

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 12 August 2021

**TIME COMMENCED:** 6:06 p.m.

**LOCATION:** 1600 E. South Weber Drive, South Weber, Utah

**PRESENT:**

**COMMISSIONERS:**

Gary Boatright (via cell phone)  
Jeremy Davis  
Wes Johnson  
Julie Losee  
Taylor Walton

**COMMUNITY SERVICE DIRECTOR:**

Trevor Cahoon

**DEVELOPMENT COORDINATOR:**

Kimberli Guill

**Transcriber:** Minutes transcribed by Michelle Clark

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**ATTENDEES:** Paul Sturm, Mark Bell, Michael Grant, Joel Dills, Tina Sanzone, Gary Sanzone, and Blair Halverson.

**1. PLEDGE OF ALLEGIANCE:** Commissioner Walton

**2. Public Comment:** Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date.

Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)

- a. Individuals may speak once for 3 minutes or less.
- b. State your name and address.
- c. Direct comments to the entire Commission
- d. Note Planning Commission will not respond during the public comment period.

**Paul Sturm, 2527 Deer Run Drive,** voiced his concern with tonight's meeting packet, which wasn't available on the city website until yesterday. He suggested the city sign up with the state public notice site.

Kimberli Guill, Development Coordinator, explained the difficulty with the city website accepting all the information that is submitted with a packet.

**Joel Dills, 7749 S. 2100 E.,** recently viewed Riverdale City's Planning Commission meeting as was impressed with how they conduct public comment. He explained submitted written public comments are read in the meeting. They also have a phone service which allows individuals to leave a 3-minute message. He expressed it allows for more public engagement. He thanked the Planning Commission for their service.

### **3. Approval of Consent Agenda**

- **Planning Commission Minutes of 10 June 2021**

**Commissioner Walton moved to approve the consent agenda. Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

### **4. Commissioner Training provided by Mark Bell from Hayes Godfrey Bell**

Mark Bell, of Hayes Godfrey Bell, discussed Planning Commission Basics. He explained how important it is for the chair to keep control of the meeting. He noted everything cities do is covered by Utah Lands Use Development and Management Act (LUDMA). Every municipality must establish a Planning Commission. The Planning Commission's responsibilities include recommendation on general plan and amendments to ordinances, recommendations on land use authorities to handle applications and appeals, and recommendations for application processes. The Planning Commission should be trained annually on general powers and duties, land use (appeals/variances, conditional uses, impact fees, vested rights, subdivision regulations, and zoning). An essentially responsibility is to make "recommendations" to the City Council. The Planning Commission also takes on an administrative role by acting as a "land use authority". A commissioner's role is to "shape" policy, not to "make policy. A commissioner doesn't have a "constituency". It is important for the Planning Commission members to follow the Open and Public Meetings Act with the purpose of aiding in the conduct of people's business. Therefore, public bodies are to take their actions openly and conduct deliberations openly. A notice of the agenda is required. Written minutes and recording of the meetings are required. If by chance there is a social meeting, Planning Commissions are not to conduct or discuss city business. During a meeting there must be a "quorum" (simple majority). If a commissioner is unable to attend the meeting in person, he/she may join the meeting electronically. Planning Commission members are required to disclose actual or potential conflicts of interest. The use of office for personal benefit is prohibited. Planning Commissioners service requires you to vote on difficult decisions. If there is a conflict of interest, commissioners need to disclose their conflict and a decision needs to be made whether or not the commissioner will need to be excused from the discussion and the vote. When in doubt, consult with the city attorney.

Mr. Bell provided a cheat sheet of Roberts Rules of Order to each member of the Planning Commission. He reminded them there are benefits to an orderly meeting. All members are entitled to speak, but they need to be recognized by the chair. Personal remarks are inappropriate. There should be one question at a time with one person having the floor. Following discussion, a motion (a formal proposal for consideration and action) is made. Basic form of motion: "I move that..." Second: another member agrees that the motion should be considered – states as "Second" or I second the motion made by....." The chair restates the motion/second and asks: "is there any debate or discussion?" The chair recognizes members who want to speak. At the conclusion of the debate or discussion: The chair restates the motion and calls for the vote. A roll call vote is preferred; or if by "ayes" and "nays" state number or unanimous.

