

**City of Taylorsville
Planning Commission Meeting Minutes
September 14, 2021
Pre-meeting – 6:30 p.m. – Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Kent Burggraaf – Chair
David Wright - Vice Chair
Don Quigley
Lynette Wendel
Marc McElreath
Gordon Willardson
Don Russell

Community Development Staff

Wayne Harper - Director
Jim Spung – Senior Planner
Karyn Kerdolff- GIS Planner
Stephanie Shelman – Deputy City Attorney (Excused)
Jean Gallegos – Admin Assistant/Recorder

BRIEFING SESSION – 6:30 P.M.

Mr. Spung conducted the briefing session.  Staff's procedure has been to mail a notice 10 days before the public hearing (called courtesy notice) to residents within 400 feet of a proposal. The new State law states exactly what needs to be included in that notice. **Commissioner Burggraaf** asked why not just reference State Code instead of what is being proposed this evening and that would be his preference. **Mr. Spung** advised he had weighed the pros and cons on both sides of that and decided on this approach, however, that Staff would be fine either way the Commission decides. Regarding the second Agenda item, **Mr. Spung** advised the change was minor by including the word "internal" where needed.

CITY COUNCIL DISCUSSION: **Commissioner Burggraaf** asked for the report from Commissioner Wendel on the City Council meeting she attended.  She gave her report with the main topics being that according to Taylorsville Dayzz' Chairman, Jim Dunnigan's report on that event, it had exceeded expectations and was better than the one two years ago was. She also advised that the "Shop Local" program is coming back and should be supported as a good thing for Taylorsville businesses. She informed the Commissioners that the City is acquiring property on Atherton Drive for additional space for City use. **Commissioner Wendel** then asked for input from the other Commissioners on what their take-away was for the conference they had recently attended. Their general comments were that it was very worth-while and a general learning experience for all of them. The Commissioners and Staff talked about the recent change in the Utah Land Use Code which requires a minimum of four-hours of training for all Planning Commissioners. **Commissioner Quigley** asked if anyone is able to attend the next City Council meeting in his place and **Commissioner Willardson** volunteered to do so. 

PRESENT: Ernest Burgess.

REGULAR SESSION – 7:00 P.M.



CONSENT AGENDA

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| 2. Review/approval of Minutes for July 27, 2021 |
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MOTION: Commissioner Wendel – I move for approval of the Planning Commission Minutes for July 27 as presented.

SECOND: Commissioner Russell

VOTE: Commissioner Quigley – AYE, Commissioner Russell – AYE, Commissioner Wright – AYE, Commissioner McElreath – AYE, Commissioner Wendel – AYE, Commissioner Willardson – AYE. Motion passes with six votes in favor. Commissioner Burggraaf abstained from voting due to not being in attendance at that particular meeting.

ZONING TEXT AMENDMENTS

3. File #4Z21. Public Hearing cancelled. Recommendation to the City Council for a Land Development Code Text Amendment to Chapter 13.21; Section 13.36.130; and 13.36.200; related to private streets, private lanes, shared driveways, and corresponding definitions.

3.1 The public hearing for this item was cancelled with a future date for that hearing to be determined and proper notifications made prior thereto.

4. File #13Z21. Recommendation to the City Council for a Land Development Code Text Amendment to Chapter 13.35; Notice Requirements, to Update the City's Public Noticing Standards to Align With State Law. (Jim Spung/AICP/Senior Planner)

4.1. **Mr. Spung** presented this item.  In the 2021 session, the Utah Legislature passed new law updating the public hearing noticing procedures required by municipalities. These changes reflect more modern and effective means of reaching individuals. The most notable change is the elimination of the public hearing newspaper notice for General Plan, Zoning Map, and Land Use Regulation Amendments. Instead, a notice must be published on the Utah Public Notice Website, be mailed to each affected entity (if applicable) and posted on the City's website. The legislation became effective on July 1, 2021; however, the City Code still requires the newspaper notice. The proposed text amendment to Chapter 13.35: *Notice Requirements* of the Taylorsville Land Development Code, aligns the City's noticing procedures with recent legislation passed during the 2021 Utah Legislative session affecting Utah Code §10-9a-203; §10-9a-204; and §10-9a-205. These sections address requirements for public hearing notice procedures related to General Plan adoption and amendments; zoning map amendments; and land use regulation amendments.

