



Regular City Council Meeting

Tuesday, September 15, 2026

5249 South 400 East

Washington Terrace, UT 84405

801.393.8681

www.washingtonterrace.gov

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1. **ROLL CALL** **6:00 P.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **WELCOME**

4. **CONSENT ITEMS**

4.1 **APPROVAL OF AGENDA AND SEPTEMBER 1, 2026, COUNCIL MEETING MINUTES**

Any point of order or issue regarding items on the agenda or the order of the agenda needs to be addressed here prior to the approval of the agenda. Minutes approved in an open meeting become the official record.

5. **CITIZEN COMMENTS**

This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes. "Washington Terrace City is committed to civility. We strive to act and speak with dignity, courtesy, and respect at all times."

6. **NEW BUSINESS**

6.1 **MOTION/ORDINANCE 26-04: ORDINANCE AMENDING WASHINGTON TERRACE CITY CODE TO REPEAL AND RE-ENACT SECTION 17.48.030 TO COMPLY WITH AN UNFUNDED STATE MANDATE RELATING TO CERTAIN ACCESSORY DWELLING UNITS**

The DADU Ordinance was discussed at the 09-01-26 Council Work Session and has been brought to Council for further discussion and motion. A Public Hearing was held on August 27, 2026 at the Planning Commission Meeting. The Planning Commission voted to recommend approval of the Ordinance.

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

7. **COUNCIL COMMUNICATION WITH STAFF**

This is a discussion item only. No final action will be taken.

8. **ADMINISTRATION REPORTS**

This is an opportunity for staff to address the Council pertaining to administrative items.

9. **UPCOMING EVENTS**

September 17th: Emergency Preparedness Fair 6:00 p.m. Fire Station

September 24th: Planning Commission- cancelled

September 29th: NIMS 402-Elected Officials Training- held at the Senior Center

October 6th: City Council Meeting 6:00 p.m.

October 12th: City Offices closed for Observance of Indigenous People's Day/Columbus Day Holiday

October 20th City Council Meeting 6:00 p.m.

October 29th: Planning Commission Meeting – 6:00 p.m. Tentative

10. **ADJOURN THE MEETING**

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City of Washington Terrace

Minutes of a Regular City Council meeting

Held on September 1, 2026

City Hall, 5249 South 400 East, Washington Terrace City, Utah

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen

Council Member Anna Davidson

Council Member Zunayid Z. Zishan

Council Member Cheryl Parkinson

Council Member Jeff West

Council Member Michael Thomas

Building Official Tyler Seaman

City Recorder Amy Rodriguez

City Manager Tom Hanson

OTHERS PRESENT:

None

1. WORK SESSION

5:00 P.M.

Topics to include, but are not limited to;

•Detached Accessory Dwelling Units Ordinance Review

Seaman reviewed the proposed ordinance, which is to comply with state law. Seaman stated that the state is mandating that we have to allow anyone with a 11,000 square foot lot to have a detached accessory dwelling unit. Seaman stated that the city could allow someone with a lower square footage to have a DADU, but that is a Council decision.

Seaman stated that there are 349 residential parcels in the city could participate in this program. He stated that it has the potential to be issues for the city. He stated that parcel size alone does not guarantee approval. He stated that there are other factors to consider. He stated that there are some legal non-conforming duplex homes in a single family zone that would not be eligible to participate.

Seaman explained other state recommendations that are in the ordinance, noting that there are some flexibility if Council chooses.

- Single family dwelling units only
- Owner is required to live in the home.
- Single family occupancy.
- Cannot have an internal accessory dwelling unit (ADU) and an external accessory dwelling unit (DADU).
- Cannot be used for short-term rentals. Must help the long-term rental goal of the state.

Seaman stated that the Planning Commission had concerns about the parking issues and wanted to make sure

45 that parking concerns are dealt with appropriately.

46
47 Seaman stated that “tiny homes” are addressed in state code, however, an addendum must be adopted before
48 they will be allowed. Seaman stated that he feels that most jurisdictions do not adopt this code because it is
49 hard to manage mobile homes that people may consider “tiny homes”, which is not the case. He explained that
50 the tiny homes still need to have the space for living and noted that the intent was to have a home that has
51 footings, and foundations in place.

52
53 Seaman stated that he would review the site plan and make sure that there is an additional parking spot created
54 for the DADU. Seaman stated that there needs to be a safe pathway to get to the DADU and road. He stated
55 that parking space should cover this requirement. Seaman stated that staff will need to know the parking
56 spaces required based on the home/bedrooms, etc. Council Member Zishan stated that not everyone would
57 qualify for this requirement and should not have to create another parking space if it is not needed.
58 Seaman stated that the minimum square footage is 650 square feet, enough for a bedroom, bathroom, tiny
59 kitchen and maybe living room space. He stated that the units must be on a footing and foundation.

