

CITY OF NORTH SALT LAKE  
PLANNING COMMISSION MEETING  
OCTOBER 23, 2018

**FINAL**

Commission Chair Ted Knowlton called the meeting to order at 6:32 p.m. and William Ward led those present in the Pledge of Allegiance.

PRESENT: Commission Chair Ted Knowlton  
Commissioner Kent Kirkham  
Commissioner William Ward  
Commissioner Brandon Tucker  
Commissioner BreAnna Larson

EXCUSED: Commissioner Stephen Garn  
Commissioner Natalie Gordon

STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Kate Werrett, Planning Technician; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: none.

1. PUBLIC COMMENTS

There were no public comments.

2. DISCUSSION ITEM-POSSIBLE CODE AMENDMENT RELATED TO ACCESSORY DWELLING UNITS AND SHORT TERM RENTALS

Sherrie Llewelyn reported that the Moderate Income Housing Plan was adopted in April 2018 with a goal to increase affordable rental opportunities for low to moderate income households. One of the strategies to achieve that goal was to promote the establishment of accessory dwelling units, such as basement apartments, to increase the supply of affordable rental units and assist cost burdened homeowners. Several of the reasons for implementing the Moderate Income Housing Plan included increasing opportunities for low to moderate income households to purchase affordable housing, increasing affordable rental opportunities for low to moderate income households, and to rehabilitate existing housing to increase rental properties, homeownership, retention, and reinvestment in the City.

Mrs. Llewelyn then reported that current housing stock of 7,127 total housing units consisted of 2,090 multifamily rental units and 439 owner occupied townhomes/condos with the majority of the housing stock as single family homes at 4,101. Per the analysis of the affordable housing plan 1,347 housing units need to be added by 2020 to accommodate future growth with 130 units in the extremely low income category at less than 30% adjusted moderate income (AMI), 84 low income units between 30% and 50% AMI, and 209 moderate income units between 50% and 80% AMI.

Mrs. Llewelyn then showed the housing need by 2030 with an additional 1,704 units with 165 extremely low income units at less than 30% AMI, 106 low income units between 30% and 50% AMI, and 264 moderate income units between 50% to 80% AMI. She reviewed the existing households by level of income and said that the median household income was \$71,758 per year in the City. 56.7% of residents met the AMI of \$71,758 per year, 11.9% of residents made \$57,406 to \$71,758 or 80% to 100% AMI, 15.5% of residents made \$35,879 to \$57,406 or 50% to 80% AMI, 6.2% of residents made \$21,527 to \$35,879 per year or 30% to 50% AMI, and 9.7% of residents made \$21,527 or less which would be less than 30% AMI.

Sherrie Llewelyn explained that in regards to housing affordability those who were under the 30% AMI should have a maximum monthly housing expense of \$545 with a maximum mortgage loan amount of \$38,877. Between 30 to 50% AMI would be a maximum monthly housing expense of \$908, 50 to 80% AMI would be a maximum of \$1,453, and between 80 to 100% AMI would be a maximum monthly housing expense of \$1,817 or \$259,612 as a maximum mortgage loan amount. When reviewing the affordability of available units for sale in the City from April there were 67 units available over the 100% AMI limit from \$259,613 and up, 17 units in the 80% to 100% AMI from \$196,546 to \$259,612, and 16 units available in the 50% to 80% AMI category from \$101,846 to \$195,545. She reported that there were only 17 affordable rental units in the 50% to 100% AMI category with 0 units from the 0% to 50% AMI. She said that with the huge demand for both affordable homes to buy and apartments to rent, and the mandate for an affordable housing plan and the City's housing goals, staff had drafted an ordinance to help address these issues.

Chair Knowlton asked how much a 500 square foot unit would rent for and how many categories a unit that size would meet. Sherrie Llewelyn said that this was something staff could research.

Kate Werrett commented that per her research accessory dwelling units (ADU) were about 70% of the market rate per square foot; however, many of the ADUs were rented to family members which skewed the rates.

