

HONEYVILLE CITY PLANNING COMMISSION MEETING NOTICE & AGENDA

Notice is hereby given that the **Regular Meeting** of the **Honeyville City Planning Commission** will be held on **Wednesday March 27, 2024** at 7:00 p.m., in the Honeyville City Hall, 2635 West 6980 North, Honeyville, UT 84314. Interested citizens are invited to attend.

Call to Order – Laurie Hunsaker

Invocation & Pledge of Allegiance – Cherrisse Kaminska

Conflict of Interest, if any:

Public Comment Period: Comments will be listened to with no action taken. Items needing action will be placed on next month's agenda by request. Individuals will be given 5 minutes to comment.

City Council Meeting Report – Chair Laurie Hunsaker:

A. Report:

Zoning Administrator Report - Codey Illum:

A. Zoning Admin Report:

Action Items:

A. ADU Ordinance

B. Approval of Minutes: 02/28/24

Agenda Items for Next Month:

ADJOURNMENT

Posted on honeyvillecity.org, Utah Public Notice Website, at City Hall and at the Honeyville City Post Office: 03/26/24

~~Box Elder County Land Use Management & Development Code~~

~~Article 5: Regulations of General Applicability~~

~~Reg. of General Applicability: Accessory Dwelling Units 5-6-1~~

~~Chapter 5-6~~ **Chapter 35** ~~Accessory Dwelling Units & internal~~ **Accessory Dwelling Units**

~~5-6-01010-35-1.~~ Title.

~~5-6-02010-35-2.~~ Purpose.

~~5-6-03010-35-3.~~ General Regulations.

~~5-6-040.~~ Definitions.

~~5-6-05010-35-4.~~ Conditional Use Permit Required.

~~5-6-06010-22-20.~~ Development Standards.

~~5-6-07010-35-5.~~ Inspections.

~~5-6-08010.35.6.~~ Affidavit.

~~5-6-01010-35-1.~~ Title.

The regulations contained in this Chapter shall be known and may be cited as "Accessory Dwelling Unit Regulations" and "Internal Accessory Dwelling Unit Regulations" of ~~Box Elder County~~Honeyville City and its Land Use Management and Development Code.

~~5-6-02010-35-2.~~ Purpose.

The ~~county-city~~ recognizes that accessory dwelling units (ADUs) and internal accessory dwelling units (IADUs) in zones that allow a single-family residence can be an important tool in the overall housing plan for the ~~county-city~~. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.
- B. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- C. Provide for affordable housing opportunities.
- D. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

~~5-6-03010-35-3.~~ General Regulations.

A. Except as provided in this Code, no ADU or IADU shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the use district in which it is located.

B. All ADUs and IADUs hereafter erected in ~~Box Elder County~~Honeyville City shall comply with the current standards of the International Residential Code, and all other codes and ordinances adopted by ~~Box Elder County~~Honeyville City.

~~Box Elder County Land Use Management & Development Code~~

~~Article 5: Regulations of General Applicability~~

~~Reg. of General Applicability: Accessory Dwelling Units 5-6-2~~

- C. All ADUs and IADUs must be reviewed and approved for septic feasibility by the Bear River Health Department.
- D. All ADUs and IADUs shall be maintained in good condition.
- E. No person may engage in the business of erecting, altering, relocating, or constructing ADUs or IADUs without a valid Utah contractor's license, ~~and valid County business license.~~

5-6-040. Add to 10-3-4 Definitions.

Accessory Dwelling Unit: A self-contained dwelling unit located on an owner occupied property that is in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

Internal Accessory Dwelling Unit: A self-contained dwelling unit within or attached to a single family residential building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

Owner Occupancy: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

5-6-05010-35-4. Permitted and Conditional Use Permit Required.

An ADU meeting the regulations and standards, as specified in this chapter, may be allowed in any zone ~~that allows a single-family residence where allowed,~~ after approval of a conditional use permit. ~~(§2-2-100) by the planning commission.~~ An IADU's meeting the regulations and standards, as specified in this chapter may be allowed in any zone that allows a single-family ~~residence dwelling~~ as a permitted use.

5-6-06010-22-20. Development Standards.