60
61 Seaman stated that the draft keeps meaningful local safeguards. He stated that zoning code will regulate the
62 setbacks. He stated that the home must be subordinate to the main home. There must be adequate access and
63 system capacity for utilities. Seaman stated that the home would be connected to the main home utility, unless
64 there is an issue determined by the Public Works Director.

65 Seaman stated that the state code does not regulate second stories on the units, noting that is a privacy issue for
66 Council to determine.

67
68 Seaman stated that fees have not been completely ironed out as of yet. He noted that there was talk of charging
69 half of the impact fee per unit and would like direction from Council. Seaman stated that we do need to charge
70 a fee. He stated that when someone builds a new house within the city, they are charged water fees, sewer fees,
71 park impact fees, and other fees that will add impact to city systems. He stated that the fees go to support the
72 infrastructure that the new structure will require. Hanson clarified that it is a one-time fee for new structures
73 built in the city. Hanson stated that the fee schedule has been established. He explained that they are buying
74 into the system to support new users. Hanson stated that the intent is to be equitable to all users and new
75 impacts to the system need to be addressed.

76
77 Seaman stated that people would need to go through the process with the building official to make a structure
78 like a garden shed or garage legal for people to live in. Hanson stated that there would need to be renovations
79 made to make these types of structures conform to current building code.

80 Seaman stated that it is challenging to put the whole city into one “box”. He stated that adding a new structure
81 onto property in the city is a new impact and maybe they should have a lower impact fee. He stated that some
82 of the fees charged to a new home may be dropped off of the DADU. He stated that some of the fees (like
83 water set up fee, sewer set up fee) have already been charged for the initial home.

84 Seaman stated that staff would rather not cut into the ground to add new laterals and lines. The utilities will be
85 under the main home.

86
87 Hanson stated that there is a deadline for having this Ordinance in place and that other details can be worked on
88 later on. He stated that staff will circle back with Council on the impact fee details and clarification on other
89 items. Hanson pointed out that we will not allow lot subdivisions on properties to create “flag lots”.

90 Seaman stated that each proposal follows an administrative review path:

- 91 - Pre-application
- 92 - Complete submittal
- 93 - Coordinated review
- 94 - Construction and inspection
- 95 - Final approval

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97 Seaman explained that conversions must show that the existing accessory structure was legally constructed.

98 Seaman stated that he sees the biggest challenge will be sewer issues. He stated that if they are capable of doing
99 gravity, they have to do gravity per building code.

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101 Seaman stated that the ordinance has a clause that the owners must sign an affidavit that they are the owners
102 living in the home.

103 Seaman stated that the intent of the ordinance is that new owners must apply for a license regardless if the old
104 owners had a license to have the DADU.

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MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member Anna Davidson
Council Member Zunayid Z. Zishan
Council Member Cheryl Parkinson
Council Member Jeff West
Council Member Michael Thomas
Parks and Recreation Director Carlos Grava
City Recorder Amy Rodriguez
City Manager Tom Hanson

OTHERS PRESENT:

Ulis Gardiner, Leah Brown, Kassa Creary, Mary Upkin, Joseph Stilwell, R. Davidson, Jeci Zanone, Kasey Sanders

2. ROLL CALL

6:00 P.M.

3. PLEDGE OF ALLEGIANCE

4. WELCOME

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA AND AUGUST 18, 2026, COUNCIL MEETING MINUTES

Item 5.1 approved by general consent.

6. CITIZEN COMMENTS

Mayor Allen gave an update on Flock Cameras within the city. He stated that there is an item on the agenda to terminate the approval to allow a trial period for flock cameras. Mayor Allen stated that packet information is available on our city website. Mayor Allen gave a brief background on the Flock Camera item, stating that the city made an agreement to enter into a trial period for three Flock Cameras in the city in an effort to help law enforcement find vehicles that may have been involved in crime. Since that time, there has been increasing pressure to stop moving forward with the Flock system. Mayor Allen stated that following constructive feedback from residents and input from county, state, and federal partners, he decided to direct staff to pause and discontinue the proposed Flock camera trial. While we recognize that stepping back from the system may temporarily impact certain criminal apprehension tools, current community tension indicates that proceeding with the trial at this time is not in the city's best interest. This decision reflects direct respect for the thoughtful, genuine questions raised regarding overall community alignment.

Mayor Allen stated that the Council has had discussions and staff has agreed that it is in the city's best interest to terminate the agreement for the trial period and he stated that he has requested that Council approve the item.

