



## Planning and Zoning Commission

Wednesday, July 14, 2021

### 6:30 P.M. Work Session

1. Zone Change – Park View A-1 to R-15 **PZ2021-62**
2. Zone Change – Brent Warren C-2 to C-1 **PZ2021-83**
3. General Plan Amendment – Arive Homes (Moonlight Village) **PZ2021-86**
4. ADU Ordinance

### 7:00 P.M. Planning and Zoning Commission

1. Planning and Zoning Commission meeting minutes from June 9, 2021

#### Public Hearing

2. Motion to enter public hearing
  - A. Zone Change – Park View A-1 to R-15 **PZ2021-62**
  - B. Zone Change – Brent Warren C-2 to C-1 **PZ2021-83**
  - C. General Plan Amendment – Arive Homes (Moonlight Village) **PZ2021-86**
  - D. ADU Ordinance
3. Motion to close public hearing
4. Zone Change – Park View A-1 to R-15 **PZ2021-62**
5. Zone Change – Brent Warren C-2 to C-1 **PZ2021-83**
6. General Plan Amendment – Arive Homes (Moonlight Village) **PZ2021-86**
7. ADU Ordinance
8. Adjourn

**Attendance:**

Ryan Selee, Cody Young, Walter Bird, Kelly Peterson, Paul Taylor, Jon Ward, Dave Stringfellow, Jim Simons, Dave Henry, Brent Warren, Jake Long, Jim Long, Dave Henry

**6:30 P.M. Work Session**

**Park View Zone Change PZ2021-62**

Ryan Selee explained that the proposed A-1 to R-15 Park View zone change is located at 750 east 1280 south in between the Deer Hollow and Ridgeview subdivisions. Ryan Selee finished up by stating that the properties surrounding the proposed Park View zone change are all zoned R-15. Jon Ward stated that the proposed Park View zone change is consistent with the Salem city general plan. Kelly Peterson stated that he sees no issues with the proposed Park View zone change. Kelly Peterson mentioned that he is concerned about the drought of water that Utah is facing currently. Kelly Peterson asked the Salem city staff what actions the City is taking to ensure an adequate amount of water for the residents and future residents of Salem. Ryan Selee mentioned that Salem city is working closely with consultants in regards to water capacity. Ryan Selee also mentioned that there is a pressurized irrigation pump that is in the process of being built. The proposed pressurized irrigation pump will service a majority of the south end of town which is currently using culinary water in their pressurized irrigation system. The proposed pressurized irrigation pump is projected to allow five to ten years of growth in the City with regards to water capacity. Kelly Peterson and Paul Taylor asked if the City has plans for culinary water storage. Ryan Selee stated that there are plans to put build culinary water tanks near the Mount Loafer Meadows and BYU Farms area. Ryan Selee assured the planning and zoning commission that the City will make sure there is enough utility capacity for growth.

**Brent Warren Zone Change PZ2021-83**

Ryan Selee stated that the Brent Warren zone change is located at SR-198 and Main St. Ryan Selee also mentioned that Brent Warren is proposing a C-2 to C-1 zone change. Ryan Selee finished up by stating that Brent Warren is proposing this zone change to allow more business options on the property. Kelly Peterson asked if the entire block of C-2 in the area can be changed to C-1. Ryan Selee stated that the idea to do a zone change for the entire block was mentioned to Brent Warren. Ryan Selee mentioned that Brent Warren wanted to get his property's zone changed quickly and felt that it would take too long to reach out to all of the adjacent property owners to see if they wanted in on the zone change. Kelly Peterson mentioned that it makes sense that Brent Warren would want to change the zoning of his property quickly because the potential tenant wants to move in quickly. Jon Ward stated that in the future he would like to see the entire block change to the C-1 zone change.

