

**MINUTES OF MORGAN CITY
COUNCIL JOINT WORK MEETING
(CITY COUNCIL & PLANNING
COMMISSION)**

August 23, 2022; 6:02 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**Mayor Steve Gale, Tony London, Jeff Wardell, Eric
Turner, and Jeffery Richins**

**COUNCILMEMBERS PRESENT
ELECTRONICALLY:**

Dave Alexander

**PLANNING COMMISSION MEMBERS
PRESENT:**

**Nathan McClellan, Justin Rees, Dan Dickson, Mark
Francis, Wes Woods, Lance Prescott, Erin Bott and
Ray Little**

**PLANNING COMMISSION MEMBERS
PRESENT ELECTRONICALLY:**

Jay Ackett

STAFF PRESENT:

**Ty Bailey, City Manager; Gary Crane, City Attorney;
Jake Young, City Planner; Teresa Shope and Denise
Woods**

OTHERS PRESENT:

This meeting was held in the Council Conference Room of the Morgan City Offices, 90 West Young Street, Morgan, Utah. The meeting was streamed live on YouTube and available for viewing on the City's website – morgancityut.org.

This meeting was called to order by Mayor, Steve Gale.

ITEMS FOR DISCUSSION

**MIXED-RESIDENTIAL OVERLAY ZONE AND ACCESSORY DWELLING UNITS – JAKE
YOUNG, CITY PLANNER**

Jake Young, City Planner, gave a presentation regarding ideas and concepts for the mixed-residential zone and accessory dwelling units. He stated the objective of tonight's meeting was to get a direction from the Planning Commission and City Council if the City would like to pursue the creation of new ordinances to address these issues. He said after the discussion if the City Council was in favor of the idea of a mixed-residential zone the City Council would instruct the Planning Commission to work through the idea and draft an ordinance, hold a public hearing, and then present it for the City Council's consideration and adoption. He said the idea for this new ordinance came about through discussions during the process of reviewing the General Plan and also from a tour with the Mayor, Ty Bailey, City Manager, Teresa Shope, and himself to view different styles of housing/developments along the Wasatch Front. He mentioned a developer in Morgan was looking at developing some townhomes and this development would be a good candidate for this type of zone. He suggested having this type of zone in the City's zoning toolbox, so it was available when there was new development in the City. He pointed out several points of good city planning:

- The right development in the right place.

- Adopting to new circumstances and needs of the residents.
- Willing to try something new, learn, and progress.
- Collaboration between cities and stakeholders.
- Public process.
- Willing to try a pilot project.

He stated some of the purposes of the new zone:

- Infill development.
 - In the right place.
- Quality of life.
- Change the paradigm and perspective on the development.
- Provide housing choices, types, sizes, and costs.
- Compact can be quality.
- It's good to make progress on the General Plan ideas before its adopted.

He stated this overlay zone could be put into place before the General Plan was adopted. He presented a slide and explained the transect concept, i.e., there was an urban core (like Commercial Street or State Street) and then it went out to a neighborhood and then into county property, which gave the development a layered design.

He clarified this was not a mixed-use, i.e., not combining residential and commercial. It was proposing mixing residential types within a neighborhood and providing a variety of architecture. He stated the mixed residential zone was an overlay zone and it was not preassigned to location like typical zoning. He explained the developer would need to request the mixed-use residential overlay zone. The rezone required legislative action like a PUD and this zone was for residential, home office, but not commercial. It would require site plan approval in conjunction with rezoning. He said the project size would be approximately 3 to 6 acres and approximately 10 – 11 units per acre. He said the City could require some amenities like a little pocket park so there would need to be an HOA. He suggested at least 25% of the units were single-family homes and this typically equaled about 40-50% of residential land use. He mentioned other units may be twin homes, duplexes, or townhomes and the maximum number of units per building was 3-5 units. He said there was a maximum number of units so that everything remained at a residential scale.

He displayed slides showing different characteristics of a mixed-residential development. Some of the features/characteristics of a mixed-residential zone were:

- Residential scale and feel
- maximum building height 2.5 stories
- All homes/units face the street or a common green/pocket park space
- All green space connects to the street
- All developments had a common green/pocket park maintained by an HOA
- Homes/units have a porch – Increased the community feel among neighbors
- Street trees
- Water-wise landscaping – Quality
- Architectural variety – No units looked the same
- Garages – Placement, colors
- Open space/landscape maintenance/HOA

Jay Ackett, Planning Commissioner, asked if Jake had looked over the City and identified places where this type of overlay zone would work.

Jake said he could do an analysis of the City in terms of parcel sizes on infill and identify those areas.

Nathan McClellan, Planning Commission Chair, stated he loved the concept of community and designing from the beginning for this type of development. He stated there was a lot of variety with homes, garages, and green space, but he noticed there weren't any fences.

Jake said fences would need to be allowed in backyards only in this type of development and the backyards would be small.

Mark Francis, Planning Commissioner, stated in Daybreak the streets were extremely narrow and the City needed to be careful to make sure we don't make it impractical just to fit this type of development in an area.

Jake mentioned this type of development wouldn't be appropriate on State Street or Young Street.

Wes Woods, Planning Commissioner, asked how the City started informing developers about this new overlay zone and the direction the City would like to go.

Jake said first the City had to make it a tool in their toolbox for developers so when they came to the City it could be offered. He stated there needed to be some incentive for this type of development, such as zoning density.