Commissioner Tucker asked if there was a way to track ADUs to see if these types of rentals were contributing towards affordable options. Sherrie Llewelyn replied that it would be difficult to track the rental dollar amount but the City would be able to track the number of units and potentially the market rate as the property owner would need to obtain a permit.

Sherrie Llewelyn reported that under the current City code ADUs were not permitted, duplexes were only conditionally permitted in the RM-7 zone, and permitted in the R1-7 zone. Under the proposed code, accessory dwelling units would be allowed on any single family lot as a permitted use. She said that the proposed code also addressed other requirements for an ADU including that one of the units must be owner occupied; one ADU per lot; definitions of the types of ADUs; definitions of setbacks; that the materials, colors, and appearance must be similar to the primary dwelling; size restrictions of a minimum of 300 square feet and a maximum of 1,200 square feet; lot coverage and rear yard coverage requirements; preservation of the single family character of the neighborhood; additional off-street parking for ADU tenants; the process for existing illegal ADU registration; and regulations for tiny homes.

Mrs. Llewelyn then presented images of different types of ADUs including granny flats/cottage homes, tiny homes, units over detached garages, units over attached garages, and basement apartments. She also showed examples and exhibits of the off-street parking/extra parking required for renters as well as hidden separate entries. The ADU parking exhibit detailed that extra parking could be provided to the side of the garage or property but not allowed in the front yard and a second driveway could not be added on the same street frontage.

Commissioners Ward and Knowlton expressed concern with the impact on affordability with the requirement in the Parking section M:1 that the property owner provide at least two additional off street parking spaces for the accessory unit.

Chair Knowlton asked how many spaces were normally required for the single family unit. Sherrie Llewelyn replied that two parking stalls were required with at least one covered space.

Commissioner Ward also asked about the requirement that the ADU parking may not be in tandem with the parking of the main dwelling or driveway. Sherrie Llewelyn explained that this meant that the space in front of the garage door would not be allowed as a parking spot. She said that if there was a three car garage one of the garage bays and the driveway space behind it could count as one to two additional off-street spaces.

Commissioner Tucker said that he also felt that the requirement should be changed to one additional off street parking space for the accessory unit.

Commissioner Kirkham commented that most homes do not have additional driveway space that would fit this requirement which would make this very limiting. Sherrie Llewelyn replied that it could be limiting but per the standard setbacks, a property owner could potentially fit one additional space to the left or right of their driveway on the side property line. She also said that most property owners would not want to have accessory dwelling units particularly as there was a cost to developing an ADU.

Sherrie Llewelyn said that even in a location with a lot of ADUs such as Portland that only 3% of the homes had an ADU. Commissioner Ward stated that per those statistics and with 4,101 single family homes in the City that this would equal about 130 accessory dwelling units.

Chair Knowlton asked about on street parking to meet the parking requirement. Sherrie Llewelyn replied that with the current regulations regarding snow plowing that half the year street parking would not be allowed.

Commissioner Kirkham asked for the reasoning behind not allowing two driveways. Sherrie Llewelyn replied that there could not be two driveways on the same frontage.

Chair Knowlton also said that there was the principal to hide the appearance of a duplex such as the second entrance, utility boxes, etc. as the City needed to make affordable dwelling units palatable for the community. He said parking was a tricky aspect as it could prohibit or enable landowners to have an ADU.

Sherrie Llewelyn suggested that the ordinance be rewritten to allow three minimum parking spaces for a home with an ADU with two spaces for the single family home and one extra for the ADU.

Commissioner Larson commented that if street parking were allowed that the renters only be required to park in front of the residence.

Commissioner Ward talked about public transportation and the thought of just stating that "adequate parking" be required. Sherrie Llewelyn replied that this would be difficult to regulate with each renter.

Commissioner Larson asked how the property owner would show that they were meeting the parking requirement. Sherrie Llewelyn replied that the home owner would need to provide a site plan showing parking as part of their permit application.

