

River Heights City

River Heights City PLANNING COMMISSION AGENDA

Tuesday, May 12, 2026

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E.

Pledge of Allegiance

Adoption of Previous Minutes and Agenda

Public Comment on Land Use

Public Hearing to Discuss a Kennel Conditional Use Permit Application from Brett and Lucia Tollaksen to have Three Dogs

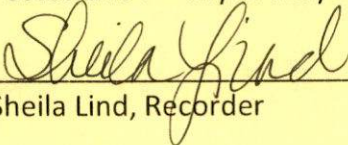
Public Hearing to Discuss a Boundary Adjustment Request from Brad Dickson, of 735 Stewart Hill Drive

Public Hearing to Discuss Code Changes Regarding Dogs, On-Street Parking, and Gravity Sewer Operations

Review of Attorney Comments on an Accessory Dwelling Unit (ADU) Ordinance

Adjourn

Posted this 7th day of May 2026



Sheila Lind, Recorder

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov) and at riverheights.gov.

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Planning Commission
Minutes of the Meeting
May 12, 2026

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6 Present: Commission members: Keenan Ryan, Chairman
7 Noel Cooley
8 Anna Lisa Davidson
9 Steve Roberts
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11 Recorder Sheila Lind
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13 Excused Commissioner Troy Wakefield
14 Councilmember Mark Malmstrom
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16 Others Present: Brett and Lucia, Lily, and Truman Tollakson, Brad
17 Dickson, Garth Sweeten, Randy Gnehm, Kim Allsop, Nick
18 Larson
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21 Motions Made During the Meeting

22 Motion #1

23 Commissioner Davidson moved to “approve the minutes of the April 14, 2026, Commission
24 Meeting, as well as the evening’s agenda.” Commissioner Cooley seconded the motion, which carried
25 with Cooley, Davidson, Roberts, and Ryan, in favor. No one opposed. Wakefield was absent.
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28 Motion #2

29 Commissioner Cooley moved to “approve a Kennel Conditional Use Permit for Brett and Lucia
30 Tollaksen, of 435 E 700 S, to have three dogs with the following conditions: 1) Dog waste will be taken
31 care of so as to not create an odor, 2) Barking is to be kept at a reasonable level, 3) When outside, the
32 dogs need to be accompanied, and 4) Read and understand the city’s code pertaining to dogs.”
33 Commissioner Davidson seconded the motion, which carried with Cooley, Davidson, Roberts, and
34 Ryan. No one opposed. Wakefield was absent.
35

36 Motion #3

37 Commissioner Cooley moved to “approve the boundary adjustment request of Brad Dickson,
38 of 735 Stewart Hill Drive, concerning the three properties owned by Garth Sweeten, Brad Dickson,
39 and Marie Dunford Fullmer Trust.” Commissioner Roberts seconded the motion, which carried with
40 Cooley, Davidson, Roberts, and Ryan in favor. No one opposed. Wakefield was absent.
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45 Motion #4

46 Commissioner Cooley moved to “pass the discussed code changes with the adjustments they
47 made to 5-2-5:E.5 and 11-7-5:C to the City Council.” Commissioner Davidson seconded the motion,
48 which carried with Cooley, Davidson, Roberts, and Ryan in favor. No one opposed. Wakefield was
49 absent.

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Proceedings of the Meeting

54 The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council
55 Chambers on May 12, 2026.

56 Pledge of Allegiance

57 Adoption of Prior Minutes and Agenda: Minutes for the April 14, 2026, Planning Commission
58 Meeting were reviewed.

59 **Commissioner Davidson moved to “approve the minutes of the April 14, 2026, Commission
60 Meeting, as well as the evening’s agenda.” Commissioner Cooley seconded the motion, which
61 carried with Cooley, Davidson, Roberts, and Ryan, in favor. No one opposed. Wakefield was absent.**

62 Public Comment on Land Use: There was none.

63 Public Hearing to Discuss a Kennel Conditional Use Permit Application from Brett and Lucia
64 Tollaksen to have Three Dogs: Kim Allsop explained that she lived next door to the Tollaksens and her
65 family hadn’t had any problems with their dogs. They have kept the fence repaired so the dogs
66 always stay in their own yard. Ms. Allsop was very supportive of the Tollaksen’s request.

