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Minutes  
Planning Commission Meeting  
October 6, 2021

**1. Opening ceremonies:**

Planning Commission Chairman, Alan Paystrup, called the meeting to order at 7:04 PM. A Quorum was present.

**Those in attendance:**

Planning Commission Chairman: Alan Paystrup  
Commissioners: Barbara Anderson  
Councilmember and Alternate Commissioner: Jesse Richmond  
Planning Commission Secretary: Heather Poulsen  
Others: Mark Green, Dale Bennett, Jared and Marki Rosquist

Not in Attendance: Commissioners Heath Butler and Chris Chipping

Prayer was given by Commissioner Barbara Anderson  
Pledge of Allegiance was led by Chairman Alan Paystrup

**2. Action items:**

**- Approval of minutes from previous meetings:**

Barbara Anderson made the motion, seconded by Commissioner Jesse Richmond, to approve the minutes for the Regular Planning Commission Meeting held on September 1, 2021 and the Public Hearing held on September 7, 2021. All commissioners present were in favor.

**-Building Permits:**

**Jared and Marki Rosquist -226 W. 200 S.-New Home**

The Rosquists were waiting for the wastewater permit to get back from the Health Department but everything else looked in order.

Commissioner Jesse Richmond made the motion to approve the building permit contingent on getting the wastewater permit. It was seconded by commissioner Barbara Anderson and all were in favor.

**Misty Morgan 274 N 300 E. electrical update**

Commissioner Jesse Richmond made the motion to approve the building permit and Commissioner Barbara Anderson seconded it. All were in favor.

**3. Discussion Items**

**-Mark Green-Annexation**

Mark Green and his engineer Dale Bennett wanted to discuss his desire to annex his property on the south east corner of town. Dale Bennett had questions on the process of annexation and secretary Heather Poulsen explained to him how it worked.

Mr. Green and Mr. Bennett then presented a rough draft of what they would like to do with the property. A portion of Mr. Green's property is already in town limits. Part of his plan included some storage units. The planning Commission

pointed out that everything inside city limits would be zoned residential so in order to do anything else with it they would have to apply for a rezone. They also pointed out that he would have to bring water with the annexation. According to our annexation policy plan you must bring culinary water. Mr Bennett was also given a copy of the town annexation policy plan as well as a project plan application.

#### **-Accessory Dwelling Units**

The planning commissioners went over the code for internal and external accessory dwelling units. They made the following changes and updates (see attached document where changes were made).

The Commission felt the document was ready to pass on to the Town Council.

#### **4.Adjourn**

Commissioner Jesses Richmond made the motion, seconded by Commissioner Barbara Anderson to adjourn. All were in favor. The meeting was adjourned at 7:58 PM.

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Heather Poulsen, Deputy Town Clerk  
Planning Commission Secretary

## Purpose.

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Levan Town recognizes that Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for Levan Town. The purposes of the Accessory Dwelling Unit 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. Provide for affordable housing opportunities;

C. Make housing units available to moderate income people who might otherwise have

difficulty finding housing in Levan;

D. Provide opportunities for additional income to offset rising housing costs;

E. Develop housing units in single-family neighborhoods that are appropriate for people at

a variety of stages in the life cycle;

F. Preserve the character of single-family neighborhoods by providing standards governing

development of Accessory Dwelling Units; and

G. Ensure that Accessory Dwelling Units are properly regulated by requiring property

owners to obtain a **WHAT WOULD YOU LIKE HERE** conditional use permit and a building permit for an ADU prior to

building and renting the ADU.

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**Definitions.**

**"Accessory dwelling unit"** means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot. (Utah Code § 10-9a-103 (1))

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**"Internal accessory dwelling unit"** means an accessory dwelling unit created:

- A. within a primary dwelling;
- B. within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
- C. for the purpose of offering a long-term rental of 30 consecutive days or longer.

**"Owner Occupancy"** means a property where the 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.

**"Primary dwelling"** means a single-family dwelling that is detached and is occupied as the primary

residence of the owner of record.

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**Allowed areas and zones.**

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- a. ADUs incorporated within a single-family residence shall be a permitted use on single family home lots in primarily residential zones that require half acre minimum lot sizes or greater.

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- b. IADUs shall not be permitted on any lot smaller than one half acre. State code allows for exclusion of up to 25% of the total residential area from the IADU requirements which these zones are under.
- c. In no case shall an ADU be permitted in a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.

### **Setbacks.**

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Setbacks on all IADUs and ADU shall be consistent with setbacks for a single-family dwelling in the zone.

### **Parking requirements.**

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In addition to the required parking for the existing home, the property owner must demonstrate that one (1) on-site parking space is available for an IADU or ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU, replacement on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such IADU.

#### **Lot Coverage:**

Any additions to an existing building shall comply with Sections 16.10.030 and 16.10.040 and

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all other existing building and setback standards

## **Owner occupancy.**

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The primary dwelling or the IADU must have owner occupancy. An application for an ADU shall

include evidence of owner occupancy.

## **Number of ADUs per lot.**

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Only one external and one internal ADU is allowed per lot.

## **ADU design standards.**

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- A. An approved building permit is required for all IADUs or ADU before an IADU or ADU is constructed, and all other applicable provisions of this chapter and the Levan Town Code must be met before an IADU can be rented. Existing non-compliant IADUs may come into compliance by receiving a permit and verifying existing work was done according to code.
- B. The design and size of an IADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements.
- C. Conversions of an existing space to an IADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, and sufficient climate control for the ADU.

- D. IADUs will not require a separate HVAC or firewall.
- E. Owner shall provide a separate address marking **on external accessory dwelling unit** for emergency services and mailing services.
- F. Single family residences with an IADU **or ADU** shall retain the same appearance as a single-family residence.
- G. Owner must show documentation from the Health Department that
- A new septic tank system and leach field will fit on the property or
  - Current septic system has sufficient capacity to handle the ADU being hooked into it safely.
- H. Mobile homes and trailers will not be permitted as IADU or ADU.

### Affidavit and Notice of Accessory Dwelling Unit

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in

either the primary or ADU as their permanent residence. Upon approval of the ADU by the

building official, and upon the issuance of a **If any other requirements are needed** **conditional use permit**, a

Notice of Accessory Dwelling Unit including the affidavit shall be recorded against the property

to provide notice to a future owner of the owner occupancy requirement for the ADU. Upon sale

of the property, the new owner shall be required to sign and record a new affidavit and secure

reauthorization of the ADU by the building officials. A copy of the recorded notice will be

provided to the applicant when completed.

## **Other conditions that are needed.**

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Prior to renting out any ADU, ????????? must be obtained. That ????????? must be maintained as long as the unit is rented out.

## **Multi-Family use of ADUs prohibited.**

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- A. ADUs are part of a single-family residence and shall not be used as a multi-family residence.
- B. ADUs may not be sold or subdivided separately from the single-family residence.

## **Short-term rental use prohibited.**

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Units approved as IADUs shall not be used as short-term rentals. Any rentals shall be made for 30 consecutive days or more.

SECTION