

City of Washington Terrace

Minutes of the Planning Commission Meeting held on
Thursday, June 27, 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
Vice- Chair Dwight Henderson
Commissioner Jethro Dee Watson
Commissioner Amy Morgan
Commissioner Dan Johnson
Commissioner Morgan Wilkins
Commissioner Matthew Roper
City Recorder Amy Rodriguez
General Planner Tyler Seaman
City Manager Tom Hanson
City Attorney Bill Morris

Others Present

None

1. ROLL CALL

6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. WELCOME

4. RECURRING BUSINESS

4.1 MOTION: APPROVAL OF AGENDA

4.2 MOTION: APPROVAL OF MINUTES FOR MARCH 28, 2024

Items 4.1 and 4.2 were approved by general consent.

5. NEW BUSINESS

5.1 DISCUSSION: DISCUSSION ON THE SELECTED STRATEGIES FOR IMPLEMENTATION OF THE MODERATE INCOME HOUSING ELEMENT OF THE GENERAL PLAN

Hanson stated that the state feels that cities may be a roadblock to developers concerning affordable housing. He stated that we have received direction from the state legislature to submit a yearly moderate income housing plan. He stated that there are 24 objectives that the city can

adopt to promote affordable housing. The city is required to adopt a minimum of three of the objectives.

Hanson stated that the city has adopted the following parameters:

1. Rezone for densities necessary to facilitate the production of Moderate Income Housing.
2. Create or allow for, and reduce regulations needed to, internal or detached accessory dwelling units in residential zones.
3. Zone or rezone for higher density or Moderate Income residential development in commercial or mixed use zones near major transit investment corridors, commercial centers, or employment centers.

Rezone for densities necessary to facilitate the production of Moderate Income Housing.

Hanson stated that the City was ahead of the curve by developing the Infill Ordinance years ago as one of the tools to help fill in the vacant properties in the city.

Commissioner Johnson inquired as to how the city comes to an agreement with the property owner to make it affordable housing. Hanson stated that we can encourage the density and a way to make the project work for the developer. Hanson stated that there is only so much that we can require them to do without backing the project financially. Hanson stated that our goal was to fill in vacant properties. Morris stated that the nature of high density lends itself to moderate income housing price points. Hanson stated that penalties to the city for not implementing the practices or complying with the Moderate Income Housing Plans and requirements can be up to \$250 a day, loss of TIFF money, and loss of road funding.

Seaman stated that there are around 9-10 vacant lots on the infill property map that are not in construction and have not applied for building applications. Morris stated that the MIHP is to give people a chance to own their home. He stated that the governmental goal is to give the opportunity to people to own their own home. Morris stated that the challenge is that developers are building large homes that Moderate Income Housing potential owners cannot afford. The state is requiring cities to change ordinances and zoning to allow for smaller homes and townhomes that may be affordable housing for people. Seaman stated that the stated is basically making the cities create plans to come up with ways to allow for smaller homes, denser zones, and accessory dwelling units on parcels. Hanson stated that the state feels that cities are not allowing developers to develop their products. He stated that it is not the case, noting that the issue comes down to developers who do not want to build affordable developments. Many want to build the product in which they can make the most money. Hanson stated that we cannot force a developer to build affordable housing.

Hanson stated that infill property must be vacant land. Hanson stated that there has been a request from a resident to have his duplex declared infill property. Hanson stated that it has been denied, as that is not the intent of the infill ordinance.

Hanson stated that we could rezone commercial property to allow for mixed-use developments. This would be commercial on the main floor with residential on the floors above. Hanson stated that this would be an available option for many of our commercial properties.

94 Morris stated that another challenge is the current interest rate and building costs. Some
95 developers are not building at this time. Morris stated that the legislature is still thinking that the
96 cities are the problem, however, many cities have approved developments that are not being built
97 at this time. This falls on the developer. Morris stated that the City is in compliance by allowing
98 the developments.

99 Hanson stated that we are considering vacant properties that may be added to the infill
100 designation. These properties will be brought to the Commission for their approval.