67 Lucia Tollaksen explained that they have three dogs, one of which was an emotional support
68 animal for her disability. All are indoor dogs. When they go outside in the back, if they start barking,
69 they are brought right back in. They never go into the front yard. They are kept inside 80% of the
70 time.

71 Commissioner Ryan felt their situation fit within the city’s code.

72 Commissioner Cooley suggested similar conditions that they had used on previous permit
73 requests, such as keeping the dog waste cleaned up, barking kept at a reasonable level,
74 accompaniment of the dogs outside, and reading and understanding the city’s code on dogs.

75 **Commissioner Cooley moved to “approve a Kennel Conditional Use Permit for Brett and
76 Lucia Tollaksen, of 435 E 700 S, to have three dogs with the following conditions: 1) Dog waste will
77 be taken care of so as to not create an odor, 2) Barking is to be kept at a reasonable level, 3) When
78 outside, the dogs need to be accompanied, and 4) Read and understand the city’s code pertaining
79 to dogs.” Commissioner Davidson seconded the motion, which carried with Cooley, Davidson,
80 Roberts, and Ryan. No one opposed. Wakefield was absent.**

81 Public Hearing to Discuss a Boundary Adjustment Request from Brad Dickson, of 735 Stewart
82 Hill Dr: Randy Gnehm explained that the work to fix the property line was done a few years ago, but
83 the title company had forgotten about it and didn’t get it finished up. When the subdivision was built
84 there ended up being a pie shaped piece of property that was no-man’s land and there were several
85 other discrepancies. They are currently trying to get the boundaries straight. He said the dotted line
86 on the plat showed the current line, and the solid line showed the proposal. They planned to get it
87 recorded at the County.

Commissioner Roberts noted that the two plat documents showed different names on one of the properties and that the surveyor's signature was missing on the plat. Mr. Gnehm said he would make sure the items were fixed when it was recorded.

Commissioner Cooley informed that state code allowed boundary adjustments to go directly to the county. Mr. Gnehm said they wanted to come to the city first just to make sure it was all done correctly.

Commissioner Cooley moved to "approve the boundary adjustment request of Brad Dickson, of 735 Stewart Hill Drive, concerning the three properties owned by Garth Sweeten, Brad Dickson, and Marie Dunford Fullmer Trust." Commissioner Roberts seconded the motion, which carried with Cooley, Davidson, Roberts, and Ryan in favor. No one opposed. Wakefield was absent.

Public Hearing to Discuss Code Changes Regarding Dogs, On-Street Parking, and Gravity Sewer Operations: Commissioner Ryan read three emailed comments he received from Whitney Poulsen, Aubrey and Tim Elwood, and Jill Skousen. All felt dogs not being allowed on "all city property" was too restrictive. They felt problems with dogs should be addressed individually, not by banning dogs from sidewalks and roads. Ms. Skousen was also not supportive of the suggested barking stipulations.

Commissioner Ryan said the city registers about 350 dogs and there were roughly 700 households. He agreed with not allowing dogs in city parks but didn't agree with the "city property" wording. Some of the people he had talked with wondered what their dog licensing fees go toward. They suggested it could be used for dog clean-up stations or other remedies for irresponsible pet owners.

Commissioner Ryan read through the suggested changes to the dog code.

Commissioner Cooley didn't think the intent was to not allow dogs on sidewalks and trails. He suggested wording that would preclude sidewalks and trails as prohibited areas. He felt the areas the code referred to were parks, parking lots, city buildings, the city shop area, etc.

Commissioner Roberts said he was surprised that dogs were not allowed in city parks. He admitted that a fair percentage of dog owners don't clean up after their dogs.

Commissioner Ryan noticed that at Stewart Hill Park there were dog waste stations. Commissioner Cooley said Councilmember Milbank had agreed to maintain the station.

Commissioner Ryan noted that River Heights was a dog city (based on the percentage of residents who owned dogs). He felt the city's code was rarely enforced anyway. Commissioner Cooley said if someone complained then the code allowed animal control to talk to the owners and give a citation if necessary.

Commissioner Roberts asked why the restrictions were included in the ordinance. Commissioner Cooley said the city code had always addressed animal laws in the code. City parks are places for the public to use, and they shouldn't need to worry about dealing with dog waste.

