



**Planning Commission Meeting
Thursday, August 26, 2021
City Hall Council Chambers
5249 S. South Pointe Dr. Washington Terrace City
801-393-8681**

1. ROLL CALL

6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. WELCOME

4. RECURRING BUSINESS

4.1 MOTION: APPROVAL OF AGENDA

Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.

4.2 MOTION: APPROVAL OF MINUTES FOR JULY 29, 2021

5. SPECIAL ORDER

Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by commission, Chair opens public hearing, citizen input; Chair closes public hearing, then commission final discussion.

**5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND
OPPOSITION TO PROPOSED ORDINANCE ADOPTING SECTION
17.48.030 REGARDING "INTERNAL ACCESSORY DWELLING UNIT
REGULATIONS"**

6. NEW BUSINESS

**6.1 DISCUSSION/MOTION: RECOMMENDATION TO APPROVE
ORDINANCE 21-08 "INTERNAL ACCESSORY DWELLING UNIT
REGULATIONS"**

7. BUILDING AND PLANNING UPDATES

8. MOTION: ADJOURN THE MEETING

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 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 faxed to the *Standard Examiner* at least 24 hours prior to the meeting.
Amy Rodriguez, Washington Terrace City Recorder

City of Washington Terrace

**Minutes of the Planning Commission Meeting held on
Thursday, July 29, 2021
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah**

PLANNING COMMISSION AND STAFF MEMBERS PRESENT

Chairman Scott Larsen
Commissioner Charles Allen
Commissioner Steve Jacobson
Vice- Chair Dwight Henderson
Commissioner Dan Johnson - excused
Commissioner Damian Rodriguez - excused
Commissioner Morgan Wilkins
Chief Building Inspector Tyler Seaman
Planning Attorney Bill Morris
City Recorder Amy Rodriguez

Others Present

Tyler Neilson

1. ROLL CALL

6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. WELCOME

4. RECURRING BUSINESS

4.1 MOTION: APPROVAL OF AGENDA

Motion by Commissioner Henderson
Seconded by Commissioner Jacobson
To approve the agenda
Approved unanimously (5-0)

4.2 MOTION: APPROVAL OF MINUTES FOR JUNE 24, 2021

Motion by Commissioner Allen
Seconded by Commissioner Wilkins
to approve the minutes from June 24, 2021
Approved unanimously (5-0)

5. SPECIAL ORDER

5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND

48 **OPPOSITION TO PROPOSED SUBDIVISION “PLEASANT VALLEY**
49 **WEST PHASE 5” LOCATED AT APPROXIMATELY 250 WEST 5700**
50 **SOUTH**

51 Seaman stated that this property was zoned for infill property. Seaman stated that the
52 developer Tyler Neilson was in the audience. Seaman stated that the 8 lot subdivision
53 needed a variance on setbacks and a longer cul de sac. Neilson stated that the sidewalk
54 would only be on the north side of the road, where the homes will be. Commissioner
55 Jacobson would like to discuss the setback requirements.

56 Seaman stated that the proposed subdivision is phase 5 of the Pleasant Valley
57 Subdivision.

58 Seaman explained a water line issue, stating that the City is requiring that the water line
59 be continued all the way down to help support the new homes being proposed, as it was
60 never looped. He also stated that the loop is important to the infrastructure to the City as
61 well as the subdivision. He noted that this line will also help with water pressure in the
62 area.

63
64 Seaman stated that the Commission has been provided the GEO tech reports, as well as
65 the hazard GEO tech review.

66 Seaman stated that the Development Review Committee has given approval to move
67 forward with the development. Seaman stated that the lots (except for the first lot) are
68 bigger than the homes surrounding it. He stated that the new subdivision will have less
69 density than the surrounding subdivisions.

70
71 **Motion by Commissioner Henderson**
72 **Seconded by Commissioner Jacobson**
73 **To open the public hearing**
74 **Approved unanimously (5-0)**
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76 **Chairman Larsen opened the public hearing at 6:13 p.m.**

77
78 There were no citizen comments.

