



Agenda -Development Review Committee

DATE: Wednesday, July 7, 2021

3:00 p.m. WORK SESSION

1. Zone Change – Brent Warren **PZ2021-83**
2. General Plan Amendment – Arive Homes (Moonlight Village) **PZ2021-86**
3. Revised ADU Ordinance

3:30 p.m. AGENDA – DRC

1. Zone Change – Brent Warren **PZ2021-86**
2. General Plan Amendment – Arive Homes (Moonlight Village) **PZ2021-86**
3. Revised ADU Ordinance

Attendance: Vaughn Pickell, Howard Chuntz, Deyls Snyder, Ryan Selee, Ted Barnett, Chief Brad James, Bruce Ward, Steve Cox, John Bowcut, Dean Ingram

3:00 p.m. WORK SESSION

Zone Change – Brent Warren PZ2021-83

The Brent Warren zone change is located at 130 North Main St. Salem, Utah. Brent Warren is asking for a C-2 to C-1 zone change. Bruce Ward stated that Brent Warren would like to rezone the property to make the property less restrictive for potential business tenants. Bruce Ward also mentioned that Brent Warren is going to have a company called Dr. Jeep occupy the property. Dr. Jeep will be a repair/upgrade of off-road vehicles shop. Bruce Ward mentioned that Dr. Jeep would like to sell off road vehicles on site as well. The C-2 zone does not allow automotive sales but the C-1 zone does allow automotive sales. Bruce Ward mentioned that Brent Warren did not have time to reach out to the adjacent property owners to have them apply with the proposed zone change. Chief Brad James stated that parking may be an issue. Chief Brad James asked if there will be any fencing around the area. Bruce Ward stated that the applicant will be required to build a vision barrier fence. Bruce Ward mentioned that the city could ask Dr. Jeep to submit a site plan to show parking and fencing even though the City ordinance does not require them to submit a site plan. The DRC was wondering if the City would require certain conditions for the business in a site plan or business license. Vaughn Pickell stated that he sees no issues with the proposed Brent Warren zone change. Chief Brad James asked if Dr. Jeep is limited to the amount of vehicles they can have for sale on site at one time. Vaughn Pickell mentioned that the number of vehicles that can be sold on the lot could be required through the number of parking available on the property. Bruce Ward stated that the City needs to tell the developer to bring in a site plan for the potential business going into the proposed zone change property. Ted Barnett mentioned that there is an electrical conduit on the east property line of the pharmacy. Ted Barnett stated that he would like to extend the electrical conduit through the proposed zone change property and connect it to a power box behind the Fast Gas gas station located at 84 East SR-198 Salem, Utah. Ted Barnett finished up by stating that he will talk with the developer to see if the extension of the power conduit is possible.

General Plan Amendment – Arive Homes PZ2021-86

There was no comment made on the above referenced application during work session.

Revised ADU Ordinance

- a. Vaughn Pickell went through the edits of the proposed ADU ordinance that were made since the June 30, 2021 DRC meeting. Modify permitted uses lists to include Internal ADU. An accessory dwelling unit (ADU) located within a primary dwelling (“Internal ADU”) is a permitted use in all residential zones. In the zones where they are permitted, an ADU shall meet these requirements. The owner of the property must reside on the property. Exceptions shall be permitted if the property owner applies to have the occupancy requirement suspended, if the owner has resided on the property for at least one (1) year, and if any of the following situations exist:
 - i. The owner has a bona fide, temporary absence of three (3) years or less for activities such

- as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this suspension).
- ii. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