Commissioner Ryan suggested Stewart Hill Park should allow dogs on the sidewalks. He didn't think they should include a ban on dogs on "all city property." Commissioner Cooley suggested, "No animals allowed in City parks unless otherwise posted. The other changes regarding barking were suggested by animal control as to clarify how to handle excessive barking situations.

Commissioner Ryan reviewed the changes regarding on-street parking during the winter. They agreed with allowing it unless it was "during snow accumulation."

Commissioner Ryan informed that the city public works director and engineer had strong concerns about pump stations. They didn't like the addition of "unless approved by the city." The engineer felt that wording might as well state that pump stations were allowed. The issues with lift

132 stations are perpetual maintenance costs. Eventually the city (essentially, all the city residents) would
133 be funding the maintenance forever. Some suggested the developer would be responsible for the
134 costs. Commissioner Cooley pointed out that once a subdivision was turned over to the city then the
135 developer would be gone. They also discussed the possibility of having the HOA be responsible for
136 the lift station.

137 Discussion was held on Creekside Estates possibly needing a lift station. Commissioner Ryan
138 said the city didn't want to be on the hook for a lift station for 40 lots.

139 **Commissioner Cooley moved to "pass the discussed code changes with the adjustments**
140 **they made to 5-2-5:E.5 and 11-7-5:C to the City Council."** Commissioner Davidson seconded the
141 **motion, which carried with Cooley, Davidson, Roberts, and Ryan in favor. No one opposed.**
142 **Wakefield was absent.**

143 Continued Review of an Accessory Dwelling Unit (ADU) Ordinance: Commissioner Ryan said he
144 had reviewed Attorney Jenkins comments on the ADU ordinance and agreed with them.

145 Discussion was held on Attorney Jenkins suggestion about the possible loophole in the section
146 on the property owner being absent from the property for a time.

147 Commissioner Ryan reviewed that they wanted to require an ADU or the main home to be
148 occupied by the property owner. The state wanted cities to encourage ADUs because of the housing
149 shortage, but they didn't intend for there to be two rentals on one property, which was the reason
150 for requiring property owners to live in one of the dwellings.

151 Commissioner Ryan suggested looking at state code to find out about occupancy limits and
152 how it was worded. Commissioner Davidson agreed to research how this section could be worded to
153 preclude the risk of sounding discriminatory.

154 Commissioner Ryan informed that the current code had a height limit of 25' for an accessory
155 building, but the ADU code was allowing 35.' They added the words, "a maximum of 35'."

156 They planned to hold a public hearing on the ADU ordinance on June 9. Until then,
157 Commissioner Davidson would get clarification on verbiage for occupancy limits, and Commissioner
158 Cooley would try to get Attorney Jenkins to suggest verbiage on temporary owner absences.

159 Commissioner Ryan informed that Heritage had applied for a subdivision east of the LDS
160 Church. A pre-application meeting was held last week. The Planning Commission was scheduled to
161 review the preliminary plat at their next meeting. They discussed possible times for a site visit.

162 Commissioner Cooley suggested they each do a thorough review of the Creekside application
163 package. He pointed out that the city's code stated that they could hold a public hearing, however it
164 was not recommended. The Commission's only assignment was to make sure the design met the
165 city's code, which would not be based on comments received from citizens. The Commission's hands
166 would be tied, and they didn't want the public to feel they weren't heard when they couldn't take
167 their suggestions.

168 At the time the property was rezoned, there was a public hearing in which many citizens
169 voiced opposition to a PUD zone. Because of this, the council wouldn't approve it, and Heritage came
170 back with a request for single family homes, which was approved.

171 The meeting adjourned at 8:20 p.m.

172 _____
173 Sheila Lind, Recorder

174 _____
175 Keenan Ryan, Commission Chair

Public hearing date: May 12, 2026

River Heights City Kennel Conditional Use Permit Application

The Keeping of Three or More Dogs

Name of Dog Owner: Brett & Lucia Tollaksen

Date: 4/21/26

Phone #:

Email:

Address: 435 E 700 S, River Heights, UT, 84301

02-028-0004

Number of dogs requested: 3 Property for animal support (sq ft): 7000 sq ft

Description of shelter provided, care of animals, etc: Our dogs are inside

dogs. They go outside in our back yard to use the potty
and get exercise. They have a dedicated sleep space
Our puppy is crated but they have run off the house
Our Pom is my ESA.

