

City of Washington Terrace

Minutes of the Planning Commission Meeting held on
Thursday, August 26, 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 Dan Johnson
Commissioner Steve Jacobson
Commissioner Morgan Wilkins
Commissioner Charles Allen
Vice- Chair Dwight Henderson - excused
Commissioner Damian Rodriguez - excused
Chief Building Inspector Tyler Seaman
City Recorder Amy Rodriguez

Others Present

Kathleen and Mr. Craynor

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 Jacobson
Seconded by Commissioner Allen
to approve the agenda
Approved unanimously (5-0)

4.2 MOTION: APPROVAL OF MINUTES FOR JULY 29, 2021

Motion by Commissioner Wilkins
Seconded by Commissioner Allen
To approve the minutes for July 29, 2021
With the suggested changes
Approved unanimously (5-0)

48 **5. SPECIAL ORDER**

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50 **5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND**
51 **OPPOSITION TO PROPOSED ORDINANCE ADOPTING SECTION**
52 **17.48.030 REGARDING “INTERNAL ACCESSORY DWELLING UNIT**
53 **REGULATIONS”**

54 Seaman stated that this is a state requirement that is mandated to be adopted by October
55 1, 2021. Seaman stated that we are proposing to permit internal accessory dwelling units.
56 Seaman stated that the motivation of legislature is to create more affordable housing in
57 the state. He stated that they would like cities to be less regulated as what we would allow
58 within state guidelines. Seaman stated that this is a state mandate. He wanted to stress
59 that this is for internal dwellings (inside the home). He stated that this does not apply to
60 any dwellings outside of the home.

61 Seaman stated that due to our lot sizes, it would be difficult to allow for any accessory
62 dwellings that were detached from the home.

63
64 Seaman stated that he has taken our current code and make our ordinance in compliance.
65 He stated that we have winter parking issues as it is. He stated that the eligibility
66 requirements would require the dwelling was placed within the footprint of the dwelling
67 for long term dwellings of 30 days or more. They cannot be used for vacation rentals.
68 Seaman stated that the ordinance would allow for a single family unit to have an internal
69 dwelling unit. He stated that the owner of the primary dwelling should include one
70 additional parking space. Seaman stated that this will create a parking spot, however, it
71 creates a situation that the owner will need to put in some time and money to create the
72 spot. Seaman stated that only one ADU is permitted per house. He noted that not ADU
73 shall be occupied until the owner obtains the required permits. Seaman stated that new
74 construction must follow current construction codes.

75 Seaman stated that a key part is that the owner of the home must live in the home as their
76 primary dwelling.

77
78 Seaman stated that the owner must receive a rental business license from the City.

79
80 Seaman stated that a short term rental is considered anything less than 30 consecutive
81 days. Commissioner Johnson asked how this will be monitored, noting that the ordinance
82 only specifies 30 days. He stated that there is no way to monitor if it will be used for
83 rental or vacation rental. Seaman stated that if it is being advertised as a short term rental
84 (VRBO or Air B&B), it will be considered a vacation rental. Commissioner Jacobson
85 suggested that the language should be added to the ordinance. Commissioner Johnson
86 stated that he disagrees with how it is written. Chairman Larsen stated that it would have
87 to be written to include the 30 days “and advertised as a short term rental”. He also
88 stated that the home owner must be living there. Seaman stated that our zoning code
89 defines a short term rental as less than 30 days. Commissioner Johnson stated that
90 someone could rent out the dwelling to different people without advertising, but noted
91 that it would be hard to enforce anyway. Chairman Larsen stated that we must define
92 what a short term rental is. Commissioner Jacobson stated that these are two separate
93 business licenses; one rental and one accessory dwelling unit. Seaman stated that the
94 business license officer will need to determine if it is a short term or long term rental. He

95 stated that he agrees that it is hard to monitor these types of rentals. He stated we don't
96 know about vacation rentals unless there is a complaint, or advertising alerting staff to the
97 rental.

98
99 Seaman stated that the City Attorney Bill Morris drafted the ordinance. Seaman stated
100 that we can discuss the ordinance now and present the recommendations and suggestions
101 to Council.