- b. All ADUs must be located on an existing lot or parcel with a single-family dwelling. Only one ADU may be created on a parcel. Except as provided herein, the ADU may only be located within a single-family dwelling. The building containing an Internal ADU shall maintain the appearance of a single-family dwelling. Entrances for an Internal ADU must be on the side or rear of the dwelling, unless an existing dwelling already has two doors facing the front. A building containing a detached ADU shall coordinate its architectural style and materials with that of the main single-family dwelling.
- c. For Internal ADUs, an interior access between the main living area and the accessory apartment must be maintained.
- d. Each ADU must have its own mailing address provided by Salem City.
- e. Internal ADUs are only permitted in single-family dwellings on lots 6,000 square feet or larger. Lots or parcels in residential zones larger than two acres may have an ADU in a detached accessory structure such as a garage. A detached ADU shall be located in an accessory structure. It may not be a stand-alone dwelling unit.
- f. Single-family dwellings with ADU's must have a total of five (5) off street parking spaces. Tandem parking arrangements are allowed. Any parking spaces contained within a garage or carport that are lost by creation of an internal ADU within the garage or carport shall be replaced. An ADU shall have legal access from the lot upon which the main dwelling is located or a recorded easement. The access to the ADU shall be an approved fire apparatus access road. All ADUs shall be located within 500 feet of a fire hydrant.
- g. Utility connections shall be shared with the main dwelling. If utility service to the main dwelling is not large enough to accommodate an ADU, it shall be upsized at the applicant's expense.
- h. An ADU may not be created within a mobile home.
- i. The minimum time period for rental of an ADU shall be 30 consecutive days.
- j. The ADU must be registered with the City. Any fees required for registration shall be established in the City's Annual Budget.
- k. The ADU shall meet all applicable building and fire codes. Building permits are required to assure inspections and compliance with codes.
- l. ADU's previously created without a building permit shall comply with minimum health and safety standards, including, but not limited to, the following:
- i. Minimum height, measured from floor to ceiling in each room, shall not be less than seven feet, or mitigated to the satisfaction of the Chief Building Official;
 - ii. Smoke detectors must be installed in each bedroom and the hallway or room adjacent to the bedrooms;
 - iii. GFCI protection must be provided in all required circuits per the IRC Building Code;
 - iv. One window in each bedroom must meet the emergency egress standards established in the building code, or mitigated to the satisfaction of the Chief Building Official;
 - v. Handrails must be installed for any interior or exterior stairway with more than three steps.

m. A final inspection must be conducted by the Building Department to assure that minimum health and safety standards are satisfied.

n. Pursuant to Utah Code Ann. § 10-9a-530, the City may hold a lien against the property that contains an ADU and require a notice to be recorded with the Utah County Recorder disclosing the conditions of the ADU for potential future purchasers of the dwelling.

Chief Brad James mentioned that he would like to add “per adopted fire code” in 14-1-065 line item “f.” Bruce Ward stated that he gets a lot of zoning questions in regards to putting mini homes in the backyard of properties. Vaughn Pickell stated that mini homes are a problem because they put stress on the utilities. There was also conversation between the DRC if mobile homes would be classified as a ADU. Vaughn Pickell stated that mobile homes should not be classified as an ADU. Steve Cox stated that existing Salem City ordinance prevents mobile homes from being placed in Salem City.

3:30 p.m. AGENDA – DRC

Zone Change – Brent Warren PZ2021-86

The Brent Warren zone change is located at 130 North Main St. Salem, Utah. Brent Warren is asking for a C-2 to C-1 zone change. Bruce Ward stated that Brent Warren would like to rezone the property to make the property less restrictive for potential business tenants. Bruce Ward stated that Brent Warren was joining DRC over zoom. Bruce Ward stated that the DRC has a few questions for Brent Warren about the potential Dr. Jeep business which will be running their business out of the proposed zone change area. Bruce Ward asked Brent Warren if he knew how many cars Dr. Jeep is planning on selling/working on at the property. Brent Warren stated that Dr. Jeep has talked about not making the property look like a junk yard. Brent Warren also said that they are planning on making the front of the property look really nice and then putting up an eight foot chain link with white slats fence on the north west corner of the property. in the back. Brent Warren stated that this eight foot chain link with white slats fence will prevent the public from seeing the vehicles that are being worked on. Bruce Ward mentioned that the DRC discussed to have a site plan for the proposed Dr. Jeep improvements on the property. Brent Warren said that he does not think Dr. Jeep would have a problem with turning in a site plan for the area. Bruce Ward stated that the C-2 to C-1 zone change will need to be approved by the city council before the Dr. Jeep site plan can be approved. Steve Cox stated that once the zone change is approved by the City Council Dr. Jeep can start doing some work before the site plan approval as long as they have a business license. Chief Brad James asked how long the tenants are leased for the property. Brent Warren stated that Dr. Jeep is leased for two years currently. Ted Barnett asked if they could extend the electrical conduit on the east side of the pharmacy through the proposed zone change property to create a backup power system for the fast gas convenience store located at 84 East SR-198 Salem, Utah. Brent Warren said he does not see any issues with the extension of the electrical conduit. Ted Barnett mentioned that if Dr. Jeep wants to upgrade their power service it would be a great time to do it right now.

Bruce Ward made a motion to recommend approval of the C-2 to C-1 zone change located at 130 North Main Street Salem, Utah. Vaughn Pickell seconded the motion. All members of the committee voted in favor. 7-0.