Chair Knowlton touched on the topic of public transportation and suggested that there could be a different standard for homes within a certain distance from transit such as no parking or a reduction in the number of parking spaces.

The Commission discussed public transportation and the potential to decrease the parking space requirement for units within a certain distance. They reviewed requiring a set distance to public transportation such as a quarter mile, amending to require just one extra space for an ADU, and requiring one parking space per bedroom.

Commissioner Ward asked if the ordinance was changed to allow for a reduction of parking stalls based on the proximity to transit if a map was necessary to show the proximity, if the quarter mile requirement would be tied to existing transit lines, or just the high frequency transit lines on Highway 89/Orchard Drive. Sherrie Llewelyn replied that it should just be categorized to any transit line as the City may have new lines installed in the future.

Commissioner Larson commented that the code was in place in case a nuisance happened to help solve a problem rather than being too strict and discouraging residents from utilizing their property.

Sherrie Llewelyn asked that the Commission determine whether to allow the accessory dwelling unit be required to be shorter than the main building or if there should be a maximum height requirement.

Commissioner Tucker asked why the height of the ADU would matter as long as it met building codes. Sherrie Llewelyn replied that the nuisance would be if a two story ADU was built next to a neighboring one story home but that the allowable height would be up to the Commission to determine.

Chair Knowlton suggested that if the property owner was meeting all the setbacks that they could build to the height of the zoning unless it was encroaching on those setbacks and then it would need to be at or below the height of the main structure.

Sherrie Llewelyn said that in regards to second story accessory dwelling units that the proposed ordinance stated that “an accessory dwelling unit located in an accessory structure may only be located on a second story if the structure meets the same minimum standard in the zone for front, side, and rear setback as the primary dwelling.” This would ensure that no building was constructed on the property line or any closer than a main home would be. She suggested that section G for “Second story accessory dwelling units” be edited to remove the wording “In no event shall the accessory structure be allowed to exceed the height of the primary structure, nor

be taller than twenty (20') to the highest portion of the roof from final finished grade." The Commission was in agreement with this proposed change.

Sherrie Llewelyn then reviewed section J: Lot Coverage and presented an exhibit, with the example of a 10,000 square foot lot, detailing the placement of the primary dwelling and the ADU with the required 35% total building coverage. She also showed examples of existing homes in the City and how the lot coverage requirement would affect the size of potential ADU.

The Commission then discussed the square footage requirement for ADUs as well as occupancy requirements in section D that stated "Up to four (4) related and/or unrelated persons living as a single housekeeping unit." The consensus was made to eliminate the wording "related and/or" so that the section read "Up to four (4) unrelated persons living as a single housekeeping unit."

Commissioner Ward asked if the 1,200 square foot maximum for the ADU should be waived as the restriction on the number of related individuals residing in one unit had been removed. Sherrie Llewelyn replied that a set maximum would be easier for some residents to visualize. She said that the lot coverage requirements would also restrict the size of some units.

Chair Knowlton clarified that there were three issues that had been discussed including lot coverage, square footage maximum, and the family definition.

Commissioner Ward asked about existing ADUs particularly in regards to heights that exceeded two stories or were taller than the main dwelling and those that were over 1,200 square feet in size. Sherrie Llewelyn replied that these nonconforming units could be addressed during a two year window after the ordinance was put in place. She suggested that the Planning Commission could issue a conditional use permit for ADUs that did not meet the requirements.

Chair Knowlton asked for the Commission's feedback on conditional use permits for units that did not meet what was in the ordinance including height variances and those over 1,200 square feet, etc.

Commissioner Tucker felt that there should not be a limit on the square footage. Commissioner Larson commented that the purpose of the ADU was to improve and increase the housing stock for lower income individuals and said that a 2,200 square foot unit did not meet those needs.

Commissioner Ward mentioned the ladder housing theory in that the larger unit would allow for an individual to move into that unit which would free up a lower income apartment. Sherrie Llewelyn replied that the ordinance could have multiple purposes such as addressing overall housing issues including providing market rate and lower income units.

