL

6:00 p.m.

Rodriguez stated that Commissioner Johnson was asked to be acting Chairman for this meeting.
The Commission agreed.

2. PLEDGE OF ALLEGIANCE

3. WELCOME

4. RECURRING BUSINESS

4.1 MOTION: APPROVAL OF AGENDA

Seaman asked if we could move item 6.3 to before the public hearings, as the development team
for the item are in attendance.

Motion by Commissioner Wilkins
Seconded by Commissioner Watson
To approve the agenda
Approved unanimously (4-0)

4.2 MOTION: APPROVAL OF MINUTES FOR JUNE 27, 2024

Motion by Commissioner Wilkins
Seconded by Commissioner Watson

to approve the minutes of June 27, 2024
Approved unanimously (4-0)

Items 4.1 and 4.2 were approved by general consent.

5. SPECIAL ORDER

**5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND
OPPOSITION TO PROPOSED ORDINANCE AMENDING CHAPTER 17.10
RELATING TO IN-FILL RESIDENTIAL DEVELOPMENT**

Seaman stated that the ordinance is a text amendment to the current in-fill code.

Seaman stated that the City Attorney re-worded some of the text to include language making the in-fill definition and intent clear.

Seaman stated that the intent of in-fill intent is to allow considerations for vacant lots or property that do not fit into standardized zoning. He stated that the Development Review Committee (DRC) has reviewed the ordinance text changes. He stated that he recommends the changes, as it runs more in line into what we are planning to do with in-fill properties within the city. Seaman stated that there are only a few properties that could be considered for the in-fill program. He stated that a development agreement outlying conditions must be established before construction can occur on any in-fill properties.

Commissioner Johnson opened the public hearing was opened at 6:23 p.m.

Comments were heard from a resident named Mike who did not want to give his last name to the Commission. Mike thanked the Commission for volunteering their time. He stated that he hopes that the Commission will make an informed decision that affects the entire community.

He stated that he hopes that the Commissioners realize that the City Council and administration changed the zoning map in 2006 eliminating high-density property within the city. He stated that this was done without property owners knowing of the change.

Mike stated that the Harvest Pointe Development which was approved by Council was done with backroom dealings so that they could push the development through. He wanted to know why the development was approved and encouraged by the city administration at the time but those type of developments are not encouraged now.

Mike stated that he has a legal non-conforming property that was grandfathered in after the zoning changes and stated that he would like to have the property put onto the in-fill map. He stated that the zoning was changed without him knowing he is no longer on the in-fill map. He stated that he believes that this is the exact behind the scenes behavior that occurred during the approval of the high-density development year ago.

He stated that many other property owners will be mad to learn that their properties have been removed from the in-fill map without due process by the city.

Mike stated that the city administration picks and chooses which codes that they like to enforce. He stated that this creates a dangerous situation for residents who wish to report neighboring properties because if they enforce it on one home, but not another home, the property owner will

figure out who reported them to the city. He stated that there is no reason to report anything to the city if the city won't stand by their enforcement practices.

Commissioner Johnson asked clarifying questions about Mike's petition to have his property put on the in-fill map. Mike stated that his property was zoned R-2 when he purchased the property. He stated that the property was re-zoned in 2006, when multi-units were no longer allowed to be built in the city. He stated that being labeled a legal non-conforming property detracts from the value of the property.

Seaman stated that Mike has petitioned to have his property declared in-fill even though it does not meet the requirements. He stated that his petition was denied because he did not pay the \$500 fee required for the DRC and Planning Commission review. Seaman stated that Mike would like to tear down his duplex and re-build it as part of the in-fill process.

Seaman explained that the intent is not to take a legal non-conforming property, which is a property that doesn't fit into current zoning and tear it down and say it is in-fill property. He stated that state law lets owners rebuild their property within one year if the property is lost in an act of God. Seaman stated that the city would have to allow him to do so, however, he noted that how he can rebuild it is subjective to city standards. Seaman stated that he cannot stop him from rebuilding it exactly how it currently stands as long as it is done within one year of the event. He noted that it cannot be rebuilt as a multi-family unit with additional units or accessory units.

Seaman stated that it is important for the Commission to know that city has done its' due diligence. Seaman stated that he has called several banks and lenders and has been told that there are no issues on lending as long as the city does not consider the property non-conforming or illegal. Seaman stated that Mike's property is permitted as a duplex. He stated that it is considered a legal non-conforming duplex and is allowed to be conducted as so.