Lizzie Hernandez thanked the City Council for listening to their constituents concerning Flock Cameras. She stated that the action should be permanent and not just a pause. She stated that she would like the cameras to be taken down permanently. She stated that even if Council terminates a contract with Flock, there has been reports that the Flock agency continues to monitor the cameras without city knowledge. She stated that she is proud of the city for listening to the residents and helping them feel like they are not constantly under surveillance, at least within the city.

Jesse stated that she has been living in the Terrace for a few years. She stated that she has to take extra streets to get out of the city because she doesn't know where the Flock Cameras are located. She stated that Flock is a private company and should not have access to the data that the cameras are providing. She stated that the surveillance is skirting around our fourth amendment rights. She reiterated that it is dangerous to give this type of information to a private company. She stated that she would like all AI surveillance to be taken down and blocked within the city.

Kasey Sanders thanked Jill Koford for coming to the meeting tonight at his request. He stated that the Flock CEO stated that people should prioritize compromise between privacy and safety. He stated that this company is hawking their wares for safety. Sanders read from an article that stated that an East Germany dictator said police should take all force/means that they deem necessary for public safety. He stated that he hopes that the Flock Camera issue is gone and that we can see a change at the state level concerning the issue and that it is over for good. He stated that he does not want the U.S. to turn into a dictatorship like West Germany.

Representative Jill Koford gave an update on a working group in the legislature working on data privacy. Her ask is to have people contact their state legislators and let them know what they would like to see happen. She stated that this is a really tricky subject that needs guardrails to maintain fourth amendment rights.

Leah Brown stated that she is concerned about the tax increase and wanted Council to take seniors on fixed incomes into consideration when Council decides on property tax increases. She stated that she is interested in the DADU Ordinance. She also stated that residents are not able to use other cities recreation facilities and questioned if Council would be considering having a recreation center.

Mayor Allen stated that he appreciates Rep. Koford for coming out. He stated that red flags were raised for him concerning Flock Cameras when the Governor said that a study and research needed to be done. Mayor Allen stated that the budget has already been approved, and he stated that not too many entities will be raising taxes this year. He stated that the increase may only be about \$2.00 a month and the increase will go straight to law enforcement services.

7. NEW BUSINESS

7.1 DISCUSSION/MOTION: RATIFICATION OF CHANGE ORDER EXPENSE FOR THE ROHMER PARK PROJECT (PHASE 4)

Grava stated that the staff report changed slightly with an additional charge. He stated that the changes do not affect the budget, only the quantities needed for the project. He stated that there were time constraints that were taken into consideration and a decision had to be made to allow the contractor to put in the

additional improvements. He is asking for ratification of the Change Orders.
Council Member Parkinson clarified that it is just a change in quantity in shrubbery and asphalt amount that came up during the construction of the area. Grava stated that the changes were made along the way when staff and the contractor saw a chance of better improvements.

Motion by Council Member West
Seconded by Council Member Parkinson
To approve the ratification of expenditures of change orders 1 and 2
For the Rohmer Park Phase budget
Approved unanimously (5-0)

**7.2 DISCUSSION/MOTION: APPROVAL TO ALLOW WASHINGTON TERRACE TO
CREATE AND APPLY FOR 501-C3 NON-PROFIT ORGANIZATION**

Grava stated that the city wants to create and apply for a 501-C-3 Non -Profit Organization so that the city will have more options for funding for Parks and Recreation purposes. He stated that the application fee is \$500. He noted that once we have the organization in place, the fiscal impacts will be determined project by project as matches may be needed. Grava stated that having a non-profit organization established allows us to apply for grants from banks (Zions, etc.), sporting organization (Good Sport), Larry Miller foundations, and others that are only available to non-profit organizations. Grava stated that we are unable to apply for these grants as a local government.

Grava stated that there will be a Board with a minimum of 3 members. He stated that there will be bylaws created as how to proceed. Grava stated that the non-profit is a separate organization from the city, however, the city would oversee the funds.

Council Member Davidson cautioned to check all the filing fees, as there is an additional fee from the IRS that would need to be paid as a 501-C-3 filing fee. Council is aware that the application and fees may exceed \$500.00 She stated that she thinks this is a great idea to help offset some of our programs and it will open up a lot of channels for the city. Council Member Thomas agreed.

Motion by Council Member Davidson
Seconded by Council Member Thomas
To Create and Apply for 501-C3 Non-profit organization
Approved unanimously (5-0)

**7.3 DISCUSSION/ACTION: APPROVE TO TERMINATE THE APPROVAL OF THREE
FLOCK CAMERAS TO BE INSTALLED IN WASHINGTON TERRACE ON A
TRIAL BASIS**

Hanson stated that the cameras for the trial period have not been installed. He stated that Weber County has three Flock Cameras operating within the city.

Hanson stated that Flock has been notified that we will be terminating the agreement with Flock pending the vote tonight. He stated that there have been no expenditure or infrastructure installed for the Flock Cameras.