101
102 Create or allow for, and reduce regulations needed to, internal or detached accessory dwelling
103 units in residential zones

104
105 Seaman stated that a challenge is to figure out a way to allow people to have accessory dwelling
106 units. He stated that there are many parking limitations. He stated that the city has been proactive
107 on auditing rentals within the city and keep track of homes that are renting out their basement as
108 an accessory dwelling unit. He stated that the audit has shown many homes in the city where the
109 upstairs and basement are both being rented out to two different families. He stated that this is
110 challenging. He stated that there is a potential for parking limitations, as well as the home not
111 being taken care of by the renters. He stated that there are many impacts to the city when
112 allowing for more apartments and accessory dwelling units, noting that it is a bigger hit on our
113 sewer and water systems. Morris stated that apartments are not the answer as this does not allow
114 people to own their own homes. He stated that starter homes, or town homes, would be a better
115 option to accomplish the goal of the state regarding affordable housing. Hanson stated that the
116 accessory dwelling unit ordinance is only allowed if the owner lives in the home.

117
118 Hanson stated that there are fairly small lots within the city. He noted that we don't have a lot of
119 flexibility within the city. He stated that we can consider options and work towards a goal when
120 appropriate.

121
122 Commissioner Morgan stated that Roosevelt elm. is already a title one school. She stated that by
123 adding more students who qualify for title one adds more burden to the schools in the
124 community. Hanson stated that he had not considered the impact to education and will include
125 this in his report as a cause and effect. Commissioner Watson stated that it could become an
126 issue with HOA's because the owner may say that the city allows for accessory dwelling units.
127 Morris stated that the city cannot override HOA regulations.

128
129 Zone or rezone for higher density or Moderate Income residential development in commercial or
130 mixed use zones near major transit investment corridors, commercial centers, or employment
131 centers

132
133 Hanson stated that we are not a major transit corridor, however, we do have businesses. Hanson
134 stated that we can consider allowing for mixed-use at the property across the street from city
135 hall, as well as property down by the water tower. He stated that Golden West owns property
136 within the city, noting that they are going to be able to develop it in the manner that they choose.
137 Hanson stated that mixed-use properties work better than a single-story drive-thru restaurant.
138 Hanson stated that a quality apartment could be a benefit for the city. Commissioner Johnson
139 questioned why the city would allow more apartment complexes when there are many issues
140 with current apartments within the city. He stated that he does not understand why we would

allow multi-use with apartments. Hanson stated that if a situation presents itself, it would come before the Commission for approval and Commission parameters to be set in the development agreement. Hanson stated that we encourage class A offices, noting we can have a better tax base if we allow for apartment density on top of the offices.

Commissioner Morgan stated that rezoning is an appropriate way to meet the requirements. Commissioner Wilkins stated that it sounds like the city does not have much of a choice or say in the matter and that we are doing the best that we can at this time. Hanson stated that the intent of the infill overlay map is to allow for higher density for properties that normally would not be allowed to build due to zoning.

Hanson stated that there is a balance between how high density affects the properties around it and the encouragement to help with the affordable housing goal. Hanson asked if the Commission feels that the plans in place are working, or would they like to look at rezoning.

Chairman Jacobson stated that there is no need to rezone right now, however, the Commission will consider rezoning if an applicant comes forward with a proposal.

Hanson stated that we will continue moving forward with the current ADU ordinance. We will continue to review and move forward with Infill Properties. He stated that we will bring applicants to the Commission that meet requirements for higher density.

5.2 DISCUSSION: DISCUSSION ON PROPOSED ORDINANCE CONCERNING THE ALLOWANCE OF BACKYARD CHICKENS WITHIN CITY LIMITS

Morris stated that he drafted the ordinance, following the Clearfield City ordinance. He stated that the license fee of \$100.00 is negotiable. Chairman Jacobson stated that the requirement of a 20,000 sq foot lot only allows around ten lots in the city to be allowed chickens.

Morris explained that the severability clause is used to overturn portions of the ordinance if it is found illegal. It allows for an illegal portion to be taken off and the rest of the ordinance remains in tact.

Hanson stated that the issue of allowing backyard chickens has come up numerous times throughout the years. He stated that previous councils have been clear that they did not want to allow chickens. Hanson stated that there have been discussions with the current council who would like to consider allowing chickens within city limits.

Hanson stated the \$100 fee is for licensing, inspections, paperwork, and processing for allowing the chickens. Hanson stated that we have people throughout the city who do not follow code to mow their lawns, however, they would like the added challenge of allowing chickens in their backyard.