Amending a motion is done during debate/discussion where person with the floor states: "I move that the pending motion be amended by . . . [insert desired amendment, e.g., adding or striking words, etc.] Second is required to move forward.

Substitute motion: to amend by striking entire portions, sentences or paragraphs of motion — done during debate/discussion where person with the floor states: “I move that the pending motion be substituted as follows: [insert desired amendment, e.g., adding or striking words, etc.] Second is required to move forward.

Chair to restate original and amended/substitute before calling for vote

Motion to “Table”: motion made when member desires to suspend further consideration of issue. Example: “I move that we table [description] until [state when to be reconsidered or conditions required for reconsideration]

The chair is to remain impartial pending vote. Listen, focus on issues remembering personalities are not issues, don’t question motives, and be polite.

Commissioner Boatright thanked Mr. Bell for his presentation.

### **5. Introduction & Presentation on Internal Accessory Dwelling Units by Trevor Cahoon:**

Community Service Director Trevor Cahoon introduced himself. He grew up in Utah and attended Sunset Jr. High and Northridge High School. He recently worked for Clearfield City but is now with South Weber City.

Trevor announced within the parameters of HB82, the Planning Commission is tasked to amend/revise this ordinance and make a final recommendation to the City Council. The adoption of an Internal Accessory Dwelling Unit (IADU) City ordinance is a legislative action. The Planning Commission’s role is to consider the draft ordinance and to make a recommendation to the City Council. In making its decision, the Planning Commission may consider policy-based input. The ordinance has been drafted by the City Attorney, City Planner, staff, and the Code Committee.

In the 2021 general session, the Utah Legislature passed HB82, requiring that cities allow internal accessory dwelling units in no less than 75% of the zones that allow for residential uses. By no later than October 1, 2021, Utah municipalities are required to have an ordinance in place that complies with the provisions of HB82 or IADUs will be allowed in any residential property. The bill defines IADU as an accessory dwelling unit created within a primary dwelling, within the primary dwelling’s footprint, and for the purpose of renting for 30 consecutive days or longer. The primary dwelling is a single-family dwelling in which the owner occupies the primary residence, and the dwelling is detached.

In areas zoned primarily for residential use (a determination up to the municipality), IADUs are permitted uses. However, a municipality may prohibit IADUs in up to 25% of the total area in the municipality, zoned for primarily residential, or, if a state or private university with a student population of 10,000 or more is located in the municipality, 67% or less.

A municipality may not establish restrictions on the construction or use of an IADU, including IADU size within the primary dwelling, total lot size, or street frontage. However, HB 82 allows a municipality to adopt the following IADU restrictions and requirements: require bedroom window egress, prohibit installation of a separate utility meter, require that the IADU design not

change the appearance of the primary dwelling, require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport, prohibit an IADU in a mobile home, require an IADU permit or license, prohibit an IADU if the primary dwelling is served by a failing septic tank, prohibit an IADU if the lot is 6,000 sf or less, prohibit the renting of the IADU for less than 30 consecutive days, and prohibit renting an IADU that is not in an owner-occupied primary dwelling.

### **Draft Ordinance Summary**

The draft ordinance follows state law in what cities must do and cannot do. While South Weber City has some discretion on several items within the code, what can be prohibited or restricted is reflected within the draft ordinance with few exceptions. The prerogative of the Planning Commission is to make recommendations on what restrictions or prohibitions, allowable under state law, are to be recommended to the City Council.

Some notable areas within the draft ordinance are:

- There is no prohibition on the changing of external appearance
  - As the Committee discussed this, we determined that because setbacks, height limits and other things are in place regarding building placement, an addition to a home for an IADU doesn't create any greater of an impact than an addition for a living room or any other purpose.
  - Each unit's entrance shall be distinct from the other and shall be on separate planes of the primary dwelling unit.
- The property owner must occupy the dwelling in order to utilize the IADU
- A minimum 15-foot common wall or floor space is required between the IADU and the main unit
  - This will prevent property owners from having a breezeway or some other similar structure connecting two separate units, under the guise of having a single dwelling unit on the property.
- IADUs are allowed in all residential zones, excluding the Residential Multi-Family (R-7) and Residential Patio (R-P).