4.1.1 He gave a brief summary of the new legislation to the Commissioners, which included the following language:

- The City must now send a "notice of intent" to prepare a General Plan or comprehensive General Plan amendment;
- A published newspaper notice is no longer required for amendments to a General Plan, Land Use Regulation (e.g. zoning text amendment), or Zoning Map Amendment;
- A "courtesy notice" is now required for Zoning Map Amendments;
- Specifies information and content that must be included for public hearing notices.

4.1.2 **Mr. Spung** listed notable changes from the current code being proposed as part of this text amendment:

- Reorganized content for consistency and user-friendliness;
- General Plan adoption and amendments no longer require newspaper notice;
- New subsection regarding "notice of intent" to prepare a General Plan or comprehensive General Plan Amendment;

- More specific language related to content that must be included in notices;
- Zoning Map and text amendments no longer require newspaper notice;
- New subsection regarding “courtesy notices” for zoning map amendments;
- Updated subdivision noticing requirements to reference the public hearing and public meeting requirements of a zoning map or text amendment.
- Updated subdivision notice requirements to reference State Code.

4.2 **FINDINGS:**

- 4.2.1 This application was initiated by the City of Taylorsville.
- 4.2.2 The City is requesting a text amendment to the Taylorsville Municipal Code, Chapter 13.35: *Notice Requirements*, to Update the City’s Public Noticing Standards to Align with State Law.
- 4.2.3 This amendment aligns City standards related to public hearing notice requirements with legislation passed during the 2021 regular session of the Utah Legislature
- 4.2.4 Additional edits, as outlined in Exhibit A, (in Staff Report) are proposed to clarify and update standards related to the City’s public noticing procedures.
- 4.2.5 The City Council is the final decision-making authority for a text amendment to the Taylorsville Municipal Code.

4.3 **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend the Land Development Code related to public noticing procedures, as specified in the Staff Report.

4.4 **Commissioner Burggraaf** opened the public hearing and asked if there was anyone wishing to speak to this proposal. Hearing none, he closed the public hearing and opened the meeting for discussion by the Planning Commission or a motion. Staff informed Commissioner Burggraaf that they had received no comments from the public regarding this item.

4.5 **MOTION: Commissioner Quigley** – I move that we send a positive recommendation to the City Council for File #13Z21 for an amendment to the Land Development Code, Chapter 13.35: *Notice Requirements*, as provided in the Staff Report and testimony from Staff this evening.

SECOND: Commissioner Willardson

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

5. File #12Z21. Recommendation to the City Council for a Land Development Code Text Amendment to Sections 13.07.020; 13.08.020; 13.09.030; 13.10.020; and 13.11.010, Related to Accessory Dwelling Units (ADUs), Extended Living Areas, Guesthouses, and Corresponding Definitions.
(Jim Spung/AICP/Senior Planner)

5.1 **Mr. Spung** presented this item. During their 2021 session, the Utah Legislature passed House Bill 82 (HB82), which preempts local land use authorities to allow internal accessory dwelling units (ADUs) as permitted uses in all single-family residential zones. Effective October 1, 2021, municipalities will not be able to prohibit accessory dwelling units in single-family areas. The legislation also limits the extent to which municipalities can regulate ADUs but provides a list of local regulations that may be imposed.

- 5.1.1 Staff recommends the text amendment related to ADUs be adopted on or before October 1, 2021 – the date HB82 becomes effective. He advised that HB82 provides that Internal ADUs will be allowed in all single-family residential zones. He went over local regulation that is allowed: Prohibit short-term rentals in ADUs; require owner-occupancy in ADUs; prohibit detached ADUs; prohibit ADUs on lots smaller than 6,000 square feet; prohibit separate utility meters; require

licenses/permits, and prohibit the creation of ADUs within a zoning district covering an area that is equivalent to 25% or less of the total area in the City zoned for residential use.