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit, the ADU, or IADU as their permanent residence. Applications for an ADU or IADU shall include evidence of owner occupancy as defined in section ~~5-6-04010-3-4 of this chapter.~~
- B. ADUs or IADUs shall not be sold separately from the main unit.
- C. ADUs or IADUs shall not be rented on a transient basis (periods less than 30 days).
- D. Only one (1) ADU or IADU may be created per lot or property in zones that allow single-family dwellings.
- E. The design and size of the ADU or IADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- F. Installing separate utility meters and separate addresses for the ADU or IADU is prohibited.

~~Box Elder County Land Use Management & Development Code~~

~~Article 5: Regulations of General Applicability~~

~~Reg. of General Applicability: Accessory Dwelling Units 5-6-3~~

G. The ~~total area footprint~~ of the ADU shall be less than forty percent (40%) of the ~~square footage footprint~~ excluding the garage of the primary residence.

H. ~~The occupants of the ADU or IADU shall be related to each other by blood, marriage, or adoption; or up to two (2) unrelated individuals who are living as a single housekeeping unit. The Occupants of the ADU or IADU shall not sublease any portion of the ADU or IADU to other individuals.~~

I. The minimum lot size required for construction of an ADU or IADU in all zones that allow single-family dwellings shall be ~~twenty thousand one acre~~ (20,000 ~~43,560~~) square feet).

J. ADUs or IADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.

K. ~~ADUs or IADUs and the main dwelling must be on the same parcel and may not be subdivided.~~

L. ADUs shall be compatible with the exterior color and materials of the surrounding area. IADUs shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.

M. The maximum height for ADUs or IADUs shall be no taller, in elevation, than the ~~roof highest point~~ of the primary structure.

N. ~~See table 10-19 for parking requirements. A minimum of one (1) off street parking space must be provided for the ADU or IADU.~~

O. Where an existing subdivision has CC&Rs in place that govern ADUs the more restrictive regulation shall govern the use and development ~~of within~~ that subdivision.

P. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs ~~as per the standards found in Section 2-2-100, Conditional Use Permit.~~

Q. Multi-family homes, mobile homes, RV's, trailers, campers, tents, and/or any other temporary structure and/or vehicle shall not qualify as an ADU or IADU.

5-6-07010-35-5. Inspections.

Following the issuance of a conditional use permit, the Building Official of ~~Box Elder County~~ Honeyville City may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the building department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued.

5-6-08010-35-6. Affidavit.

Applicants for ADUs or IADUs shall provide an affidavit stating that the owner of the property will occupy either the primary dwelling unit, accessory dwelling unit, or internal accessory dwelling unit as defined in section ~~5-6-04010-3-4~~ and comply with all other requirements of this chapter. Upon approval of the ADU or IADU, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU or IADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize

Box Elder County Land Use Management & Development Code Article 5: Regulations of General Applicability

Reg. of General Applicability: Accessory Dwelling Units 5-6-4

Affidavit and Notice of Accessory Dwelling Unit and Related Regulations
(To Be Completed, Signed and Recorded at Box Elder County by Property Owner)

Property Owner(s) Name: _____ Phone: _____

Property Address: _____

Parcel Number: _____

Complete Legal Description:

I (we) _____, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property listed above: that I (we) occupy the property listed above. I (we) certify that the second dwelling unit on the property is an accessory dwelling and understand that a future purchaser of the property will be required to reauthorize the accessory dwelling unit in order to continue the use. I (we) also understand that any use of the accessory dwelling unit on the property is contingent on the owner of the property occupying either the principal or accessory dwelling unit and compliance with the provisions of the ~~Box Elder County~~ Honeyville City Code.

Owner's Signature _____
Owner's Signature (co-owner if any) _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

Residing in _____

My commission expires: _____ ~~Box Elder County Land Use~~

~~Management & Development Code Article 5: Regulations of~~
~~General Applicability~~

~~Reg. of General Applicability: Accessory Dwelling Units 5-6-5~~

After recording, provide a copy to: ~~Box Elder County Planning & Zoning Office 1 S. Main Brigham City, UT~~
~~84302Honeyville City Address~~

Affidavit and Notice of Internal Accessory Dwelling Unit and Related Regulations
(To Be Completed, Signed and Recorded at Box Elder County by Property Owner)

Property Owner(s) Name: _____ Phone: _____

Property Address: _____

Parcel Number: _____

Complete Legal Description:

I (we) _____, being first duly sworn, depose
and say that I (we) am (are) the current owner(s) of the property listed above: that I (we) occupy the property
listed above. I (we) certify that the second dwelling unit on the property is an internal accessory dwelling and
understand that a future purchaser of the property will be required to reauthorize the internal accessory dwelling
unit in order to continue the use. I (we) also understand that any use of the internal accessory dwelling unit on the
property is contingent on the owner of the property occupying either the principal dwelling unit or internal
accessory dwelling unit and compliance with the provisions of the ~~Box Elder CountyHoneyville city~~ Code.