In order to determine the zones where IADUs would be allowed, the Committee had Jones & Associates (the City's engineering firm) analyze and break down the zoning data in the city. The data they presented is as follows:

	# of Parcels	Acreeage	Area %	# Parcels < 6000 Sq Ft
Residential Very Low Density (A)	232	916.02	49%	1
Residential Low Density (R-L)	416	247.54	13%	2
Residential Low Moderate Density (R-LM)	118	60.68	3%	1
Residential Moderate Density (R-M)	1598	593.81	32%	17
Residential Patio (R-P)	96	18.44	1%	10
Residential Multi-Family (R-7)	202	17.49	1%	198
<b>Total</b>	<b>2662</b>	<b>1853.99</b>	<b>100%</b>	<b>229</b>

Trevor suggested a clear criteria should be set to exclude zones or areas within the city to disallow IADUs. Upon review of city zoning code, and the specific prohibitions that are allowed under the state statute, it is recommended that the R-7 zone, and R-P are the most defensible zones to prohibit IADUs in order to create a standard criteria.

Ordinance Highlights include the following:

- External Appearance:
  - There is no prohibition on changing of external appearance.
  - Materials should be constructed of similar materials and design.
  - Each unit’s entrance shall be distinct from the other and shall be on separate planes of the primary dwelling unit.
- Owner Occupation
  - Either the IADU or the primary dwelling unit shall be owner occupied.
- Common Wall or Floor
  - In order to qualify as an IADU, a minimum of 15’ common wall or floor space with the primary dwelling unit is required.
- Zoning
  - IADUs are allowed in all residential zones, excluding the Residential Patio (R-P) and Residential Multi-Family (R-7).

There are things that municipalities CAN do, things they MUST do, and things they CANNOT. Those things are:

Cities CAN

- Require bedroom window egress
- Prohibit installation of a separate utility meter
- Require that the IADU design not change the appearance of the primary dwelling
- Require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport
- Prohibit an IADU in a mobile home

- Require an IADU permit or license
- Prohibit an IADU if the primary dwelling is served by a failing septic tank
- Prohibit an IADU if the lot is 6,000 sf or less
- Prohibit the renting of the IADU for less than 30 consecutive days
- Prohibit renting an IADU that is not in an owner-occupied primary dwelling.

Cities MUST

- Have an ordinance in place by October 1, 2021, that meets requirements of HB82
- Allow IADUs in 75% or more of the residentially zoned areas within the city
- Amend the definition of single family to remove the word “unrelated”
- Create exemptions for IADUs related to wall thickness, ventilation, and other changes, per the State Construction Code

Cities CANNOT

- Limit the size of an IADU
- Issue a blanket ban on IADUs
- Limit the lot size and frontage of lots containing IADU (noted exception above)
- Prohibit IADUs in more than 25% of residentially zoned areas in the city
- Require installation of a separate utility meter

**Commissioner Johnson moved to open the public hearing for SWC Code Chapter 10-19 (Ordinance 21-12) Internal Accessory Dwelling Units. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Johnson, Losee, and Walton voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**6. SWC Code 10-19 (Ordinance 21-12) Internal Accessory Dwelling**

Commissioner Boatright asked for public comment.

**Joel Dills, 7749 S. 2100 E.,** feels House Bill 82 is a good idea. He suggested separating free housing verses receiving income for a business. He suggested looking at the broad picture as well as limiting on-street parking. He recommended requiring a certain amount of over site at the beginning to verify all is in place before license is approved. He isn't in favor of allowing IADUs in the R-7 Zone. He recommended creating a historic overlay. He asked in looking at the matrix, does the change in family affect boarding houses, duplexes, etc.

**Paul Sturm, 2527 Deer Run Drive,** is concerned about why the presentation and the voting of the SWC Code 10-19 is during the same meeting. He is concerned about parking because during the winter on-street parking isn't allowed in the city.