I am always home. My dogs don't sit and bark.

I have cameras in my back yard that record them. They don't
go out to the front ever.

Application fee is \$100 and is nonrefundable.

Date paid 4/21/26 Check number 0030 By Lucia Tollaksen

After receipt of the application and fee, the city will schedule a public hearing with the Planning Commission, within one month. Neighbors within 300 feet of your property will be notified of your request, intent and of the hearing.

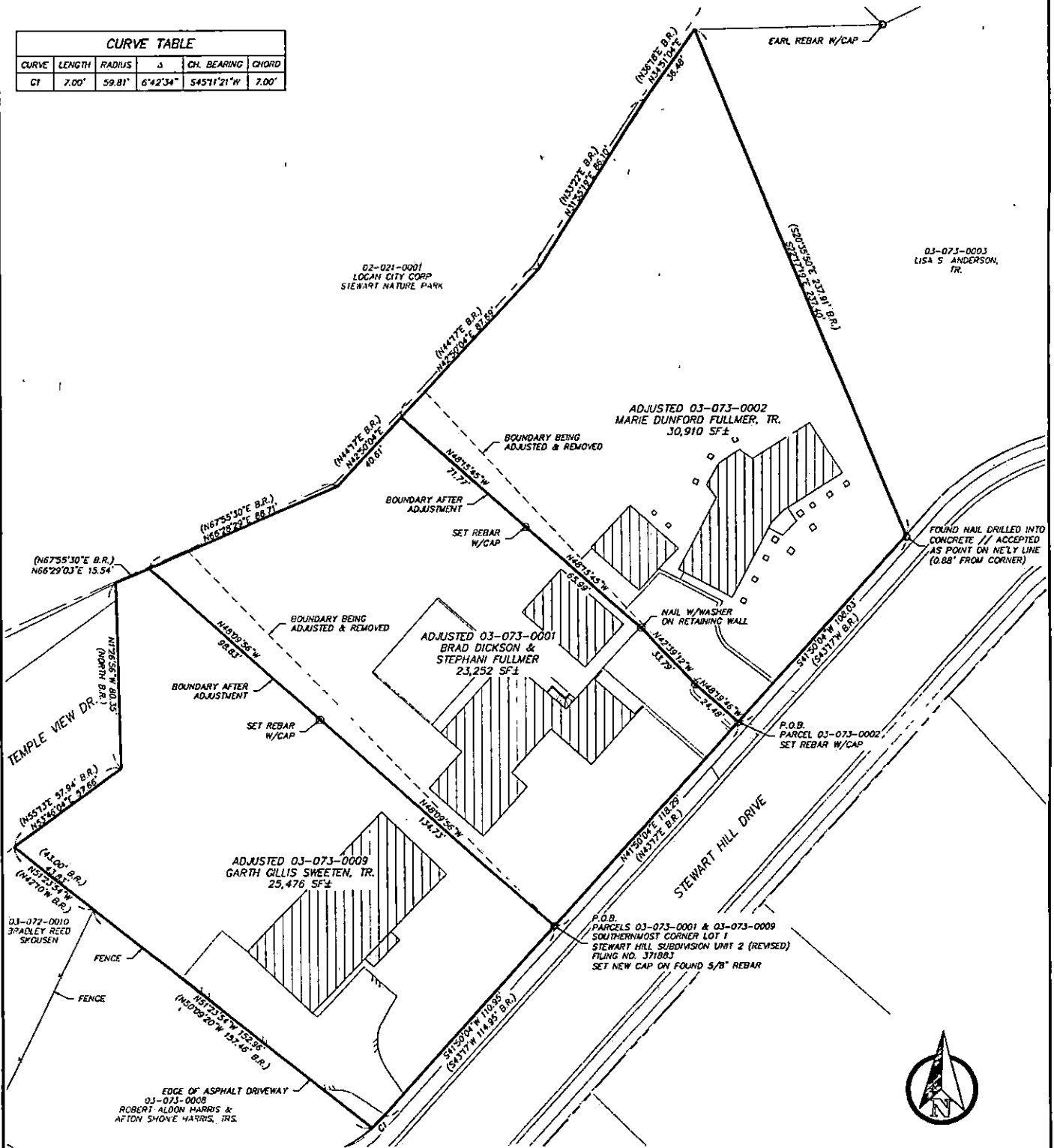
If granted, the conditional use permit shall be on indefinite duration, non-transferrable but subject to revocation for violation of City Code or regulation, or failure to meet imposed conditions. Revocation will be only by majority vote of the River Heights City Council after written notice to the permit holder has been served and a hearing has been held.