Motion by Council Member West
Seconded by Council Member Zishan
To approve to terminate the three Flock Camera trial
That was to be installed in Washington Terrace on a trial basis
Approved unanimously (5-0)

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275 **8. COUNCIL COMMUNICATION WITH STAFF**
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277 Council Member Davidson thanked Hanson and the team for putting in the work that is pretty heavy and
278 has some controversy, stating that he handled it with grace and did all the important work to reflect and
279 consider all the conversations.
280

281 Council Member Zishan asked what happens to the existing cameras that are still active. He stated that
282 residents do not want them. He stated that the residents are not just against our contract for them, they are
283 against the use of them within the city. Council Member Zishan asked when they would be removed and
284 inactive within the city. Hanson stated that is up to the Sheriff's Office as they have a contract for the use.
285 Hanson stated that the Sheriff is working to put together a meeting with Flock to describe how they are
286 being used. He said the meeting will be held at the Sheriff's Office on September 24th at tentatively 5:00
287 p.m.

288 Council Member Zishan asked how much say we have to the removal of the cameras. Hanson stated that
289 we would have to pay the remainder of the contract with Flock. Council Member Zishan stated that the
290 whole point is that we do not want them in the City. Mayor Allens stated that we have an opportunity to
291 speak with the Sheriff on the 24th.
292

293 Council Member Zishan stated that he has seen many videos and comments on how great the Rohmer Park
294 Improvements are coming along and would like the positive comments to be passed down to staff on a
295 great job. Hanson noted that there were rocks thrown against the new restroom doors causing damage.
296 Hanson stated that the cameras within the parks have helped on drug crimes, have helped solve a sexual
297 abuse of a child at the park, along with other crimes.
298

299 Council Member Parkinson stated that she appreciates the striping projects on the roads, noting that she
300 has noticed significant changes on the roads. She stated that she is also excited with the upgrades and
301 changes in the parks. She stated that she is disappointed to hear about the vandalism in the park. She stated
302 that it is very disappointing that we have nice things and people do not respect those things. She is hoping
303 that people will respect each other and our properties here.
304

305 Council Member West stated that a citizen reported teens riding their e-bikes on the trails and area in new
306 parks and flipping gravel onto the new landscaping. He stated that if we see things that are not right, we, as
307 a community, should let people know so that it can be shut down, noting that it costs us all money for
308 repairs.

309 Thanked Meibos for getting back to him on some questions he had on infrastructure.
310

311 Council Member Thomas echoed the sentiments and thanked Grava for putting in hard work to help the
312 city not only have nice things, but also the potential for more kids to be able to utilize sports and
313 recreational programs.
314

315 Mayor Allen stated that Phase 4 at Rohmer Park will be the final phase. Mayor Allen stated that he will
316 never raise taxes to build or improve parks, noting that we will work hard to get grants for all our park
317 projects and not tax people. Mayor Allen that the City has received over \$2 million dollars in RAMP grant

money over the last several years for the Rohmer Park Project. He stated that the 501-C-3 will help with more opportunities to help with grants and appreciates Grava for keeping his eyes and ears open for more options for grant funding.

9. ADMINISTRATION REPORTS

Hanson stated that there is some ancillary striping going on throughout the city. Hanson stated that the intent is to have the alternate transportation routes identified for safety zones. Hanson stated that striping slows down drivers as well.

Hanson stated that he realizes that there are some misalignments with some of the striping.

Hanson stated that the leisure swings were installed today at Rohmer. He stated that a permanent chess board will be installed in the leisure area. He stated that the area is tucked in between a lot of trees. Hanson stated that the dog park is coming along quite well.

Hanson stated that part of the change order ratified tonight was to expand a portion of the dog park area.

10. UPCOMING EVENTS

September 7th: City Offices closed for observance of Labor Day

September 15th : City Council Meeting 6:00 p.m.

September 17th: Emergency Preparedness Fair 6:00 p.m. Fire Station

September 24th: Planning Commission- Tentative

September 29th: NIMS 402-Elected Officials Training- held at the Senior Center

11. ADJOURN THE MEETING

Motion by Council Member Thomas

Seconded by Council Member West

To adjourn the meeting

Approved unanimously (5-0)

Time: 6:53 p.m.