Trevor Cahoon read aloud public comment submitted by **Gary and Tina Sanzone, 2353 E. 8100 S. (SEE ATTACHED)**

**Commissioner Losee moved to close the public hearing for SWC Code Chapter 10-19 (Ordinance 21-12) Internal Accessory Dwelling Units. Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Johnson, Losee, and Walton voted aye. The motion carried.**

\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\*

Commissioner Davis asked for clarification on the 75% rule. Trevor replied it is 75% of the housing units that qualify. Commissioner Davis is concerned about ensuring there is enough off-street parking because of winter regulations.

Commissioner Johnson questioned if the property is sold, does the IADU transfer with the property. Also, he asked if the IADU requires a separate entrance. It was stated there is nothing in the new legislation that requires entry exterior or interior and it would be up to the city. He asked if a standard needs to be set for rooms and square footage. He asked if it is a rental license or commercial license. Trevor replied to a business license is required. Commissioner Johnson asked how often an IADU is inspected. Mark Bell explained new legislation limits imposing a more than one parking stall requirement. Trevor pointed out the type of licensing can be determined by the city.

Commissioner Walton discussed parking and whether or not it should be required to be paved. Commissioner Losee doesn't want people parking on grass or gravel. Trevor reported Chapter 8, Title 10 references off street parking.

Commissioner Walton asked for an explanation as to whether or not it needs to have an entrance on a separate plane. Trevor replied plane is identified as separate elevation or size of home or rear entry. Commissioner Walton asked about limiting lot size or frontage. Mark Bell replied the city can't require a frontage requirement for an IADU. It can't be different from any other home in the zone.

Commissioner Boatright discussed the difficulty with a historic overlay because it limits individuals to what they can do with their homes. He is against a historic overlay. Trevor suggested if areas are limited to IADU's then it needs to be defensible.

Commissioner Losee asked if there is or isn't an allowed internal shared entrance. Trevor replied a shared internal entrance is allowable. Commissioner Davis asked if there is a fire safety requirement. Mark Bell replied the building inspection will address fire requirements.

Commissioner Walton discussed having a review process for business license renewal if there are complaints. It is the same process as a short-term rental. Commissioner Boatright replied it is included in city code Section 10-19-8.

Commissioner Losee asked about options for size of an IADU. Mark Bell suggested a minimum size of 400 sq. Discussion took place regarding 10-19-6 Standards of Approval item e. concerning rental to only one family.

Mark Bell discussed the parking requirement for an IADU and explained the only requirement is for one additional parking space for the IADU.

Trevor reported the definitions need to be included in the land use matrix for internal and external IADU.

**Commissioner Walton moved to recommend approval of SWC Code Chapter 10-19 (Ordinance 21-12) Internal Accessory Dwelling Units to the City Council with the following:**

- 1. Define interior accessory and exterior dwelling unit in code definition**
- 2. Code Committee to review Ordinance Title 10, Chapter 8 to ensure conformity to IADU ordinance.**

**Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**REPORTS:**

**Planning Commission Comments**

**Commissioner Boatright:** He reminded the public to bring items before the Planning Commission through public comment, email etc. He recommended if an email is sent to the City Council for the Planning Commission, he would suggest the individual be told to forward their email to the Planning Commission.

**Commissioner Walton:** He thanked Mr. Bell for his presentation. He asked if there is a standard form for disclosure of conflict of interest. It was stated when an individual takes office they fill out the form.

**ADJOURNED:** Commissioner Walton moved to adjourn the Planning Commission meeting at 8:12 p.m. Commissioner Johnson seconded the motion. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ Date  
**Chairperson: Gary Boatright**

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**Transcriber: Michelle Clark**

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**Attest: Development Coordinator, Kimberli Guill**



South Weber City Planning Commission:

In regards to agenda item 6 – Public Hearing & Action on SWC Code 10-19 (ORD21-12) Internal Accessory Dwelling Units we would like the planning commission to consider the following during the review and recommendation process.

### **10-19-3 Permitted Use – Limitations**

Property owners are finding new ways to increase income using property. New trends show property owners are willing to rent rooms, pools, driveways, etc. For this reason we would like the planning commission to consider adding the following to the Permitted Use section. IADU's may not be rented to more than one family unit, or in combination with an approved STR or any other approved Conditional Use Permit.