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

Ryan Selee explained that the Arive Homes General Plan Amendment is for the master planned development Moonlight Village. Ryan Selee also mentioned 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. Arive Homes is

asking that the entire moonlight village development area to be historic Salem extension zone with 2.0 to 3.0 units per acre. Ryan Selee stated that it is believed that the dividing line for density goes through the field because the City thought there would not be that much building in the area because of the wetlands. Ryan Selee finished up by stating that the DRC talked about making the zoning borders on existing roads. Kelly Peterson asked if Arive Homes will automatically get three units per acre for their density. Ryan Selee stated that Arive Homes is not guaranteed the maximum density. Dave Henry proceeded to explain that he is a resident of Salem and is concerned about wetlands be developed. Dave Henry stated that wetlands should not be built on and wetlands should also be their own zone. Ryan Selee stated that when developers develop property they are required to receive a wetland delineation report from the army core of engineers. Ryan Selee finished up by stating that the delineation report will tell the developers where they can and cannot develop in regards to wetlands.

#### **ADU Ordinance**

No comments were made during work session.

#### **7:00 P.M. Planning and Zoning Commission**

##### **Planning and Zoning Commission meeting minutes from June 9, 2021**

Kelly Peterson made a motion to approve the Planning and Zoning Commission meeting minutes from June 9, 2021. Paul Taylor seconded the motion.

#### **Public hearing**

Jim Simons made a motion to enter into public hearing. Kelly Peterson seconded the motion.

##### **Park View Zone Change PZ2021-62**

Jon Ward stated that Kelly Peterson brought up that he is concerned about the lack of water because of the fast pace development in Salem and the drought of water in Utah. Jon Ward stated that there are a few proposed pressurized irrigation pumps planned to be built in Salem. Jon Ward mentioned that the building of these pressurized irrigation pumps will free up a lot of space for water capacity for development. Kelly Peterson mentioned that the building of the pressurized irrigation pumps will put more pressure on the irrigation water. Ryan Selee stated that developers are required to bring their water to their developments. Kelly Peterson

mentioned that he is getting concerned with the amount of homes and the lack of water in Salem. Kelly Peterson finished up by stating that paper water is different than wet water.

### **Brent Warren Zone Change PZ2021-83**

Jon Ward stated that the Brent Warren zone change is located at SR-198 and Main St. Jon Ward stated that Brent Warren is wanting a C-2 to C-1 zone change to allow more business options on the property. Jon Ward finished up by stating that the potential tenant wants to retro fit and sale jeeps.

Brent Warren came up to share a few items. Brent Warren stated that he was the owner of the zone change property. Brent Warren also stated that he thinks that Dr. Jeep will bring great revenue for the City.

Jake Long stood up to share a few remarks. Jake Long presented a parking plan for the Dr. Jeep business. Jake Long stated that he would like to get some feedback from the Planning and Zoning Commission of where the parking should be on site. Kelly Peterson stated that they would need to work with the engineering department in regards to placement of parking on the site. Ryan Selee stated that the engineering department will work with them on parking when the site plan for the project is turned in.

Jim Long mentioned that he would be working at Dr. Jeep. Jim Long stated that they are going to redo the pavement and put up a visionary barrier fence where the repair of vehicles will be. Jim Long finished up by stating that he thinks Dr. Jeep will be a great business for the community.

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

Jon Ward explained the Arive Homes General Plan Amendment. Jon Ward 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. Arive Homes is asking that the entire moonlight village development area to be historic Salem extension zone with 2.0 to 3.0 units per acre. Jon Ward finished up by stating that if the Arive Homes General Plan Amendment passes it will be compromised of 344 acres. Jon Ward asked Dean Ingram for an update on the Moonlight Village master planned developments wetland delineation report from the army core of engineers. Dean Ingram stated that the wetland delineation study has not been completed yet. Dean Ingram also stated that Arive Homes conceptual plans of Moonlight Village have had 3.2 to 3.1 units per acre. Dean Ingram finished up by stating that they are planning on the wetlands in the area and the delineation report from the army core of engineers should have little to no effect on the layout of Moonlight Village.

Jerry Grover stood up to share a few remarks. Jerry Grover stated that he owns property to the east of the proposed Moonlight Village. Jerry Grover mentioned that his property is zoned I-1.