EXHIBIT "B"

Simple Boundary Adjustment
between three parcels

Reference Record of Survey
File Number 2026-0069
Cache County Surveyor

CURVE TABLE					
CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C1	7.00'	59.81'	6°42'34"	S45°11'21"W	7.00'



Scale 1 inch = 60 feet

Proposed Code Changes
May 12, 2026

5-2-1: DEFINITIONS

LEASH OR LEAD: Any chain, rope or device used to restrain an animal, which physically connects the animal to a person.

5-2-5: PROHIBITED ACTS AND ACTIVITIES

E.5 No animals are allowed in ~~City parks on City property~~ ^{leave} unless the ~~area is~~ otherwise posted designated for animals. This shall not apply if a city sponsored event includes animals to be allowed for the event.

H.6. Barks, whines or howls in an excessive, continuous or untimely fashion at any time of day or night. For purposes of this subsection, continued means animal noise lasting 30 minutes or longer at any time of day. Short breaks in the noise of three (3) minutes or less do not interrupt the disturbance and are still considered continued. ~~Excessive behavior is considered as such as would warrant the complaint by an otherwise prudent person who understands what another prudent person would do to properly restrain, correct and/or train a pet to refrain from excessive and/or offensive behavior;~~

5-4-5: NOISE AS A NUSIANCE

A.1. Excess noise by animals which is intrusive and disruptive to peaceful existence, lasting 30 minutes or longer at any time of day. Short breaks in the noise of three (3) minutes or less do not interrupt the disturbance and are still considered continued.

(Above changes suggested by animal control.)

10-14-8: ON-STREET PARKING

E. It shall be unlawful to park any vehicle on any public street from November 15th through March 15th during the hours of four o'clock (4:00) a.m. to twelve o'clock (12:00) p.m. noon, during snow accumulation. Violators may be towed.

11-7-5: SEWER SYSTEM

C. Gravity Operation ~~Preferred: Unless unfeasible, approved by the city,~~ tThe system shall be designed so that the system operates by gravity means only. Sewage lift stations and force mains should be used only as a last resort.

From: **Audrey Elwood** <audrey.elwood@ccsdut.org>

Date: Tue, May 12, 2026, 1:53 PM

Subject: Dog Ban in River Heights

To: Keenan Ryan <keenanryan12@gmail.com>

Dear River Heights City Council,

I am writing to express my concern regarding the proposed ban on dogs from all city property, including sidewalks.

My family owns a dog, and walking him safely through our neighborhood is an important part of our daily routine. Sidewalks are designed to provide pedestrians with a safe place to walk, and this includes residents who responsibly walk their dogs on leashes and clean up after them.

I am especially concerned that prohibiting dogs from sidewalks could create unnecessary safety risks by forcing residents to walk in the streets alongside vehicle traffic. This seems unsafe not only for pet owners and their dogs, but also for drivers and other pedestrians.

I understand the importance of addressing any concerns related to irresponsible pet ownership, but I respectfully ask the council to consider solutions that target problematic behavior rather than implementing a blanket ban affecting all dog owners.

Many residents value the ability to safely walk their dogs within the community, and I hope the council will carefully consider the impact this proposal could have on families and neighborhood safety.

Thank you for your time and consideration.

Sincerely,
Tim and AJ Elwood

From: **Whitney Reed Poulsen** <whitneyreedpoulsen@gmail.com>

Date: Tue, May 12, 2026, 2:07 PM

Subject: City Meeting

To: <keenanryan12@gmail.com>

To the River Heights Planning Commission and City Council,

My name is Whitney Reed Poulsen, and I am a resident of River Heights. I am writing to express my concern regarding the proposed change to city code that would prohibit dogs from all city property, including sidewalks and walking areas.

One of the reasons my family values living in River Heights is the strong sense of community and the ability to spend time outdoors safely and comfortably. Walking through our neighborhoods, using sidewalks, and enjoying public spaces with our children and our dog are part of our daily life and contribute greatly to our quality of life. This way of living is what makes Cache Valley so incredible.