Lance Prescott, Planning Commission, made a comment that this was a different culture, i.e., people sitting outside on their front porch and no fences blocking in every yard. It was a different way to live than what we were currently used to. He stated he would be willing to give up some higher densities to have the open feel as you drive by the homes. This type of development would cater to a different type of people, and he felt there was a demand for development like this.

Discussion regarding maintenance of the streets, alleys, and open space. The streets could be public, but the alleys and open space would be private and maintained by an HOA.

Councilmember Alexander asked how the City could ensure the residential aesthetic/look of the homes.

Jake said there could be architectural requirements in this overlay zone. He said there was a balance in having good standards for architecture but not dictating too much. Several requirements could be no home could be the same and the building colors, materials, styles, window treatment, etc. had to be different. He explained the public hearing process for this type of zone would be the same as other zone changes, but they needed to have a site plan and/or presentation of what they were proposing so the City knew what they were approving. He stated some of the public won't like this type of development, but the comments from the City Council and Planning Commission to the public could be:

- This type of development had high standards.
- They would be bringing a park.
- They had specific architectural standards which were higher standards than their current zoning.
- This type of overlay zone brought in different opportunities.

Nathan McClellan, Planning Commission Chair, asked if the overlay zone would only be available for current infill within the City or would it potentially cover all residential zones. He stated there may be a limited number of three-to-six-acre sections in the City where this overlay zone could be applied.

Jake stated those possibilities would be discussed during the approval process of the overlay zone. He said he didn't foresee someone applying this zone to a development of 20 quarter acre lots. He said he didn't see gentrification being a big risk for the City with this type of zone. He stated it happened in cities where a development was 20 to 40 units an acre where they would possibly purchase homes, tear them down and then rebuild.

Lance asked if the Planning Commission could be fairly strict with the site plan for this type of rezone.

Jake said yes. The Planning Commission could require the layout, the park amenities, the street connections, and what type of lots. He said the zoning requirement went all the way through building so the planning staff would review architectural plans.

Gary Crane, City Attorney, said a couple of years ago HB 98 stripped away a lot of the City's power to regulate design and the benefit of this type of overlay zone, which was a planned unit development, mixed in its residential uses. He said with this type of zone, the City could really do more than it currently was able to do with a cookie cutter square subdivision. The City could approve a design for the way things were laid out, walkability of the community, and even the actual way the homes would look like, i.e., porches, which were an integral part of the community. He stated this type of zone gave the cities more flexibility as to what they could do under this type of zone. In these types of developments there was a good mix of different sizes of units, and it drew a mix of people in the community. It wasn't affordable housing it was housing affordability. He said it was the developer's decision to use the overlay zone. He said the homes in this type of development were saleable and the larger homes on bigger lots were getting less saleable. He said this was the direction cities were going because it provided a variety of housing and also the flexibility for cities to make their own determination of what it looked.

Jasson Ackett, Planning Commission, stated he supported this type of overlay zone. He liked the type of development available with this zone. He suggested identifying areas on the City's map where this type of zone could be used. He expressed his opinion regarding HOAs.

Jake mentioned even though the development was privately owned and maintained it still was publicly accessible and adjoining neighborhoods were allowed to use the trail connections, sidewalks, and open space. He clarified an HOA would be responsible for the maintenance unless the City decided to take on the maintenance of a park within the development.

Jake stated there were basically three types of accessory dwelling units (ADUs) in today's housing world.

1. Internal ADUs or IADUs (anywhere within the existing building footprint)
2. Attached ADUs (added onto the current home/garage)
3. Detached ADUs (separate unit away from main building)

He stated currently ADUs were not permitted in the City, however state code did allow ADUs and therefore would trump the City's code and allow for ADUs. By state law, if someone applied to the City for an internal ADU and they met certain requirements, the City would have to allow the internal ADU. He referenced State Code, U.C.A. 10-9a-530(4), Internal Accessory Dwelling Units.

10-9a-530. Internal accessory dwelling units

...

- (4) A municipality may:
- (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
 - (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
 - (c) require a primary dwelling;

- (i) to include one additional on-site parking space for an internal accessory dwelling unit, regardless of whether the primary dwelling is existing or new construction; and
 - (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport;
- (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
- (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
- (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:
 - (i) 25% or less of the total area in the municipality that is zoned primarily for residential use; or
 - (ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;
- (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
- (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
- (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
- (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
- (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
- (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).

He stated in the City's ordinance they could require the ADU be owner occupied. He said with every tenant there would be a landlord.

Councilmember London asked if single bedrooms could be rented out.

Jake said no because ADUs needed to have their own access to the home, a kitchen, a bathroom, etc.

Gary clarified the State Code only required those things which a normal home would require and took out all the requirements regarding a two-family dwelling unit, i.e., double firewall, separate air conditioning vents and units, and separation of utilities, etc. He also stated this was not a choice, it was a mandate on all cities within the State of Utah, and on all HOAs. He stated it trumped all CC&Rs for HOAs. He stated it was the intent of the legislature to open up a whole new series of housing for individuals who couldn't afford it right now.

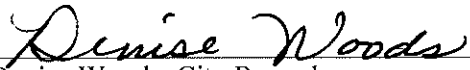
Jake said if the City's new ordinance allowed for detached ADUs the City could dictate what size of lot would be required for a detached ADU.

This discussion would continue during the general session of the City Council meeting.

TRAINING – GARY CRANE, CITY ATTORNEY

No training was given.

This meeting was adjourned at 6:55 p.m.


Denise Woods, City Recorder


Steve Gale, Mayor

These minutes were approved at the September 27, 2022 meeting.