Mike stated that his duplex is a two- family structure. He told the Commission that the city eliminated all R-2, R-3, and R-4 zones and the only high density allowed will be commercial. He stated that the city wants mixed-use commercial property.

Seaman stated that Council can allow for a commercial property to be used as mixed-use, meaning that there is commercial property on the bottom floor, and residential units above. He stated that there would need to be a development agreement in place outlying conditions before the project would be approved.

Seaman stated that the Harvest Pointe properties that Mike referred to is better taken care of than 32 individual homes. Seaman stated that there were no backroom deals associated with those properties or the zoning changes as Mike stated. He stated that all the minutes are available. Seaman noted that Public Hearings were held as required.

Mike stated that the city has already made a declaration that there are problems with enforcement within the city. He stated that is because there is no "teeth" in the code and no one is enforcing codes. Mike stated that there would not be problems if the codes were fully enforced and not just haphazardly enforced.

Mike stated that he has little trust in the city administration and feels that he has been intentionally misled through this process as well as his property being rezoned.

Seaman stated that the in-fill properties are approved by ordinance and that no one has been removed from the property map. He stated that property owners can go through process to be added on to the map as Mike is attempting to do.

Seaman stated that staff and the Commission need to review the ordinance and make sure that it is in line with the goal of the city. Seaman stated that Mike is going through the process to put his 0.18 acre property onto the infill map. Seaman stated that Mike will receive an email from our attorney explaining his options in this regard. Seaman stated that the goal of staff and the DRC is helping someone be successful in presenting something to the Planning Commission. If the proposal is not in line with the intent of city goals, staff will let the resident know so that they can align their vision with what is allowed and potentially pass through the Planning Commission.

Seaman stated that it is not the intent of the in-fill program to take down an existing duplex and make three separate properties on the parcel if they meet the density considerations allowed. Seaman stated that it can get out of hand if everyone was allowed to be considered an in-fill property and allow them to put more units on their property because the density consideration allows for it in the ordinance.

Seaman stated that it costs \$500 for an applicant to come present to the Planning Commission. He stated that he has tried to help Mike save time and fee money by letting him know that he will be denied at the Planning Commission level because what he is trying to do is not in line with the intent of the ordinance. Seaman stated that he tries to work with developers ahead of the meeting so that they can be successful in their project.

Moving forward, Seaman stated, he has been advised by legal that if someone really wanted to push something through to the Commission, that he will let them, noting that he will give his recommendations to support or not support a project with his supporting reasons and let the Planning Commission decide.

Mike stated that he sent a letter and he has not been given direction from the city. He stated that his intention was not to build three units on his property. He stated that his intention be put on the in-fill map was so that if his duplex was ever damaged, he could build closer to the fence lines. Mike stated that the Planning Commission was not given all the information on his petition. Seaman stated that Mike should be receiving a letter from the city Land Use Attorney within the next few days.

Commissioner Johnson closed the public hearing was closed at 6:52 p.m.

5.2 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND OPPOSITION TO PROPOSED ORDINANCE AMENDING CHAPTER 17.76 RELATING TO THE APPEAL AUTHORITY

Rodriguez stated that the Appeal Authority section of the Administrative code was repealed and replaced in 2010. It was found that the section relating to the Appeal Authority in chapter 17.76 still referenced the repealed code. The amendment to the ordinance is to align Chapter 17.76 of the Municipal Code with state law and City Code.

Commissioner Johnson opened the public hearing was opened at 6:55 p.m.

Mike suggested that the city attorney should not be the appeal authority overseeing the appeal project and is glad that Bill Morris recused himself from his appeal hearing. He stated that the city needs to follow our codes and make them clear for citizens.

Commissioner Johnson closed the public hearing was closed at 6:58 p.m.