Date Approved

City Recorder



**City Council Staff
Report**

Author: Tyler D. Seaman/Community Development Director
Accessory Dwelling Units Amendment to conform to state law

Subject:

Date: 09/01/2026

Project	Title 17 Zoning Amendment - ADUs	File/Parcel	Citywide
Applicant	City of Washington Terrace	Address	Citywide
Request	Amend and re-enact W.T.M.C. 17.48.030 to regulate internal and detached accessory dwelling units in conformity with state law.		
Existing Zoning/GP	Applies to eligible residential zones citywide	Type of Item	Legislative text amendment/public hearing
Staff Recommendation	Recommend approval to the City Council of Ordinance 2026-04, subject to the conditions identified in this report and final legal/clerical corrections.		
Primary Issue	Bring W.T.M.C. 17.48.030 into compliance with 2026 S.B. 284 and Utah Code 10-21-304 before its October 1, 2026 effective date, while preserving lawful local standards for owner occupancy, parking, setbacks, utilities, permitting, and neighborhood compatibility.		

Staff note: The Planning Commission is conducting the required public hearing and will make a recommendation to the City Council.

A. Topic

A Public hearing was held at the August 27, 2026 , Planning Commission. The Commission will give its recommendation on proposed Ordinance 2026-04, which repeals and re-enacts Section 17.48.030, Accessory Dwelling Units, within Title 17 "Zoning."

B. Background

The proposed ordinance repeals and re-enacts Washington Terrace Municipal Code Section 17.48.030 in response to 2026 S.B. 284 and related state legislation governing internal and detached accessory dwelling units. Utah Code 10-21-304 becomes effective October 1, 2026 and requires specified municipalities to permit a detached accessory dwelling unit (DADU) on a lot or parcel of at least 11,000 square feet that contains a permitted single-family dwelling. The statute also establishes mandatory building, health, and fire-code compliance, a conversion process for legally constructed accessory structures, limits on parking requirements, and parameters for local regulation of setbacks, size, design, owner occupancy, utilities, and location.

The ordinance was prepared for a Planning Commission public hearing on August 27, 2026, in advance of the October 1, 2026 effective date of Utah Code 10-21-304. Following the hearing, the Planning Commission will forward a recommendation to the City Council.

C. Analysis

Code Section	Review Topic	Status	Staff Comment
17.48.030(1)-(3)	Purpose, definitions, general eligibility	Updated	Requires owner occupancy, permits/licensing, long-term residential use, one ADU per lot, and common ownership with the primary dwelling.
17.48.030(5)/U.C.A. 10-21-304	Detached ADU standards / SB 284 compliance	Generally Consistent	Utah Code 10-21-304 requires DADUs to be permitted on qualifying lots of 11,000 sq. ft. or larger. The draft uses that threshold, treats DADUs as permitted uses, follows the statutory parking caps, and regulates setbacks, size, location, owner occupancy, replacement parking, easements, and utility capacity within state-authorized parameters. See Exhibit A for potential DADU's

Recommended Conditions of Approval

No conditions of approval at this time recommended from Staff.

D. Fiscal Impact

No specific fiscal amount is identified in the ordinance. The ordinance characterizes the state requirement as an unfunded mandate and provides applicants to pay associated permit, licensing, utility, and other applicable fees and costs.

E. Department Review

The ordinance assigns administrative and enforcement roles to the land use authority and Building Official, including plan review, building inspection, final approval/certificate of occupancy, and enforcement. Utility approvals and affected-agency approvals will also be required for individual ADU applications.

Alternatives

A. Approve the Request	Recommend approval of Ordinance 2026-04 to the City Council, subject to the recommended conditions and after considering public comment.
B. Deny the Request	Recommend denial of the proposed ordinance and identify the reasons for the recommendation.
C. Continue the Item	Continue the item to a date certain to allow additional review, public input, or revisions.
Staff Preferred Option	Option A - Recommend approval to the City Council, subject to the recommended conditions.

Proposed Motion

Motion option: I move to approve Ordinance 2026-04, repealing and re-enacting Washington Terrace Municipal Code Section 17.48.030, Accessory Dwelling Units, to conform the City's zoning regulations to applicable state law, including Utah Code 10-21-304 effective October 1, 2026, subject to the recommended conditions in the staff report and after consideration of public input.

**CITY OF WASHINGTON TERRACE
ORDINANCE 2026-04**

STATE MANDATED ACCESSORY DWELLING UNITS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING THE *WASHINGTON TERRACE MUNICIPAL CODE* TO REPEAL
AND RE-ENACT SECTION 17.48.030 TO COMPLY WITH AN UNFUNDED
STATE MANDATE RELATING TO CERTAIN ACCESSORY DWELLING
UNITS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by unfunded state mandates;

WHEREAS, the City seeks to protect public health, safety, and welfare;

WHEREAS, Utah Code §10-3-702.1, the City Council has considered and finds this Ordinance has no negative impact on family health, stability, and formation;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on August 27, 2026, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Re-enactment. Section 17.48.030 of the *Washington Terrace Municipal Code* is hereby repealed and re-enacted to read as follows:

17.48.030 Accessory Dwelling Units.

1. Purpose. The purpose of this Section is to comply with an unfunded state mandate under

2026 S.B. 284, and other state legislation that requires the City to adopt regulations for internal and detached Accessory Dwelling Units (ADUs) in a manner consistent with Utah law, and to:

- a. Provide additional long-term housing opportunities.
 - b. Protect the residential character of neighborhoods.
 - c. Ensure adequate parking, utilities, emergency access, and public safety.
 - d. Establish standards for the creation, permitting, licensing, and occupancy of ADUs.
2. Definitions. In addition to the definitions in Utah Code §10-21-101, the following definition apply to this Section:
 - a. “Occupied owner” means that the owner of record at the county recorder’s office who legally occupies either the primary dwelling or the accessory dwelling unit as the owner’s sole principal and primary residence in fee simple ownership.
 - b. “Short-term rental” means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than thirty (30) consecutive days.
3. General Eligibility. The following general eligibility requirements apply to all ADUs:
 - a. An ADU shall only be permitted where for an eligible lot or parcel that is owner occupied.
 - b. Occupied owner must first obtain all permits and licensing, including, but not limited to: the require building permits, a business license, and participation in the City’s Good Landlord Program.
 - c. No ADU shall be used as a short-term rental or similar use for transient accommodations.
 - i. The lot or parcel must contain a legally established detached single-family dwelling that conforms to the applicable Zone and occupied by the owner.
 - d. No more than one (1) type of ADU, ether internal or detached, is permitted on a lot or parcel.
 - e. Any ADU shall remain under the same occupied owner’s fee simple ownership as the primary dwelling and shall not be separately subdivided, sold, conveyed, or assigned a separate parcel identification number.
 - f. The ADU is only for residential purposes.
 - g. An ADU shall comply with all applicable codes and requirements, in addition to pay all associated fees and costs related to the same.
4. Internal Accessory Dwelling Unit (IADU). In addition to the requirements set forth in Utah Code §10-21-303, the following apply:
 - a. An IADU is only permitted use within a primary dwelling located in an eligible residential Zone.
 - b. The IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
 - c. Each IADU shall include at least one (1) additional on-site parking space, in addition to the maximum number of parking spaces required under code for the primary residential unit. Said additional on-site parking shall be dedicated only for use by the IADU occupant(s).

- d. Any parking space converted into all or part of an IADU within a garage or carport shall be replaced as usable on-site parking.
 - e. An IADU is prohibited within a mobile home as defined in Utah Code §57-16-3.
 - f. An IADU is prohibited within any Zone that is equivalent to 25% or less of the total area within the City boundaries primarily zoned for residential use, except as provided in Utah Code §10-21-303(3)(f).
 - g. No IADU shall be created if the primary dwelling is served by a failing septic tank.
 - h. No IADU shall be created if the lot or parcel containing the primary dwelling is 6,000 square feet or less in size.
 - i. The City may hold a lien against the IADU in accordance with Utah Code §10-21-303(4).
 - j. The City may record a notice regarding the IADU in accordance with Utah Code §10-21-303(5).
 - k. The City may require separate service laterals and meters to any ADU.
5. Detached Accessory Dwelling Unit (DADU). In addition to the requirements set forth in Utah Code §10-21-304, the following apply:
- a. A DADU is a permitted use on a lot or parcel that contains a primary dwelling located in an eligible residential Zone.
 - b. A DADU is prohibited on a lot or parcel that is less than 11,000 square feet.
 - c. A detached ADU shall be subordinate and incidental to the primary dwelling.
 - d. On-site parking for each DADU is required as follows:
 - i. Two (2) on-site parking spaces assigned only to the DADU are required for a DADU that is 650 square feet or larger.
 - ii. One (1) on-site parking space assigned only to the DADU is required for a DADU that is smaller than 650 square feet.
 - iii. Any parking space converted into all or part of a DADU within a garage or carport shall be replaced as usable on-site parking.
 - e. A DADU shall be located behind the front primary dwelling and behind the front yard setback, and meet all standard setback requirements of the Zone for an accessory building.
 - f. A DADU shall comply with the Zone and code requirements that apply where the DADU is located, and shall:
 - i. Conform to applicable land use regulations that regulate structure size, dimension, height, and maximum lot coverage.
 - ii. Conform to setback requirements that may take into account proximity to property lines and other structures, easements, window orientation, massing, or other elements.
 - iii. Be designed consistent with the design of the single-family dwelling.
 - iv. Storm water regulations apply along with other generally applicable site-development standards for a residential use.
 - g. The following DADUs are prohibited:
 - i. A DADU that is larger in gross floor area than the primary dwelling located on the same lot or parcel.

