

**MINUTES OF THE HUNTSVILLE TOWN
PLANNING COMMISSION MEETING & PUBLIC HEARING**

MEETING DATE: September 9th, 2021
PLACE: Electronic Zoom Meeting with anchor location at Town Hall
 7309 East 200 South, Huntsville Utah
TIME: 7:00 p.m.

NAME	TITLE	STATUS
Doug Allen	Planning Commission Chair	Present
Sandy Hunter	Planning Commissioner	Excused
Liz Poulter	Planning Commissioner	Excused
Jeff Larsen	Planning Commissioner	Present
Allen Endicott	Planning Commissioner	Zoom
Steve Songer	Planning Commissioner	Present
Beckki Endicott	Recorder	Zoom
Bill Morris	Town Attorney	Excused

Citizens: Rex Harris, Bill Wasgagd, Bill White, Alane White, Ron Gault, Gail Ahlstrom, Todd & Jolene Bass, Dave, Artie Powell, Linda Laws, Zoom- Mr. Carver, Michelle.

1-Roll call: Chairman Allen welcomed all who are attending the meeting. Chairman Allen explained the need for Huntsville Town to adopt an Ordinance to address the State Code 10-9a-530, that will go into effect October 1st, 2021.

Beckki recapped the issue of the new state Code 10-9a-530 an its effect on Huntsville Town. It was clarified by Bill Morris that it is allowed to restrict an ADU in any zone that is not primarily residential, and the Town could add a commercial or a A-3 zones, any area that is not primarily residential can be restricted.

Beckki pointed out that the penalties have been added to the Proposed Ordinance to mimic the State code

PCM Steve Songer motioned to Close Planning Commission Meeting and Open Public Hearing. PCM Jeff Larsen Seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

2-Public Hearing on Ordinance 2021-8-26 (Attachment #1)

PCM Jeff Larsen read aloud proposed Ordinance # 2021-8-26.

Resident Ron Gault, spoke on 1a., and the term “primary dwelling”. Ron commented that currently there is no definition of primary dwelling in the Huntsville Code. “Single family” dwelling is the term currently used in the current code. Also 1c., uses the term “Vacation Rental” and the Town code does not have a definition for that term. 3d was a concern of Ron’s as well with the septic tank issue. The septic tank issue was discussed in the last Planning Commission meeting, to ensure septic is not failing, the town recommends making it a requirement to acquire a Business License for operate an ADU. In that process Weber County will need to sign off on the septic system.

Section 5 was questioned, and it was clarified that Sections 5 of Ordinance 2021-8-26 refers to Section 5 in the State code 10-9s-530 and all it entails. As State the state code might change so will the proposed Ordinance.

Resident Rex Harris commented on the zones referred to in the State code. Rex recommended the Town specify the Zones in with the Town will allow or restrict ADU’s. Rex also seconded Ron’s recommendation to define certain terms in the Ordinance. It was also the opinion of Rex that the Town look into other Town Ordinances that could conflict with the proposed Ordinance and/or State Code 10-9a-530.

Resident Bill White commented on section 5, in penalties. It was his concern that we needed to include all of the penalties from the State Code in the new Ordinance in order for them to be enforceable by the Town. Also under 2b a Bill rose a concern about the term “primary dwelling” and “single family dwelling” and what that is defined as.

Rex pointed out that the Ordinance should specifically state that a Business License and or Building Permit will be required for and ADU in Town. As well, the Ordinance’s for Business and Building permits should be reviewed to make sure they coincide.

Linda Laws asked for clarification on the ADU issue. And voiced her concerns on what this means for the Town.

Gail Ahlstrom also spoke on clarifying the issue of what an ADU entails.

Beckki commented on the term “primary dwelling”. It is defined in the state code. And she concurred that the definition of an ADU is vague. The PC considered changing the term ADU to IADU, including the I to specify Internal.

Wendy McKay raised a question that if was allowable for homeowner to expand their home then afterwards apply for an ADU. Per code that is allowable.