Chair Knowlton commented that there were three options including leaving the ordinance as is, allow bigger (more square footage) by conditional use permit, or to remove the requirement for square footage.

Commissioners Knowlton, Tucker, Ward, Kirkham and Larson all preferred the option to allow for flexibility through a conditional use permit. Sherrie Llewelyn replied that this meant the ADU would be a permitted use with conditions or an exception unless there was some reason that the issues could not be mitigated.

Commissioner Ward asked about building entrances for existing units and if these could be grandfathered in. Sherrie Llewelyn replied that if the house was built with more than one doors it could be grandfathered in and that there did not need to be separate entrances for the ADU unless interior egress was blocked.

The Commission also discussed if ADUs should be limited to certain zones and determined that it would be better to allow them in all zones as the requirements in the ordinance would be self-selecting.

Sherrie Llewelyn then reported on short term rentals and said that if the City did not specifically prohibit night time/short term rentals then they had to be allowed. She suggested that the Commission adopt ordinances for short term rentals if they wanted them to be regulated and for the City to receive transient room tax.

Commissioner Ward asked if ADU and short term rentals should be separated and if other cities had them in the same section. Sherrie Llewelyn replied that there was not a rush to review and approve both the accessory dwelling units and short term rentals.

Chair Knowlton asked what the next steps would be for the accessory dwelling units ordinance. Sherrie Llewelyn responded that potentially the City could hold an open house to provide information to the public before the public hearing.

The Commission made several suggestions including holding an open house the day of the public hearing or presenting the information during the Planning Commission meeting and then having a short recess for the Commissioners to meet with the public before resuming the public hearing.

Commissioner Kirkham commented that the public hearing that would be held during the Planning Commission meeting was an opportunity for the public to ask questions regarding the ordinance.

Sherrie Llewelyn suggested that staff could hold an open house before the Planning Commission meeting to provide information and answer questions.

Commissioner Ward asked if holding a public open house prior to a public hearing should be a standard practice going forward. Sherrie Llewelyn replied that it was worth holding an open house on items that may be controversial.

Chair Knowlton commented that having an open house would be a show of transparency and openness to receiving public feedback. He said that while it would be hard to know how the community would react to the ordinance, that ADUs may be controversial in the future and it would be a benefit to show that the City held an open house. Sherrie Llewelyn replied that the benefit to having the open house a few days before the Planning Commission meeting would be the natural cooling off period in case residents were upset by the proposed ordinance.

Sherrie Llewelyn then presented maps showing several short term rentals, which was pulled from online rental sites, which were currently being advertised in the City.

### 3. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY PLANNING COMMISSION

Sherrie Llewelyn reported that the City Council approved the final plat for the City Center project. She said that staff was preparing the final bonds and Brighton would begin demolition as soon as the bonds were in place.

She reported that the City Council approved the amendments to both the driveway ordinance and the domestic farm animal ordinance.

### 4. APPROVAL OF MINUTES

The Planning Commission meeting minutes of October 9, 2018 were reviewed and approved. **Commissioner Tucker moved to approve the Planning Commission meeting minutes for the October 9, 2018 meeting with no changes. Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Knowlton, Kirkham, Ward, Tucker and Larson. Commissioners Garn and Gordon were excused.**

Chair Knowlton reported that the main focus of Wasatch Regional Council was to produce a regional transportation plan that UDOT and UTA followed. This plan would guide State and Federal investment in regional transportation. He said that there were annual workshops with local governments and that there would be one last workshop on October 30<sup>th</sup> at 4:00 p.m. before

the plan was adopted. He invited City staff and the Planning Commissioners to attend this workshop as it would focus on the timing of regional transportation investment and what should be built first.

5. ADJOURN

Chair Knowlton adjourned the meeting at 8:53 p.m.



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Chair



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Recorder

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Secretary