79
80 **Chairman Larsen closed the public hearing at 6:14 p.m.**

81
82 **6. NEW BUSINESS**

83 **6.1 DISCUSSION MOTION: SITE PLAN AND SUBDIVISION**
84 **APPROVAL OF PROPOSED SUBDIVISION “PLEASANT VALLEY WEST**
85 **PHASE 5” LOCATED AT APPROXIMATELY 250 WEST 5700 SOUTH**
86

87 Neilson stated that he believes he will put up a steel fence. He stated that the owners can
88 decide what type of fencing they would like in accordance to the HOA. Neilson stated
89 that two fire hydrants will be installed in the cul de sac. Neilson stated that they anticipate
90 two light poles and will cover the minimum standard. Neilson stated that they anticipate
91 that the City will continue to pick up the garbage in the area. Seaman stated that the City
92 will handle that. Neilson stated that they have a plan for landscape plan to meet LID state
93 requirements. He stated that the area will have cobble along the nice fence. Neilson stated

that there will be a narrow right of way. He stated that there is an easement ten feet behind the right of way.

Seaman stated that there is an existing sewer and storm water line that will run along the culinary water line.

Neilson stated that the infill development allows for a narrower line. He stated that because of the slopes, narrowing the road will allow for the homes to be moved forward.

He stated that they do not want to maintain all the pavement. He stated that the Fire Marshall allowed the proposed road width.

Seaman showed a rendering of the site plan.

Seaman stated that the developers will need to complete the storm water development plan before any building can occur. Neilson stated that there will be curb and gutter on both sides of the street. Seaman stated that one of the requirements is that cars will only be allowed to park on one side of the road.

Neilson stated that he anticipates two story homes with possible basements. He stated that the GEOTECH report did not show water until 35 feet down. He stated that the HOA will remove the snow.

Commissioner Jacobson stated that it is likely that the area will pose some risks according to the GEO tech report. Chairman Larsen stated that the high risk area only applies to the high point area. It will not affect the back side of the homes.

Neilson stated that the report is based on landslides during seismic events. He stated that the slip plain could be back 150 feet during a seismic event. He stated that the homes are behind this area and out of the high risk area. He stated that the slope on the upper hill is considered a high risk during a seismic event. He stated that a mitigation would be walls within the area. Commissioner Jacobson stated that the report mentions that the we don't go within 15 feet of the toe of the hill. Neilson stated that if they excavate into the side of the hill, they will excavate with a wall to hold up the hill. Commissioner Jacobson stated that he is concerned with building of the homes on the hill. Neilson stated that it will take engineering for the first two homes, as he was assured by the engineer that anything that is taken off the slope of the hill will be supported. He stated that he has made the first two lots larger just for this reason.

Seaman stated that it will be easy to mitigate the areas of the hill, as the developer will have a detention basin in that area that will have to be kept. Commissioner Jacobson stated that he was concerned on the hills on the properties being unkempt. Seaman stated that a fire suppression system may need to be installed.

Commissioner Jacobson stated that he wants to make sure his issues are addressed in the decision.

Chairman Larsen stated that if we are following the recommendations of the GEO report we should be ok. Morris stated that we are relying on the science that we have available right now in events that there is an event.

Commissioner Allen stated that the high risk should be disclosed to potential buyers in accordance with the GEOTECH report. Morris stated that the GEO tech will be recorded with the development so that everyone has it on records.

Seaman stated that the setbacks will need to meet building code, but there is a leniency as to what the City will accept. He stated that this will be based on a staff and building code decision.