Owner's Signature Owner's Signature (co-owner if any)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

Residing in _____

My commission expires: _____ ~~Box Elder County Land Use~~

~~Management & Development Code Article 5: Regulations of~~
~~General Applicability~~

~~Reg. of General Applicability: Accessory Dwelling Units 5-6-6~~

After recording, provide a copy to: ~~Box Elder County Planning & Zoning Office 1 S. Main Brigham City, UT~~
~~84302Honeyville City Address~~

10-3-4: DEFINITIONS OF WORDS AND PHRASES

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

DWELLING: Any building, or portion thereof, having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families as permitted by this title, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

DWELLING, MULTIPLE-FAMILY: A dwelling having three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family and having only one dwelling unit.

DWELLING, SINGLE-FAMILY WITH ACCESSORY APARTMENT: A building having only one dwelling unit and one ~~accessory apartment~~Internal Accessory Dwelling Unit.

Accessory Dwelling Unit: A self-contained dwelling unit located on an owner occupied property that is in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

Internal Accessory Dwelling Unit: A self-contained dwelling unit within or attached to a single family residential building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

Owner Occupancy: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

~~**GUESTHOUSE:** A secondary, detached dwelling unit with or without kitchen facilities located on a lot with one or more main dwelling units which is:~~

~~Used for housing of guests without compensation, and~~

~~Not rented, leased or sold separately from the rental, lease or sale of the main dwelling unit(s) on the lot.~~

STRUCTURE: A structure is defined as the physical development made in a land with a purpose to provide accommodation . For a construction or development to be a structure it must have an enclosure and a roof with provisions for entering within it. A structure is the first stage of construction of any building. Any building, shelter, sign, wall, fence, pole or other improvement with a fixed location on the ground or attached to something having a location on the ground.

STRUCTURE, NONCOMPLYING: A structure that:

1. Legally existed before its current zoning designation; and
2. Because of subsequent land use ordinance changes, does not conform with the setbacks, height restrictions, or other regulations that govern the use of land.

Hi Laurie,

During/after the discussion last night at City Council, I had some thoughts:

1. Primary dwelling vs. detached ADU – perhaps define the primary dwelling as being the one in the front of the lot, meeting those zoning requirements. That could mean it's existing or new, but at least it would define them.
 2. I see the potential issue with the 40% of building footprint. Perhaps it could be changed to say, "80% (or whatever number) of primary dwelling building footprint, with a maximum of XXX sq ft." or such. If they decide to use square footage of the primary dwelling, be sure that it's defined really well (habitable, finished, w/ or w/o garage, etc.)
 3. To help alleviate some concerns, according to [State Code 10-9a-530](#), IADUs are:
 - (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
 - (i) **within a primary dwelling;**
 - (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
 - (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
 - (b) (i) "Primary dwelling" means a single-family dwelling that:
 - (A) is detached; and
 - (B) **is occupied as the primary residence of the owner of record.**
- So, detached ADUs can't have IADUs, at least, as of now. Something to check with legal on, but it seems pretty clear.
4. IMO, I don't think impact fees should be charged to detached ADUs. Planning for that will be nearly impossible. And without planning for it, you cannot assess it. (11-36a-301)
 5. I recommend having one water meter per lot/parcel. This makes planning, billing, and enforcement easier. When we do the water rate study to determine the water utility billing rate, we can add categories like "Residential", "Residential with DADU", etc. Each category can have different billing rates. This is the money that pays for operations, maintenance, and fixing old infrastructure.

Regarding impact fees ([Impact Fees Act](#)),

11-36a-202 says:

1. A local political subdivision or private entity may not: (a) impose an impact fee to:
 - (i) cure deficiencies in a public facility serving existing development;...