- ii. A DADU shall not be located upon or within any public utility easement, other recorded easement, or irrigation facilities.
 - iii. A DADU located in the front-yard area.
 - iv. A DADU that does not have adequate access to a required utility service that is a project improvement, including sanitary sewer, culinary water, electrical, or storm water.
 - v. A utility service that is a system improvement, including sanitary sewer, culinary water, electrical, or storm water, to which the DADU is required to connect does not have sufficient capacity to support the addition of the DADU to the utility service system improvements.
6. Standards and Application.
- a. No ADU may be constructed, converted, established, rented, or occupied without all required land use approvals, building permits, utility approvals, licenses, and compliance with this Section.
 - b. In accordance with the Utah Code, design standards for any ADU shall be consistent with the primary dwelling through the use of generally compatible exterior materials, roof form, building proportions, or architectural design. Utah Code §10-20-618 is not presumed to apply to this Section.
 - c. Conversion Application:
 - i. The owner of a legally constructed eligible accessory structure may apply and pay the associated fees and costs to convert the structure into a DADU.
 - ii. The application shall be processed administratively as a permitted use application.
 - iii. The owner shall provide documentation demonstrating that the accessory structure was legally constructed and relevant information about the structure which includes, but is not limited to:
 - 1. A previously issued building permit.
 - 2. Approved construction plans.
 - 3. A certificate of occupancy or final inspection record.
 - 4. County assessment records.
 - 5. A survey, aerial photograph, or other reliable evidence establishing the date and legality of construction.
 - 6. Other documentation acceptable to the land use authority and building official.
 - iv. Documentation establishing the legal conversion of an existing accessory structure.
 - v. Conversion of an accessory structure does not grant an exemption from requirements applicable to a dwelling.
 - vi. The converted structure shall comply with this Section.
 - vii. An existing accessory structure that does not comply with the requirements of this Section may be modified, relocated, or otherwise brought into compliance with this Section as part of any approval.
 - d. Building Permit: An application for an ADU shall include, as applicable:

- i. A completed application with engineered architectural drawings and building plans that meet the applicable code requirements.
 - ii. Proof of ownership.
 - iii. A site plan showing property lines, structures, setbacks, easements, driveways, parking, utility locations, the location of the proposed ADU, and other requirements of this Section.
 - iv. Documentation showing adequate utility services and capacity.
 - v. Documentation establishing the legal construction of the ADU.
 - vi. Affidavit of the occupied owner.
 - vii. A parking plan.
 - viii. Any required affected agency approvals.
 - ix. Other information reasonably necessary to determine compliance with this Section and other code requirements.
7. Inspection and Occupancy:
 - a. The building official shall inspect the ADU as part of the building permit process.
 - b. No ADU may be occupied until the City has issued final building approval or a certificate of occupancy, as applicable.
 - c. Approval of an ADU does not authorize a violation of any covenants, conditions, restrictions, development agreements, or other private property restrictions. The City is not responsible for enforcing private covenants unless otherwise required by law.
8. Utilities and Addresses:
 - a. The owner hereby grants each approved ADU access to culinary water, sanitary sewer, electricity, and other utilities required by applicable code.
 - b. Utility connections shall comply with the standards of the applicable utility provider.
 - c. The City may require utility upgrades when necessary to provide adequate capacity, protect the utility system, or comply with applicable health and safety requirements.
 - d. The accessory dwelling unit shall be assigned an address or unit designation approved by the City and acceptable to emergency service providers.
 - e. Nothing in this section guarantees the availability or capacity of a utility service.
9. Occupied Owner:
 - a. The owner shall notify the City of any change in ownership or owner occupancy status that may affect the eligibility of any ADU.
 - b. Temporary absences for military service, medical care, or other acceptable temporary similar circumstances are acceptable absences.
 - c. Failure of the occupied owner to maintain the occupied owner of the lot or parcel voids the eligibility of the ADU and is grounds for suspension or revocation of the ADU.
10. Enforcement.
 - a. Each violation of this Section is a Class C misdemeanor with a fine not to exceed \$750 per offence. Each day a violation continues constitutes a separate offense.
 - b. Each violation of this Section is a civil penalty with a fine not to exceed \$1,000

per violation. Each day a violation continues constitutes a separate offence.

- c. A violation of this Section is subject to administrative enforcement and remedies provided by law and equity, including injunctive and special relief.
- d. Before imposing a lien relating to an ADU, the City shall comply with Utah Code §10-21-303.
- e. The City may suspend or revoke an ADU permit and/or license, issue a notice of violation, assess authorized civil penalties, pursue injunctive relief, or take other lawful enforcement action.
- f. Continued occupancy of an ADU in violation of this Section or after suspension or revocation of the applicable permit and/or license is prohibited.
- g. This Section shall not be interpreted to otherwise limit the general authority of the building official, fire official, local health authority, or other authorized official in the performance of their duties, including any threat to health, safety, or general welfare.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance take effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2026.