- 5.1.2 He provided the following notable changes from current code which are proposed as part of this text amendment:
- Updated terminology for consistency with State Code – “accessory apartment” has been changed to “accessory dwelling unit (ADU) internal;”
 - ADUs no longer require administrative conditional use review – they are “permitted” in all residential zones (except RM and MU) subject to standards;
 - ADUs are permitted in Mixed-Use (M) zoning district, subject to standards;
 - “Extended living areas” have been eliminated – these living arrangements will follow the ADU standards moving forward;
 - ADUs are only allowed on a lot containing 6,000 square feet or more. Current Code does not establish a minimum lot size;
 - ADUs shall not be used for short-term rentals (i.e., less than 3 consecutive days);
 - Clarified language related to business licensing requirements;
 - Identified specific building code standards that will be required for ADU approval;
 - An affidavit recorded with Salt Lake County is now required to ensure future owners are aware of the standards and conditions associated with ADUs and guesthouses;
 - New standard requiring evidence of owner occupancy;
 - Reorganized and reworded standards related to “guesthouses.”
 - Eliminated standards related to “extended living areas.”
 - New definition for “accessory dwelling unit (ADU);”
 - Updated definition for “dwelling”: “dwelling, duplex;” and “dwelling, single-family.”
 - Eliminated definition of “extended living area.”
- 5.1.3 In the August 24th, 2021, Planning Commission meeting, the Planning Commission unanimously forwarded a positive recommendation to the City Council for the proposed text amendment subject to the following changes:
- Adding the word “internal” to specify that these regulations apply to internal accessory dwelling units (ADUs), as provided in HB-82;
 - Update language to clarify that the City (not the applicant) may (not “shall”) record a notice with Salt Lake County to alert future property owners of regulations associated with ADUs;
 - Remove proposed edits reducing the maximum area allowed for a guesthouse from 75 percent of the footprint area of the home down to 50 percent. Revisions to this standard will be considered at a future date.

5.2 **FINDINGS:**

- 5.2.1 This application was initiated by the City of Taylorsville.
- 5.2.2 The City is requesting a text amendment to the Taylorsville Municipal Code Sections 13.07.020; 13.08.020; 13.09.030; 13.10.020; and 13.11.010, related to accessory dwelling units (ADUs), extended living areas, guesthouses, and corresponding definitions.
- 5.2.3 This amendment align City standards related to accessory dwelling units with State of Utah provisions (e.g., HB82).
- 5.2.4 Additional edits, as outlined in Exhibit A in the Staff Report are proposed to clarify and update standards related to guesthouses and extended living areas.
- 5.2.5 The City Council is the final decision-making authority for a text amendment to the Taylorsville Municipal Code.

- 5.3 **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend the Land Development Code related to accessory dwelling units (ADUs), guesthouses, extended living areas, and corresponding definitions as specified in the Staff Report.
- 5.4 **DISCUSSION:** **Mr. Spung** added that there is a requirement for applicants to attest under notary signature that they live on site and that the new Code would allow the City to record with Salt Lake County of the ADU establishment. **Commissioner Russell** asked if a notarized certification is required anywhere else and **Mr. Spung** said that Taylorsville currently does that for Accessory Apartments, so it was carried over to Accessory Dwelling Units. That Taylorsville has several notaries on Staff, so there is no fee to do it. **Commissioner Burggraaf**  wanted Staff to make sure it is clear to the City Council why there is so much redline markup in this proposed document. **Commissioner Wendel** complimented Staff on their thorough presentation of this item.
- 5.5 **Commissioner Burggraaf** opened the public hearing and since no one came forward with comments, closed the public hearing and opened the meeting for discussion or a motion. **Mr. Spung** advised that Staff had received no written or electronic comments from the public regarding this item.
- 5.6 **MOTION:** **Commissioner Russell** – I move that we send a positive recommendation to the City Council for File #12221 for an amendment to the Land Development Code Sections 13.07.020; 13.08.020; 13.09.030; 13.10.020; and 13.11.010, related to accessory dwelling units (ADUs), extended living areas, guesthouses, and corresponding definitions as provided in the Staff Report.
SECOND: **Commissioner McElreath**
VOTE: All Commissioners present voted in favor. Motion passes unanimously.

ADJOURNMENT: By motion of **Commissioner Quigley** and second by **Commissioner Wright**, the meeting was adjourned at 7:22 p.m. 

These Minutes were prepared and submitted by:

Jean Gallegos, Admin Assistant and Recorder for the
City of Taylorsville Planning Commission

Approved in meeting held on