That means that impact fee monies collected cannot be used to fix aging or leaking water lines, etc. I just wanted to give you this information in case you get pushback from council again.

**Oh yea, and the subdivision code needs to be updated by Dec. 31, 2024 to meet the new requirements related to residential subdivisions. See [2023 SB 174](#) for "easy" reference, or [Code 10-9a-6](#). Lots of nitty gritty, but a few things to note: 1) City cannot require concept plan for residential subdivisions, 2) it takes CC approval out of

residential subdivisions, 3) PC only gets to see it once at prelim subdivision application; the final approval is staff or committee only, and 4) you have to have very defined and detail checklists for submittals and reviews, and much more.

If the General Plan guys aren't helping you with this, you may want to get started on it asap.

Sorry for the long email, I just wanted to help you out with some Code references and opinions.

Thank you,
Dana

Attorney's Suggested Changes to Proposed ADU Ordinance

:

- I would suggest modifying the definition of both "Accessory Dwelling Unit" and "Internal Accessory Dwelling Unit" to reflect that they are units used for or created for offering long term rental of 30 consecutive days or more. Using the rental language makes the definition consistent with state code (See Utah Code Ann. 10-9a-530(1)(a)(iii).
- Under the definition of "Owner Occupancy" I would suggest amending the definition to state it must be the "primary residence of the owner of record" rather than the "legal residence." I mentioned to the Mayor and Brittny yesterday that another city we work with wanted to clarify ownership to include a family trust. I am not sure you need that much detail but just an issue that came up.
- Under 10-22-20(D) it states "Only one ADU or IADU may be created per lot or property in zones that allow single-family dwellings." What if an owner of the property as an ADU and then wants to create an IADU? Per state code, I am not sure the City has authority to restrict the property owner from doing this. As you know, state code specifies very limited issues that can be regulated by a city. However, I agree in principle it should be limited to one ADU or IADU per parcel. I think most entities have similar language, I just do not know if it is strictly enforceable.
- Under 10-22-2-(I) it states the minimum lot size for construction of an ADU or IADU must be one acre. However, Utah Code 10-9a-530(4)(h) states that a city can only prohibit the creation of an IADU if the lot containing the primary dwelling is less than 6000 square feet. My opinion is that only allowing an IADU to be constructed on a one-acre lot may violate state law.
- Finally, I think it would be helpful for Honeyville to have an enforcement mechanism such as recording a lien on the property and fining the owner in the amount of \$100.00/day; in addition to potential criminal violations that Blair can prosecute.

These are the replies I received from you regarding the ADU ordinance:

Staci Zilles-Nelson

Tue, Mar 19, 12:05 PM (6 days ago)

Two things popped out at me while reading:

- 1) On the letter from Dana it says primary dwelling as being the one in the front of the lot. What if we ever encounter an instance where they are side by side, if that could even happen?
- 2) The letter from the attorney, second bullet point he talks about "primary residence of the owner of record". This means there could never be a scenario where a person rents out their house and their ADU if I'm reading things correctly.

Just some things to think about.

Thanks,

Staci

KENNY FUNK

My thoughts on ADU:

Water: There are probably several ways to address this.

- maybe we require them to upgrade to a bigger connection, ie 1" instead of 3/4".
- If we decide a second meter is appropriate, maybe we make them place it close enough to the main meter to make subdivision difficult without relocating one of the meters.
- A different rate structure for properties with more than one dwelling

Impact fees: Why not? the wording could go "Impact fees may be assessed by the city for water systems, roads and traffic, parks and rec.". Then leave it up to the city council to establish the fees if any.

For the rest of the issues I didn't disagree with what Colt had on his suggestions. I think we stick with our current wording that only allows one IADU or ADU per lot. And add some appropriate wording about rentals.

Thanks
Kenny

**The DRAFT Minutes of
Honeyville City Planning Commission
February 28, 2024 Regular Meeting**

Laurie Hunsaker called the meeting to order at 7:00 p.m.

Present were Chair **Laurie Hunsaker**. Commission Members **Bob Kosbab**, **Jacob Jaques**, **Kenny Funk**, **Cherisse Kaminska**, **Ty Walker** and **Staci Zilles-Nelson**.

Employees present: **Brittany Chlarson**, Clerk/Recorder
Wendy Lindauer, Deputy Clerk

There were approximately 3 members of the public were present.