I understand and respect the importance of keeping parks and public spaces clean, safe, and enjoyable for everyone. However, a blanket prohibition on dogs across all city property feels unnecessarily restrictive and would negatively impact many responsible pet owners who care for and follow city rules. I want to understand how you've come to this blanket decision and why an outright prohibition is best to serve the community?

For many residents, dogs are part of the family. Daily walks are not only important for pets, but also encourage outdoor activity, neighbor interaction, and community engagement. Restricting dogs from sidewalks and other public areas would make River Heights feel less welcoming and less connected.

I would encourage the Commission and Council to consider alternative solutions that address concerns without implementing such a broad restriction. Options such as clearer enforcement of leash laws, waste cleanup requirements, or targeted rules for specific problem areas would be more balanced approaches.

Thank you for your time, service, and consideration of community feedback on this issue.

Sincerely,

Whitney Reed Poulsen

River Heights Resident

From: **Jill Skousen** <jill.skousen@gmail.com>
Date: Tue, May 12, 2026, 5:32 PM
Subject: Dogs City Council
TO: Keenan Ryan <keenanryan12@gmail.com>

Dear Mayor and City Council Members,

I am writing in response to the proposed code changes dated May 12, 2026, specifically the amendments concerning animals on "City property" and the revised barking/noise provisions.

I appreciate the effort to address legitimate concerns regarding safety, noise, and responsible pet ownership. However, I respectfully oppose the current wording of these proposed changes because they are overly broad, difficult to enforce fairly, and would negatively affect many responsible residents.

The proposed revision changes the language from prohibiting animals in "City parks" to prohibiting them on all "City property."

This appears to include:

- sidewalks
- trails
- public easements
- city-owned open space
- public buildings and surrounding grounds
- potentially even walking routes commonly used by residents

Responsible dog owners routinely walk their dogs on sidewalks and public pathways without causing problems. A blanket prohibition treats all pet owners as nuisances rather than addressing actual irresponsible behavior.

Dogs are an important part of many families and communities. Walking dogs:

- encourages exercise and public activity,
- increases positive community interaction,
- supports mental and emotional wellbeing,
- and contributes to safer, more active neighborhoods.

If the concern is about waste, aggression, or uncontrolled animals, those issues can already be addressed through:

- leash laws,
- waste cleanup requirements,
- nuisance ordinances,
- and enforcement against aggressive or dangerous animals.

A citywide ban on dogs across all city property is unnecessary and disproportionate.

Additionally, the clause about dog and animal noise also raises concerns.

The proposal defines "continued" noise as: "animal noise lasting 30 minutes or longer at any time of day," including brief pauses of less than three minutes.

This standard may sound reasonable initially, but in practice it could create unfair enforcement against ordinary pet behavior.

Dogs naturally bark occasionally in response to:

- delivery vehicles,
- wildlife,
- people passing by,
- thunderstorms,
- or other environmental stimuli.

The proposal does not appear to distinguish between:

- intermittent nuisance barking,
- and ordinary, temporary animal behavior.

In addition, the phrase "at any time of day" removes consideration for context, neighborhood conditions, or reasonableness.

A complaint-based standard without objective measurement can easily become subjective and neighbor-driven rather than focused on true disturbances.

Most residents support reasonable rules regarding leash compliance, waste cleanup, aggressive animals, and truly excessive noise.

However, these proposed changes go far beyond targeting problem behavior and instead impose sweeping restrictions that affect responsible pet owners throughout the community.

Effective ordinances should:

- target specific harmful conduct,
- remain practical to enforce,
- preserve reasonable public access,
- and maintain a balanced relationship between community interests and individual freedoms.

I respectfully ask the Council to reconsider these proposed revisions and seek input from residents and local pet owners before adopting such broad restrictions.

Thank you for your time and consideration.

Sincerely,

Jill Skousen

385-777-6369

Accessory Dwelling Unit Code Draft
May 12 April 14, 2026

10-13-28: ACCESSORY DWELLING UNITS

A. Purpose:

1. Provide a limited, neighborhood compatible option for additional housing on existing single-family ~~lots~~ parcels.
2. Ensure accessory dwelling units remain accessory to and subordinate to the primary dwelling.
3. Preserve neighborhood character through clear standards for size, placement, parking, and appearance.
4. Ensure basic life safety and code compliance through required inspection prior to occupancy.