Morris stated that he will edit the development agreement based on the comments discussed this evening. Morris stated that he will need the escrow agreement and most current plat. He stated that he would need the engineers estimate. Morris clarified that we are using the geologic and geohazard reports so that everyone is on notice as they buy the lots. He stated that the setbacks would be set a 20 feet for lots 1,2,and 3 and 25 for the rest. He would also like the fire suppression (sprinkler system) required as a safety mitigation measure for unscaped lots that could be fire hazards. Chairman Larsen stated that there are existing homes have the same issues. Morris stated that moving forward we will make the new homes safer, and deal with issues that we see as a risk and not have to deal with the standards that have been grandfathered in. Commissioner Jacobson stated that he would like the un landscaped areas cared for. He stated that he realizes that the areas are sloped and hard to get to, he would recommend the sprinkler system. Morris stated that we have more authority to deal with these types of issues on a legislative basis as this is an infill development.

Neilson stated that this subdivision will close out this development.

**Motion by Commissioner Wilkins
Seconded by Commissioner Henderson
To approve the final
Site plan and subdivision for
Pleasant Valley West Phase 5
with the additions that Morris has brought up including
attachments and compliance to the Geotech reports
Set Back requirements, adjustments to fire mitigations,
engineer reports concerning retention, the addition of the Sprinkler systems
to keep the vegetation growing as best as can,
Addition of restricted parking on the south side
Approved unanimously (5-0)**

7. BUILDING AND PLANNING UPDATES

Seaman stated that the Golden West Credit Union project is moving very slowly. He stated that there has been a lot of meetings with the design specialist and there will not be any buildings until maybe next year, after realignment of the road is completed. He stated that he will keep Planning Commission informed on updates, and does not want to keep them in the dark.

Morris stated that the vacating process goes straight to legislative and does not go through the Planning Commission. He stated that the Commission will review a site plan of the proposed new road and building layout.

Seaman explained where the proposed road re-alignment will be. Commissioner Jacobson stated that the buildings will have problems with cell service.

Seaman stated that we are requiring a traffic study in that area to make sure they can control the traffic. Chairman Larsen stated that he is concerned on their methods, with roads and buildings

187 having to be removed. He stated that there is flat land available to them and finds it interesting
188 that they are going with this route. Seaman stated that they want to create a campus for their
189 entire area.

190
191 Seaman stated that there are a few hospital projects happening.

192 Seaman stated that there are around 20-30 lots that still are available for building.

193 Seaman stated that the indoor storage facility are re-evaluating their site plan. He stated that the
194 plan they brought to the City had outdoor storage, which the City rejected.

195
196 Seaman stated that the surgical center is still in play, however, they are working through the
197 costs of the building of the building.

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199 **8. MOTION: ADJOURN THE MEETING**

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201 **Motion by Commissioner Jacobson**
202 **Seconded by Commissioner Henderson**
203 **To adjourn the meeting**
204 **Approved unanimously (5-0)**
205 **Time: 7:08 p.m.**
206
207
208
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210 _____
Date approved

City Recorder



BUILDING & PLANNING

Planning Commission Staff Report

Author: Tyler D. Seaman, Community Development

Subject: Discussion and motion to move forward with Internal Accessory Dwelling Unit Ordinance

Date: August 26, 2021

Type of Item: Discussion/Action

Summary: Staff would propose an amendment to the land use ordinance allowing for internal accessory dwelling units. That complies with House Bill 82 which was adopted in 2021 by the Utah State Legislature.

Description: Washington Terrace City seeks to amend Chapter 17.48 of the City's land use regulations to permit internal accessory dwelling units to conform to the new State Law adopted by the State Legislature in 2021 that mandates internal accessory dwelling units under certain circumstances. This Ordinance is required to maintain regulatory authority over internal accessory dwelling units and the City must adopt these regulations before the deadline on October 1, 2021.

Background: Due to the increase in home values across Utah it is required by our legislators mandates all cities to permit internal accessory dwelling units as a measure to support affordable housing within each jurisdiction. One of the requirements by the State Legislature is to allow for internal accessory dwelling units in the single-family zones.