He mentioned that the Salem city code states that if a residential zone is against the I-1 zone the I-1 zone will need to meet certain requirements. Jerry Grover finished up by stating that the wetland delineation study does not need to be finished in order for a general plan amendment to be approved. Walter Bird stated that Jerry Grover may need to meet certain setback and other requirements if a residential zone goes up against his I-1 zoned property. Jon Ward asked who makes the decision if Jerry Grover would need to meet certain requirements. Walter Bird stated that the City Council would make that decision. Kelley Peterson mentioned that the City and Developer can bargain during the Master Planned Development process. Kelley Peterson stated that this problem can be figured out during the Master Planned Development process.

Keith Lyman came to the front of the room to share his opinion. Keith Lyman stated that he likes the wetlands in the area and does not want them to be destroyed. Keith Lyman also mentioned that he thinks that the industrial area on the west side of the project should be modified or eliminated. Keith Lyman wants his property to turn into a unique place to live. Keith Lyman finished up by stating that the City staff will make sure that Moonlight Village will turn into something great.

#### **ADU Ordinance**

Ryan Selee presented that proposed changes to the ADU ordinances. Ryan Selee mentioned that most of the changes are to bring the ordinance up to state code. 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 per the adopted fire code. 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.

211 Ryan Selee mentioned that the current ordinance does not allow mobile homes.

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213 Kelly Peterson made a motion to move out of public hearing. Jim Simons seconded the motion.

214 **Park View Zone Change PZ2021-62**

215 The Planning and Zoning Commission stated that the Park View zone change is consistent with  
216 the general plan.

217 Kelly Peterson made a motion to recommend approval of the A-1 to R-15 Park View zone  
218 change. Paul Taylor seconded the motion.

219 **Brent Warren Zone Change PZ2021-83**

220 Kelly Peterson stated that he would like to try and work with the adjacent property owners to  
221 see if they would like to change their property's zone from C-1 to C-2.

222 Jon Ward made a motion to recommend approval of the C-2 to C-1 Brent Warren zone change.  
223 Jim Simons seconded the motion.

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

225 Jim Simons asked if the wetlands inside a master planned development come out of the  
226 calculation for density. Ryan Selee said that they can claim a percentage of the wetlands for  
227 their density. Ryan Selee finished up by saying that ordinance number 14-12-030 provides more  
228 information in regards to open space and master planned developments. Kelly Peterson asked  
229 Dean Ingram if they were planning on incorporating the wetlands with the parks throughout  
230 the Moonlight Village development. Dean Ingram stated that they are trying to make the parks  
231 in Moonlight Village enjoyable for everybody so they are trying to use as much open space as  
232 they can. Kelly Peterson stated that Dave Henry has seen problems with basements flooding  
233 and development on potential wetlands. Kelly Peterson stated that Dean Ingram will need to  
234 make sure the Moonlight Development does not encroach on wetland properties. Dean Ingram  
235 stated that Arive Homes will not be building basements in the area. Paul Taylor is concerned  
236 that the wetland study is being performed on the area during a drought. Keith Lyman stated  
237 that the water in the wetlands doesn't really change from dry to wet years. Paul Taylor asked  
238 Keith Lyman if he saw a decrease in water since they piped the south field's water ditch. Keith  
239 Lyman stated that anytime an irrigation ditch is piped there is a decline in water in the  
240 wetlands. Dean Ingram stated that they are working with Spanish Fork city right now to make a  
241 regional wetland in the area.

242 Kelly Peterson made a motion to recommend approval of the Arive Home General Plan  
243 Amendment on condition to work with the adjacent property owners in regards to setbacks  
244 during the master planned development process. Jon Ward seconded the motion.

245 **ADU Ordinance**

246 Jon Ward made a motion to recommend approval of the revised ADU ordinance with the list of  
247 corrections made by City staff. Dave Stringfellow seconded the motion.

248 Jim Simons made a motion to adjourn. Paul Taylor seconded the motion.