B. Intent:

1. This ordinance is intended to create a regulated framework for accessory dwelling units, consistent with River Heights City regulations.

C. Applicability:

1. A ~~detached~~ accessory dwelling unit (hereafter "DADU") is allowed only on a residential ~~zoning lot~~ zoned parcel containing a lawfully existing single family dwelling.
2. Only one accessory dwelling unit (hereafter "ADU") is allowed per zoning lot parcel. A single lot parcel may not contain both an internal accessory dwelling unit (hereafter "IADU") and ~~DADU~~. *Detached accessory (DADU)*
3. ~~A DADU is permitted on lots eleven thousand (11,000) square feet or larger, and the DADU may not occupy more than forty percent (40%) of the lot whereby a DADU is, or is desired, to be located.~~

D. Approval Required:

1. A Zoning Clearance Permit is required for construction, conversion, or establishment of an ADU, in addition to any permits required by the Cache County Building Department.

E. Owner Occupancy:

- ~~2.1.~~ Shared Ownership Prohibited. The parcel whereby a primary dwelling and an ADU are located must be owned by the same legal owner.
2. Owner Occupancy Required. As to any ADU, the owner of the parcel shall occupy either: the primary dwelling unit located on the parcel; or the ADU located on the parcel.
 - ~~3.a.~~ For the purposes of this Section, "occupy" shall mean that the owner maintains, either the primary dwelling or ADU, as the owner's principal place of residence for a majority of the calendar year.
 - b. If the owner of the parcel is held by a legal entity, at least one individual associated with that entity, including but not limited to a member, manager, trustee, beneficiary, shareholder, partner, officer, director, or other person with an ownership or controlling interest in the entity, shall occupy either the primary

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- dwelling unit or the ADU as such individual's principal place of residence.
- c. Upon request by the City, documentation reasonably sufficient to establish compliance with this Section, including but not limited to voter registration records, driver license address, utility bills, trust documents, operating agreements, or otherwise shall be provided to the City to satisfy compliance with this Section.
3. Temporary Absence. Owner occupancy may be waived during a bona fide temporary absence if:
- a. The owner provides written notice to the City recorder or zoning administrator prior to or during the absence, including the anticipated absence duration, a forwarding address, and a local responsible agent contact, and
 - b. The absence does not exceed 36 months, and
 - c. The owner intends to return to the residence.

E-F. Standards, Conditions, and Requirements:

F-1. As to All ADUs:

- 1-a. Subordinate Size: Any ADU must be clearly subordinate in size to the primary dwelling in accordance with ADU standards herein.-
- 2-b. City Standards: The design and size of an ADU shall conform with all applicable City Ordinances and Resolutions.
- 3-c. Occupancy Limits: Occupancy is limited to two (2) people per bedroom and may not exceed more than four (4) related people. Singles are limited to three (3) occupants (see 10-2-1: Dwelling, Singles)-

G-d. Appearance and Neighborhood Compatibility

- 1-(1) The street view of a DADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.-
- 2-(2) Entrances. Any new streetside entrance added to the primary dwelling lot parcel for the purpose of establishing an ADU access shall be located on the side or rear of the primary dwelling when feasible.

H-e. Parking

- 1-(1) Parking required requirements. Two off-street parking spaces must be provided for any ADU, in addition to any parking requirements required by City Ordinance.- Nothing in this Section shall be construed as altering, satisfying, or impacting parking requirements for the primary dwelling as set forth by City Ordinance. Parking must follow Chapter 10-14.
2. Minimum standard. The lot shall provide not less than three off-street parking spaces total, unless the City requires more, based on site-specific conditions. Parking location and design must comply with Chapter 10-14.
- 3-(2) Parking impacts. Winter parking conditions, street safety, and neighborhood congestion shall be considered.

H-f. Utilities

- 1-(1) One service. The primary dwelling and ADU shall share utility services to the maximum extent allowed by the utility provider, including water and sanitary sewer service lines.
2. Residential units that use an existing septic tank for sewer must obtain a permit from the health department for a DADU.-
- 3-(2) One billing point. Municipal billing shall be directed to the property owner, and the owner shall be solely liable for municipal bills issued.
- 4-(3) Owner will be billed for each separate dwelling on the property on

Commented [CH1]: Exposes the City to a loophole. As an owner, I can merely provide the notice of a 30 month absence along with other information, then merely return to the residence for 1 day, and then provide notice of another 30 month period.