Discussions were had on specifics on the State Code 10-9a-530

PCM Jeff Larsen motioned to close the Public Hearing and reopen Planning Commission meeting. PCM Steve Songer seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

3- Discussion and/or action on Ordinance 2021-8-26 (See Attachment #1)

Chairman Allen Voiced his concerns about the impact of the ADU’s on the Town’s septic system. PCM Allen clarified the difference in section 4 and section 5 of the Ordinance.

Beckki recommended that the PC make any adjustments they feel important, then pass the Ordinance to the Town Council. She also noted that changes can also be make after the Ordinance is put into effect, though not as easily.

PCM Allen suggested the PC add the restriction of an ADU in an agricultural zone. It was then suggested that an ADU be limited to only allowable in an R-1 zone. Discussion on changes to Ordinance 2021-8-26 requested by the PC as listed below:

To be added;

- 3h-No ADU shall be approved in a zone other than R-1
- 5-change to adopt, “Penalties contained in (reference state code) are hereby adopted
- Change all “ADUs” to “IADUs” (I for internal), standardize capitalization of accessory dwelling unit throughout document, except for 3f
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Definitions/interpretation to be clarified;

- 1c-Vacation rental
- 1d-define who, how long, how many
- 2b-single family dwelling (our definitions) vs. primary dwelling (ADU)
- 2ci-on site parking, meaning of?
- 3e-primary dwelling vs. 1b-residence
- 2b-“change the appearance”

PCM Jeff Larsen motioned to recommend Huntsville Town Ordinance 2021-8-26, as amended, be forwarded to the Town Council. PCM Steve Songer seconded the motion. Roll Call Vote. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

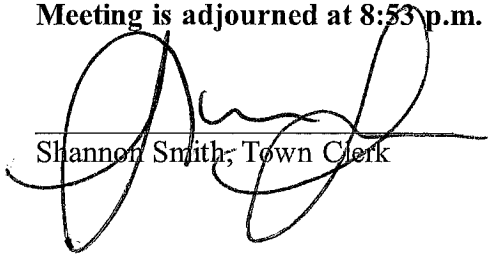
4-Public Comment. There were none.

5-Chairman's Remarks. Chairman Allen thanked all for the discussion. Chairman Allen commented on Kevin Anderson's recent appointment to the Town Council. For now, no Planning Commission liaison has been appointed. Steve Songer volunteered to be present at the next TC meeting to speak on behalf of the PC on this Ordinance.

6-Motion to adjourn.

PCM Steve Songer made a motion to adjourn the meeting. PCM Allen Endicott seconded the motion. All votes Aye. Motion Passes.

Meeting is adjourned at 8:53 p.m.



Shannon Smith, Town Clerk

Huntsville Town
ORDINANCE NO 2021-8-26

INTERNAL ACCESSORY DWELLING UNIT REGULATIONS

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

WHEREAS, Huntsville Town (“Town”) 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 Town;

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 September 9th 2021, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to the Town Council regarding this Ordinance;

WHEREAS, the Town Council received the recommendation from the Planning Commission and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the Town Council of Huntsville Town as follows:

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

Section 2. Amendment. Section 15.18.5 is hereby adopted to read as follows:

15.18.5. 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 ADC 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 Town:
 - 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 parking on-site parking space, 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 Town and any other affected entity.
 - 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 5.
- 5. Penalties. In addition to any other legal or equitable remedies available to a municipality. Refer to State Code 10-9a-530, section 5.

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 Town Council on this ____ day of _____, 2021.

Mayor

ATTEST:

Town Clerk

RECORDED this ____ day of _____, 2021.

PUBLISHED OR POSTED this ____ day of _____, 2021.

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 Huntsville Town, hereby certify that foregoing ordinance was duly passed and published.

Beckki Endicott, Town Clerk

Date

Posted: Town Hall
Post Office
Huntsvilletown.com
Pmn.utsh.gov