Hanson stated that there have been about a dozen residents asking for chickens. Hanson stated that there have also been residents who come to council detailing why allowing chickens will be a challenge, stating that the community is small and has small lots.

188 Hanson stated that some residents have stated that they want to have chickens as a learning
189 experience, they want the eggs, and want to take care of them. Other residents have stated that
190 they feel that it is everyone's right to own what they want. Hanson stated that we live in a small
191 community and there are regulations to protect everyone and their rights to peaceful living.

192
193 Seaman stated that there are about 3-5 homes that he knows of that have chickens. He stated that
194 code enforcement is not allowed to look over fences to see if residents have chickens. He stated
195 that he has gotten complaints from neighbors, but it is one of the smaller complaints that he
196 receives. Seaman stated that the animal control officer spoke to council and stated some reasons
197 why she is supportive of allowing them, as well as other reasons for why she is not supportive of
198 them within the city.

199
200 Commissioner Wilkins stated that the proposed ordinance handles the guidelines well. He stated
201 that people have to be serious and maintain the housing and care of the chickens properly.

202
203 Commissioner Morgan wondered if people who want them have done a cost analysis on their
204 eggs. Chairman Jacobson stated that it is not cost beneficial. He stated that there are arguments
205 for having your own chickens, but it is never financially beneficial.

206
207 Commissioner Roper stated that we don't want raccoons and rats within the city.

208 Commissioner Morgan stated that there are already racoons living across the street from her and
209 does not want to add more to the city.

210
211 Seaman stated that he worked at Clearfield City when the ordinance was proposed. He stated that
212 in the first year they had about 10 houses that they needed to inspect. He stated that it was not an
213 impact to the city at that time. He stated that the people who are going to have chickens will have
214 them regardless, and not due their due diligence. He stated that he feels that they will only do
215 what is required when they get in trouble.

216
217 Commissioner Henderson asked the penalties for non-compliance. Hanson stated that it would
218 go through the code process. Hanson stated that he cannot wrap his head around how people
219 cannot take care of their property.

220
221 Hanson asked how the commission feels about this ordinance.

222
223 Commissioner Watson stated that an ordinance that holds their feet to the fire is better than
224 allowing them on their own. Hanson stated that those who don't want the city to allow them are
225 clear as to why, and those who do want them to be allowed will continue to have them and bring
226 the subject back to council. Hanson stated that an ordinance will set parameters as to what the
227 coop looks like and care of the chickens. Commissioner Wilkins stated that he likes the
228 parameters so that coops do not become an eyesore and keeps chickens away from property
229 lines. He stated that there may be an issue with the high lot size requirement, but feels that if it is
230 enforced it may not affect too many people.

231
232 Commissioner Johnson asked if code enforcement is allowed to look over fences if it is in
233 ordinance. Seaman stated that an ordinance would not allow code to do that, noting that they
234 would only be able to observe if they have applied for the permit. Commissioner Henderson

stated that there will be people who will have chickens without getting the permit.
Commissioner Wilkins stated that if neighbors will provide the evidence if they have issues.

Commissioners Roper and Johnson stated that they do not like the idea of allowing chickens within the city. Commissioner Wilkins stated that he likes the proposed ordinance, but would like a smaller lot size to be allowed. Commissioner Morgan stated that she would like the ordinance to consider and spell out a clear description as to what would happen (fines, shut down, revoked) if neighbors complain. She stated that she feels the ordinance needs to be specific on number and types of complaints. Commissioner Watson stated that there are lawsuits against HOA's now regarding support animals and chickens, and feels that we should approve the allowance of chickens. Chairman Jacobson stated that he has no desire to have chickens within the city, however, he stated that the time is coming and a strict ordinance is better than having nothing in place.

6. UPCOMING BUSINESS

The Commission discussed future meetings and the availability of the Commission to have a quorum present.

Hanson stated that there has been a stop on infill property discussions at this time because there are things in the ordinance that need to be addressed.

Hanson stated that there have been discussions concerning allowing mixed-use at the city property that is for sale by the library.

7. MOTION: ADJOURN THE MEETING

**Motion by Council Member Watson
Seconded by Council Member Johnson
To adjourn the meeting
Approved unanimously (7-0)
Time: 7:42 p.m.**

Date Approved

City Recorder