Ty Walker offered the Invocation and led the group in the Pledge of Allegiance.

Conflict of Interest, if any: None noted.

Public Comment Period:

Tori Jones stated that she is looking to put 2 homes on her parent's parcel that is 1.83 acres. Because it is not a full 2 acres they are unable to split the parcel. Therefore, she would like to build a detached ADU. She restated her request from last month which would have the ADU ordinance state that a detached ADU could be 40% of the square footage of the main home. She acknowledged that there may be some additional fees that the city may need to collect when building an ADU, such as connection or impact fees, and understood the need for those. **Jacob J** asked what size of a home **Tori** is thinking of building. She responded that she'd like it to be 2,000 square feet.

Ty Walker stated that he lives at 6460 N Highway 38. He is wanting to build in the future and presented a map and asked the commission what his next steps would be. **Laurie H** suggested talking to **Codey I**. **Ty W** mentioned that in the future he'd like to keep the small home on its own parcel. **Kenny F** recommended that **Ty** keep track of his frontage and setbacks when considering subdividing parcels.

Zoning Administrator Report – Codey Illum:

A. Zoning Admin Report: Not Present Due to Trainings

DISCUSSION ITEMS:

- A. Water Ordinance/Separate Culinary Water from Secondary Allocation:** Laurie H stated that the Mayor would like the Commission to go through the Ordinance and remove anything culinary related. Jacob J had questions regarding the secondary ordinance. Laurie H recommended he speak with the Mayor and relay his ideas to him. It was suggested striking section 8-3-1.1 along with 8-3-2.A & B.
- B. ADU:** Laurie H shared that the City Council had a lot of questions and they want all of the details ironed out. The Council felt that the Commission should suggest impact fees. Kenny F stated that he didn't feel that this was the Commissions job. They don't have anything to do with the budget. It was also stated that the City Council wants to make sure that the ADU's cannot be rentals along with a better definition for *owner occupancy*. Laurie H stated that in doing research she found that the homes need to be on the same water hook-up. Kenny F suggested going to a teared water rate rather than impose impact fees. The Commission was unanimous in feeling that ADU's remain on the same water hook-up. Bob K stated that they may need to address raising water rates before they address more impact fees. Laurie H felt that they should be setting the citizens up for success and not failure. She felt that by limiting the size of the detached ADU that they could remedy the rental issue. The commission was concerned about legal ramifications of stating that property owners cannot rent their ADU's. Jacob J would like the ordinance to state that the main residence be the oldest one of record. It was discussed that both homes will technically be the same address. Kenny F felt that the ordinance read that owners could have an IADU or an ADU, but not both. There was concern about enforcement. The commission had further discussion on how they would determine the size of the detached ADU. Laurie H was concerned about the size of the ADU being larger than the main home. Cherisse K asked what the intent of an ADU is. She felt it was for families who want to come back and build a home on their family's property. Laurie H asked the Commission to take their copy home and write in all of their suggestions and bring it back to next month's meeting.
- C. RV Ordinance:** The Commission is waiting for information from the attorney before they proceed with this.
- D. Ethics Training:** Ethics Training will be held in Person March 27th at 6:00 p.m. for the City Council, Planning Commission and Employees.

ACTION ITEMS:

- A. Approval of Minutes: 01/24/23:**

STACI ZILLES-NELSON motioned to approve the minutes of 01/24/23 as presented JACOB JAQUES seconded the motion. MOTION CARRIED with Bob Kosbab for, Jacob Jaques for, Kenny Funk for, Cherisse Kaminska for, Ty Walker for and Staci Zilles-Nelson for.

Agenda Items for Next Month:

ADU

RV Ordinance Discussion

Spring Conference Land Use Conference in St. George

STACI ZILLES-NELSON motioned to adjourn at 7:51 p.m. KENNY FUNK seconded the motion. MOTION CARRIED with Bob Kosbab for, Jacob Jaques for, Kenny Funk for, Cherisse Kaminska for, Ty Walker for and Staci Zilles-Nelson for.

Meeting Adjourned at 7:51 p.m.

The foregoing minutes were taken and typed by Brittiny Chlarson.

I certify these minutes to be true and accurate to the best of my knowledge.

ATTEST:

DATE APPROVED: _____

Brittiny Chlarson – Clerk/Recorder

Laurie Hunsaker - Chair