102
103 Commissioner Jacobson stated that he is not sure how some of the requirements work
104 together, noting that in one section it states you cannot change the appearance of the
105 single family home, however, in another it states that parking spaces will need to be
106 added, as well as changes to accommodate garages that are changed to ADU.

107 Seaman stated that he believes an RV pad will need to be added. Commissioner Jacobson
108 asked if there are any issues with egress or private entrances. Seaman stated that those
109 issues are covered within state law. He stated that the state is deregulating a lot of
110 requirements and tying the hands of the city building officials. He stated that he will
111 inspect the units, but cannot enforce regular duplex issues, noting that the state overrules
112 us. Seaman stated that he will make sure there are working smoke detectors, and nothing
113 dangerous within the house. He stated that he cannot make them put in firewalls or egress
114 windows. He stated that the state code has amended those regulations. Seaman stated that
115 the state does not regulate how much someone can charge for a unit.

116
117 Seaman stated that this would not be allowed unless the homeowner lives in the home.
118 Two families will not be allowed to live in the home unless one of them is the
119 homeowner.

120
121 **Motion by Commissioner Johnson**
122 **Seconded by Commissioner Jacobson**
123 **To open the Public Hearing**
124 **Approved unanimously (5-0)**
125 **Time: 6:41 p.m.**
126

127 Resident Kathleen Craynor stated that they received a letter that their shed does not
128 qualify for a short term rental business license. She stated that the outer building was
129 connected to her water and power. She stated that the inspector who came out 21 years
130 ago told her they did not need a building permit license. She stated that her grandchildren
131 used to stay in there. She stated that they have rented it out as an Air B&B. She stated
132 that they consulted an attorney. Mr. Craynor asked what they need to have to run the
133 business. He stated that he has worked well with Seaman. Mr. Craynor stated that they
134 have invested in this shed and it is not a shabby shack. He is asking for clarification as to
135 what they need to do.

136 Seaman stated that this rental was found through Air B&B and a letter was sent. The
137 Craynor's came into the city to get a license. Seaman stated that he researched to see if
138 the shed was ever approved as a dwelling unit. He stated that he cannot find any record of
139 approval. He stated that there are no public works records, or building records. He stated
140 that he denied the license because it was never permitted. Seaman stated that he spoke

with the attorney about zoning codes, how we don't allow detached accessory buildings for sleeping, and how there are no history records for this shed.

Ms. Craynor stated that the City Inspector came and inspected and said they did not need a permit. Seaman stated that if a structure is under 200 square feet it does not need a building permit, however, this changes when you add electrical and plumbing components. He stated that it changes the use of the property from a shed to a dwelling unit. He stated that he does not have any record of permits for this shed.

Seaman stated that it is worth looking into and can pose the question to our attorney since it is an existing structure. Commissioner Johnson stated that it doesn't seem fair to penalize the Craynors since we didn't have it in our code four years ago and feels that we dropped the ball. Seaman recommended for them to appeal to our City Attorney.

Seaman stated that there may be setback requirements for them to attach the shed to their home. Seaman stated that the code is for the entire city, and if it is allowed at one location it needs to be allowed everywhere within the city. Seaman stated that records are kept indefinitely.

Seaman stated that he will need to speak to our Planning Attorney. Commissioner Wilkins asked if we could classify it as a legal non-conforming. Seaman stated that if a structure was not permitted, it would never be considered legal non-conforming. Seaman stated that this is a new code that we will be implementing in the city.

**Motion by Commissioner Jacobson
Seconded by Commissioner Johnson
To close the public hearing
Approved unanimously (5-0)
Time: 7:07 p.m.**

Chairman Larsen stated that there are still questions on the ADU. He stated that we can approve the ordinance and then make amendments to it to define it better. He stated that for compliance reasons, the Commission is in a position to approve, but wants to bring the ordinance back to make amendments. Commissioner Jacobson stated that we will need to have legal at the meeting to make the types of changes that may be required.