General Plan Amendment – Arive Homes (Moonlight Village) PZ2021-86

Bruce Ward turned the time over to Dean Ingram to explain the proposed general plan amendment. Dean Ingram stated that after Moonlight Village was presented at the June 9, 2021 Planning and Zoning Commission/City Council work session, there was concern about the appropriate density for the area. In response to these density concerns a general plan amendment has been submitted for the area. Dean Ingram stated that the “Historic Salem Extension” and “West Transition to I-15” zones dividing line go through the middle of the proposed moonlight village master planned development. The current density for the west transition to I-15 zone is 2.0 to 2.5 units per acre. The current density for the historic Salem extension is 2.0 to 3.0 units per acre. Dean Ingram stated that he is presenting the entire moonlight village development area to be historic Salem extension zone with 2.0 to 3.0 units per acre. Dean Ingram stated that the zoning boundary lines should be located on roads. Dean Ingram also mentioned that there is some conflicting language in the master planned development ordinance. Dean Ingram stated that this general plan amendment proposal will make the conversation of density easier to figure out. Ryan Selee mentioned that it may be a good idea to amend the general plan with moving the entire west transition to I-15 zone to appropriate densities. Vaughn Pickell stated that it would be a good idea to amend the general plan and re align the entire west transition to I-15 area. Vaughn Pickell finished up by stating that it would be better to have the re-alignment of the entire west transition to I-15 zone submitted in its own application.

Vaughn Pickell made a motion to recommend approval of the Moonlight Village general plan amendment moving the area from west transition to I-15 zone with 2.0 to 2.5 units per acre and historic Salem extension zone with 2.5 to 3.0 units per acre to historic Salem extension zone with 2.0 to 3.0 units per acre. With conditions to consider a separate application revising the west transition to I-15 zone to the same number of units per acre. Ryan Selee seconded the motion. All members of the committee voted in favor. 7-0.

Revised ADU Ordinance

Vaughn Pickell asked if there were any more changes from the work session to talk about. Bruce Ward asked if the DRC came to a conclusion on the use of tiny homes and mobile homes. Vaughn Pickell stated that the city is covered by existing Salem City ordinance which will not allow the use of tiny homes or mobile homes for ADU’s. Bruce Ward stated that he still has concerns about the easement idea located in line f. Line f reads “Single-family dwellings with ADU’s must have a total of five (5) off street parking spaces. Tandem parking arrangements are allowed. Any parking spaces contained within a garage or carport that are lost by creation of an internal ADU within the garage or carport shall be replaced. An ADU shall have legal access from the lot upon which the main dwelling is located or a recorded easement. The access to the ADU shall be an approved fire apparatus access road. All ADUs shall be located within 500 feet of a fire hydrant.” Bruce Ward thinks it is odd to have the ADU owner

181 access the ADU through somebody else's property. Bruce Ward stated that the Tyler property located at
182 813 West 800 South Salem, Utah is a great example of how accessing property through somebody else's
183 property can be an issue. Ryan Selee stated that most issues could be resolved with a recorded
184 easement in regards to accessing property. Chief Brad James stated that the City is getting themselves in
185 trouble by allowing neighbors to use other property to access their property. The DRC stated that the
186 alternative action is to require the property owner to provide access to the ADU on their own property.
187 The DRC mentioned that a recorded easement could be created on a person's own property. John
188 Bowcut stated that he is more comfortable with requiring the access to a ADU to be on the property of
189 the ADU owner. Bruce Ward stated that the proposed ADU ordinance can be sent to Planning and
190 Zoning Commission and City Council with questions or the DRC can table the proposed ordinance.
191 Vaughn Pickell stated that he is okay with an easement being created for access to a ADU on a
192 neighboring property. Vaughn Pickell finished up by stating that you cannot control neighbors from
193 fighting.

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195 Vaughn Pickell made a motion to recommend approval of the Accessory Dwelling Unit ordinance. With
196 condition to add to the list of permitted zones for the use of Accessory Dwelling Unit's and add "per the
197 adopted fire code" in 14-1-065 line f. Steve Cox seconded the motion. All members expect for Chief Brad
198 James voted in favor of the motion. 6-1. Chief Brad James mentioned that he voted against the motion
199 because he is uncomfortable with an emergency access potentially crossing a neighbor's property.

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201 Ted Barnett made a motion to adjourn. Steve Cox seconded the motion. All members of the committee
202 voted in favor. 7-0