MARK C. ALLEN,
Mayor

ATTEST:

City Recorder

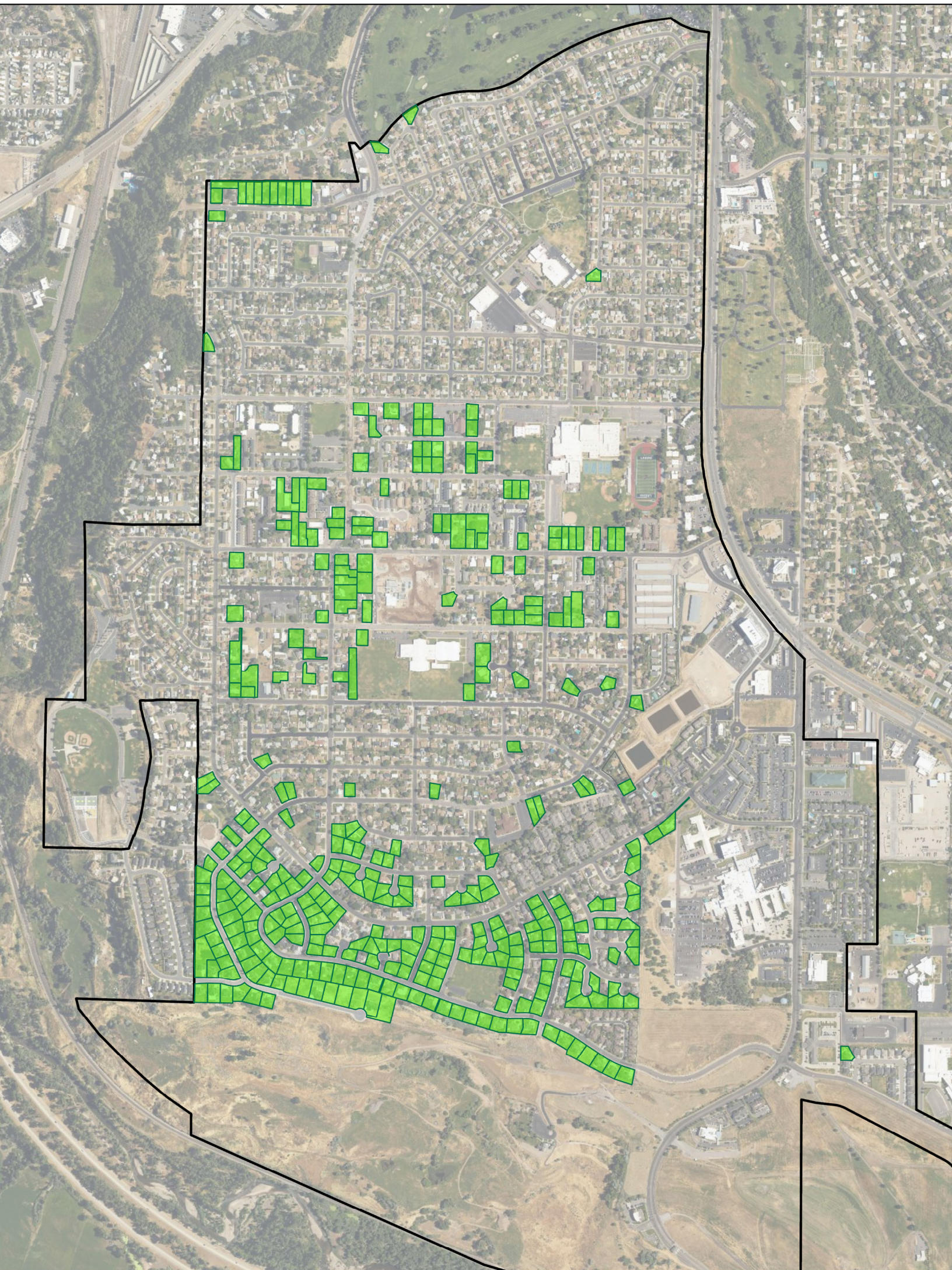
RECORDED this ____ day of _____, 2026.

PUBLISHED OR POSTED this ____ day of _____, 2026.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of Washington Terrace, City, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted as required by State Law.

City Recorder DATE: _____



Washington Terrace Parcels Impacted by 2026 ADU Legislation

-  City Boundaries
-  Residential Parcel 11,000 Sq Ft + (349

The information contained in this map is for reference use only. Effort is made to ensure full, accurate representation, however, the City makes no warranty, expressed or implied, as to the completeness or accuracy of the information.

This map may show underground utility structures that are associated with Washington Terrace infrastructure but are not operated by the City (i.e. culinary water feed pipes). The location of these features should be confirmed with their operating agency.

Sources: Google, Hexagon, Washington Terrace City,