Commissioner Allen stated that he would like to add a definition section to the ordinance to using the definitions of "internal dwelling units", "prime dwelling", and possibly "short term rental" found Utah Code 10.9a.530. Commissioner Allen stated that he would like to amend page 2, paragraph 3c. to read that "All new constructions shall comply with all applicable land use ordinances, building codes, health codes, and fire codes."

Seaman stated that he is planning on adding the definition for the 30 day short term rental (or less) with the description "and advertised as such" to the ordinance. Seaman stated that the Utah Code 10.9a.530 that Commissioner Allen referenced is already referenced in the ordinance under paragraph 1. "Eligibility", noting that we will need to follow the state definition and code. Commissioner Allen stated that although it is referenced, he

believes that putting the definitions of internal accessory dwelling units and short term dwelling units in the ordinance will make it more clear. Seaman stated that he feels that he should speak with legal before making those additions to the ordinance before it goes before Council.

Chairman Larsen stated that he thinks there will be some changes to the appearance of homes to accommodate these requirements. He stated that he believes that there has to be changes to the dwelling unit, but feels that the critical point has to be that there are no changes to the footprint of the dwelling. Commissioner Jacobson agrees that it seems like a vague sentence, noting that it is obvious when someone makes their garage into an additional extension of the home. Chairman Larsen would like the section referencing additional parking spaces to be cleaned up a bit, defining what the addition space would be, ie. an RV Pad . He suggested making that clear so people don't just widen their driveway into their property and include the front yard. Seaman stated that it is referenced in state code, but we can make it more clear.

Commissioner Jacobson stated that the language comes directly from the state statute. Chairman Larsen stated that we can define where the onsite parking can be located and define it more clearly. Seaman stated that these types of ordinances are challenging because they are often on a case by case basis depending on lot sizes and configuration of the home. Commissioner Jacobson stated that our proposed version is a copy of the state code, noting that if we are required to pass this ordinance or something similar, we would have to make it fit our building code.

6. NEW BUSINESS

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

Chairman Larsen stated the concerns and noted that we can revisit to make accommodations and changes later on. Seaman stated that that we do need to look into this ordinance and consider the other options, such as detached units, and hopes that the City Council wants him to revisit the ordinance.

Commissioner Jacobson stated that he is not against the ordinance, just against how it is defined. He stated that he feels that we are cornered right now, but feels that there are no other options at this time.

Seaman stated that it is a mandated code from the state, which is why we are approving it now, but noted that it needs amendments in the future.

Motion by Commissioner Wilkins

Seconded by Commissioner Allen

To recommend approval of Ordinance 21-08

"Internal Accessory Dwelling Unit Regulations" per state code

Approved (3-2)

Commissioner Allen- Aye

Commissioner Wilkins – Aye

Chairman Larsen- Aye

Commissioner Jacobson- Nay

Commissioner Johnson- Nay

235 **7. BUILDING AND PLANNING UPDATES**

236 Seaman stated that he will meet with the Golden West Credit Union architect for the preliminary
237 code review. He stated that he will go through the building as they construct to make sure it
238 meets building code.

239 He stated that there have been discussions with developer and there is a lot of back end things
240 that they have to do before they can get their permit. He stated that the completion of the
241 building is forecasted for 2023.

242
243 Seaman informed the Commission that the construction for the Ambulatory Surgical Center is at
244 a standstill. However, he noted that another surgical center is going in across from the building.

245
246 Seaman stated that the City Council approved the Pleasant Valley West Subdivision and thank
247 the Commission for their review and appreciated their comments.

248
249 Seaman stated that the developers of the storage facility is wanting the city to entertain loosening
250 set back requirements for commercial properties to allow buildings to be up further against the
251 road. Seaman stated that he would need to research this idea.

252
253 Seaman stated that the reception center has had their final inspection for a business license and
254 needs the fire marshall approval.

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256
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258 **8. MOTION: ADJOURN THE MEETING**

259 **Motion by Commissioner Jacobson**
260 **Seconded by Commissioner Wilkins**
261 **To adjourn the meeting**
262 **Approved unanimously**
263 **Time:7:35 p.m.**

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266 _____
Date Approved

City Recorder