### **10-19-4 Business License Required**

Enforcing issues of noncompliance is practically impossible on complicated ordinances such as these. For this reason neighbors must count on neighbors to comply with common standards and ordinances. We would like the planning commission to consider adding language requiring business license renewals to include a review process. The review process should include feedback from neighbors within 500 feet of all IADU's. This will allow neighbors to report nuisance trends prior to the renewal of all IADU business licenses. The city should use the information provided by neighbors to review the ordinance with the property owner, and if needed require corrective action.

### **10-19-6 Standards of Approval- General**

South Weber Code defines family as; An individual of two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons who are not so related living together as a single nonprofit housekeeping unit doing their own cooking and domestic service for such a family or group. Family does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses. For IADU's we are asking the planning commission to consider changing the ordinance to be more specific and include something similar to the following:

Occupancy of an IADU shall be limited to 1 family as defined by City Code except that occupancy shall not exceed 2 total individuals where there is no family relation.

The total number of residents that reside in an IADU may not exceed the number allowed for a "family" for the lot on which the IADU unit is found.

The current code does not address temporary guests, we would like to see language added to the ordinance to address this concern, something similar to the following: A "temporary guest" is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.

### **10-19-7 Standards of Approval- Construction**

The proposed ordinance requires one off-street parking per IADU, in addition to any off-street parking provided for the primary dwelling. On street parking is becoming an issue in South Weber. If the IADU is not required to provide adequate off-street parking, this becomes an issue especially during our winter months. We would like this section to be updated and at a minimum include something similar to the following: One (1) off-street parking space for the accessory unit shall be provide. Accessory dwelling

unit parking may not be in tandem with required parking of the main dwelling. One or more additional off-street parking spaces shall be required for IADU units with 2 or more bedrooms.

The city should also include the type parking area to be required on the property. We would like the following to be included: The minimum width of parking areas and driveways shall be paved with concrete or asphalt.

Thank you for your consideration.

Regards,  
Gary and Tina Sanzone  
2353 E 8100 S  
South Weber, UT 84405

Comments to South Weber City Planning Commission  
for 12Aug21 Meeting  
by Paul A. Sturm

**General Public Comments on Meeting Packet and Information Release**

I have been following this meeting for the past two weeks, yet the information for this meeting was only posted yesterday on the South Weber City website.

My comments are directed to both the Planning Commission and to all South Weber City residents who want to be involved in what is happening in the City.

My recommendation is to subscribe to the online State of Utah Public Notice service. It is easy to sign up by going to the South Weber City website Home Page. Scroll to near the bottom and one will see a blue box stating "Subscribe to Public Notices Here" and enter the information for South Weber City and you will receive E-Mails concerning SWC .

Subscribe to Public Notices Here

Notices for this 12Aug21 <sup>MEETING</sup> are a prime example. I received the first notice on 29Jul21, two weeks ago. The notice stated that this meeting was to address Internal Accessory Dwelling Units (IADU) and the Public Notice E-Mail now contains the following files

2021-06-01 IADU Ordinance (draft) (JLB edits).pdf announced on 29Jul21.

On 9Aug21 the 0 PC2021-08-12 Packet.pdf file was added to the Public Notice site

On 9Aug21 another E-Mail was received from the State Public Notice site that contained both of the above referenced files and was noticed as "Updated Documents".

The SWC website was not populated with this information until yesterday 11Aug21, thus residents who rely only on the City website had only one day to prepare for this meeting.

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**Public Hearing Comments on Agenda Items #5a, 5b, and 6 - Packet Pages 19 to 36**

5. Introduction & Presentation on Internal Accessory Dwelling Units by Trevor Cahoon
6. Public Hearing & Action on SWC Code 10-19 (ORD 21-12) Internal Accessory Dwelling Units

Why is the Public Hearing on the IADU topic, the IADU presentation, and the vote on SWC Code 10-19 (ORD) 21-12) all happening during the same meeting when the draft ordinance was available on 1Jun21?

EXTERIOR. PATIO HOME SITES ARE TYPICALLY LESS THAN 6,000 SQ  
DIMENSION

HOW CAN AN IADU ~~CHANGE THE~~ CHANGE THE  
o ALSO NO STREET PARKING - WINTER RAILS