6. NEW BUSINESS

6.1 MOTION/ORDINANCE 24-05: RECOMMENDATION TO APPROVE ORDINANCE 24-05 AMENDING CHAPTER 17.10 “IN-FILL RESIDENTIAL DEVELOPMENT”

**Motion by Commissioner Roper
Seconded by Commissioner Watkins
To approve recommendation to Council to
Approve Ord. 24-05 amending Chapter 17.10 “In-fill Residential Development”
Approved unanimously (4-0)**

6.2 MOTION/ORDINANCE 24.06: RECOMMENDATION TO APPROVE ORDINANCE 24-06 AMENDING CHAPTER 17.76 “APPEAL AUTHORITY”

**Motion by Commissioner Wilkins
Seconded by Commissioner Roper
To recommend approval of Ordinance 24-06
Amending Chapter 17.76 “Appeal Authority”
Approved unanimously (4-0)**

6.3 DISCUSSION/ MOTION: APPROVAL OF PRELIMINARY PLAT FOR TERRACE PLAZA CHILDREN’S ACADEMY, LOCATED AT APPROXIMATELY 99 WEST 4700 SOUTH

Urry and Jenkins introduced themselves to the Commission as the engineer and representatives for the owners of Terrace Plaza Playhouse. Seaman stated that the plans include construction of a brand-new building next to the Playhouse.

Seaman stated that the Academy will be used for a youth program for theatre. He stated that they have been through the development review committee (DRC). Seaman stated that there is a concern regarding the grandfathering-in of storm water. He stated that the property does not comply with current state regulations for storm water. The Developer and City engineer are working on adding different landscaping to have the water absorbed.

Seaman stated his concern regards parking. He stated that there will be conditions of approval stating that the youth program and plays cannot coincide at the same time. He stated that the site plan will promote the pull-thru mentality so that there is not a backup of cars when kids are being dropped off.

Seaman stated that conditions include:
-Escrow

236 -Payment of fees and applications

237 -Landscaping requirements

238 -Letter stating that the two businesses will not be run at the same time

239 -Storm water calculation final approval with the City Engineer

240
241 Seaman stated that the Terrace Muffler is encroaching on the parking. He stated that the owners
242 may have to put in a buffer to establish that the parking is for the Academy or Terrace Plaza
243 Playhouse.

244
245 Jenkins stated that he believes there will be morning and afternoon classes. Seaman stated that
246 their goal is to have classes for school children across the street.

247 Seaman stated that that staff is supportive of the plans. He stated that with the letter stating that
248 the two businesses will not be run at the same time, he has no concerns with the parking situation

249
250 Seaman stated that they will use LID landscaping to absorb water and eliminate run-off. He
251 stated that the challenge entails the flow line. He stated that there is not a basin on the property at
252 all. Seaman stated that he believes that the LID should meet the requirements for storm water. He
253 stated that they should meet the 100-year rain requirement with the LID. Seaman stated that the
254 City Engineer will need to review the calculations and approve the project.

255
256 **Motion by Commissioner Watkins**
257 **Seconded by Commissioner Roper**
258 **To approve the preliminary plat for the**
259 **Terrace Plaza Children's Academy**
260 **Approved Unanimously (4-0)**

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263 **7. UPCOMING BUSINESS**

264 Seaman stated that the in-fill situation has been a top priority of staff. He stated that there has
265 been a lot of research making sure that we are following state law and keeping in line with city
266 ordinance.

267
268 Seaman updated that Commission on the city property next to the library, stating that a plan will
269 be submitted to the DRC next month. He stated that the proposed plan will be commercial only
270 and will fall in line with the C-1 zoning. He stated that they may need a sprinkler system, and the
271 city may need to cut into the road to install a larger water line to accommodate the sprinkler
272 system.

273
274 Seaman stated all requests for in-fill development are tabled until the ordinance is approved.

275
276 Seaman stated that the backyard chicken ordinance was not brought to the Commission tonight
277 because we would prefer that the entire group was present for the discussion. Seaman stated that
278 he knows of 8-9 families who want chickens and may already have them. Seaman stated that our
279 code is complaint based, noting that the department was directed by Council around 2 years ago
280 to be progressive and aggressive on violation citations and code and within 3 months was
281 directed to stop and go back to complaint-based enforcement. Seaman stated that the main
282 purpose of the Code Enforcement and Building Department is for life safety of the entire city and

to protect entire city property rights and the residents. He stated that the city will step in and get involved if it is aware of a hazard or safety concern. He stated that the city will step in if there are significant issues.

7. MOTION: ADJOURN THE MEETING

**Motion by Commissioner Roper
Seconded by Commissioner Wilkins
To adjourn the meeting
Approved unanimously (4-0)
Time: 7:12 p.m.**

Date Approved

City Recorder