Analysis: In Washington Terrace City we have a high ratio of low to moderate income housing available. Our community is made up of 3 different types of lot sizes from the 6,000 to 10,000 square feet. Due to our limitations in lot sizes, it would be challenging to allow for accessory dwelling units to be detached from the single-family unit. There are limitations to parking, setbacks, and other safety issues. Because of the state mandate it would be Staff's recommendation to allow for the internal accessory dwelling units to be internal in nature. Staff has integrated into the Ordinance the only limitations that are permitted under State Law. The Planning Commission cannot make this Ordinance contrary to the provisions in State Law.

Approve the Request: Planning Commission should recommend to the City Council a motion approving the adoption of Section 17.48.030 relating to internal accessory dwelling units.

Deny the Request: Planning Commission may deny the Ordinance which would expose the City to internal accessory dwellings without any regulations before the October 1, 2021 deadline.

Continue the Item: Planning Commission table the discussion for another meeting which may result in not being able to adopt the regulation before the October 1, 2021 deadline.

**CITY OF WASHINGTON TERRACE
ORDINANCE NO 21-08**

INTERNAL ACCESSORY DWELLING UNIT REGULATIONS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE CITY, UTAH,
ADOPTING INTERNAL ACCESSORY DWELLING REGULATIONS IN THE
LAND USE ORDINANCE TO CONFORM TO STATE LAW; SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (“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 Utah State Legislature has mandated internal accessory dwelling units under limited circumstances;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on _____, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, and desires to act on this Ordinance;

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

Section 1. Repealer. Any Ordinance that conflict with this Ordinance is repealed.

Section 2. Amendment. Section 17.48.030 is hereby adopted to read as follows:

17.48.030. Internal Accessory Dwelling Units.

1. Eligibility. In accordance with Utah Code 10-9a-530.1a, an internal Accessory Dwelling Unit (ADU) is eligible for a permit if such ADU is:
 - a. Located in the primary dwelling;
 - b. Placed within the footprint of the primary dwelling as described in state law at the time the ADU created;
 - c. Not used for vacation rental or short-term rental; and,
 - d. Used only for residential long-term rental of thirty (30) consecutive days or longer.
2. Local Requirements. In accordance with Utah Code 10-9a-530-4, the City:
 - a. Does not require the installation of a separate utility meter for an ADU.
 - b. Each ADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.

- c. The owner of the primary dwelling creating an ADU shall:
 - i. Include one additional on-site parking space on an improved surface of concrete or asphalt, regardless of whether the primary dwelling is existing or new construction; and
 - ii. Replace all parking spaces contained within a garage or carport converted to an ADU.
- 3. Limitations. The following limitations apply to the creation or occupancy of any ADU:
 - a. Only one (1) ADU per primary dwelling is permitted consistent with this section.
 - b. No ADU shall be created or occupied within a mobile home as defined under Utah Code 57-16-3.
 - c. No ADU shall be created or occupied without the owner of the primary dwelling obtaining all permits and licenses for the ADU from the City and any other affected entity.
 - i. The unit shall be required to be inspected as part of the building permit process by the building official.
 - ii. All new construction shall comply to adopted building code requirements.
 - d. No ADU will be approved where the primary dwelling is served by a failing septic tank.
 - e. No ADU shall be created or occupied where the primary dwelling lot is six thousand (6,000) square feet or less in size.
 - f. No external accessory dwelling unit are allowed.
 - g. No ADU shall be created or occupied unless the primary dwelling is also used as the owner's primary dwelling.
- 4. Licensing. The owner of any ADU shall obtain a business license in accordance with Title 3 and Chapter 3.15 of the municipal code.

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

Section 4: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this _____ day of _____, 20____.

Mayor

ATTEST:

City Recorder

RECORDED this _____ day of _____, 20____.

PUBLISHED OR POSTED this _____ day of _____, 20____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1)

_____, 2)_____, and 3)_____on the above referenced dates.

City Recorder

DATE:_____