The owner of a property could in theory repeat that process indefinitely, thereby never in fact residing at the property, but having what is in essence continuous "temporary absences".

Furthermore, it only reads as the owner "intends" to return to the residence. Nothing requires the owner to in fact return to reside at the residence, but only "intent to return to the residence".

I understand the City may have included this provision for reasons such as extended travel, seasonal residence, voluntary service absences, or tempo work relocation.

Possible solution is to allow for a temporary absence for up to 36 months, contingent that the property owner does not receive any compensation pertaining to the occupation of either the primary residence or accessory dwelling.

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Commented [CH2]: Potentially a large issue as discriminatory based on familial status.

Can the City please provide an explanation of what the intended limitation sought by these limitations?

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(2) In the event a DADU is an extension of or part of an accessory building, the DADU portion shall be no more than 1,200 sq ft.

c. Setbacks, Height, and Placement

(1) Setbacks.

(A) Side Yard: DADU building must be located at least 10 feet from the primary building and have a minimum side yard of five (5) feet except the street side yard on a corner parcel shall be a minimum of twenty (20) feet.

(B) Front Yard: If the DADU is in a side yard, setback must meet the front setback requirement of the primary building in the residential zone where it is located. Side yard must be at least five (5) feet.

(C) Rear Yards: Five (5) feet. Corner parcels rear on the side yard of another parcel, the minimum rear yard shall be ten (10) feet.

*at least
or a minimum of*

(D) DADUs are not allowed in any utility easement and shall be located five (5) feet from such.

(2) Height. The DADU shall not exceed the lesser of:
1. The height of the primary dwelling; or
2. If above an accessory building (shop or garage); ~~thirty~~ *a maximum of* thirty five (35) feet above such accessory building.

(B) Nothing in this Section shall be construed as altering, changing, permitting, or otherwise any applicable building code.

(3) Placement on parcel. The DADU shall be located to reduce neighborhood impacts and shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics of surrounding the DADU, including:

(A) Window placement and privacy

(B) Landscape screening

(C) Fencing

(D) Door placement

(E) Access and circulation

(F) Outdoor lighting

(G) Snow storage and winter parking needs

d. Sewer: Residential units that use an existing septic tank for sewer must obtain a permit from the health department for a DADU.

G. Revocation:

- The City may suspend or revoke any ADU approval or permit upon determination that an ADU is in violation of this Section, any applicable approval condition, or any applicable code requirement.
- Upon revocation, an ADU shall be vacated and shall not be occupied until compliance is achieved and approval is reinstated.

Commented [CH4]: If the City wants to maintain this standard, they will need to specify what qualifies as part of the ADU and what does not for this calculation.

For example:
A shop is built on a property that also has living quarters in it (bedroom and bathroom) along with a common living room and a kitchen (which are used by both the dwelling unit and the shop), how will the square foot calculation be performed? Does the fact the living room and kitchen are common and shared between the shop and the dwelling unit result in those square feet being attributable to the ADU square foot calculation?

Possible solution:
For any accessory building which is used in any part as an ADU shall be deemed entirely an ADU for square foot restrictions. This is an extreme stance, but removes any ambiguities.

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Code Changes Affected by the Addition of ADU Code

10-2 DEFINITIONS

Add the following:

one bill.

a-(A) Water: Billed at the monthly base rate times the number of units. Overage credit will be given for each unit.

b-(B) Sewer: Billed the monthly rate times the number of units.

c-(C) Garbage: Billed for the number of cans on the property.

d-(D) 911 charge: Billed the monthly rate times the number of units.

g. Living Space: An ADU shall maintain complete independent living facilities for one or more people including permanent provision for living, sleeping, eating, cooking, and sanitation on a year-round basis.

h. Rental Term and Leasing

(1) Minimum rental term: An ADU and the primary dwelling may not be rented for periods of time less than ninety (90) days.

(2) No occupant of an ADU shall be permitted to sublease any portion of the ADU to another individual.

i. Addresses:

(1) Each ADU shall have a separate and unique address from that of the primary dwelling, as directed by the Post Office.

j. Revocation and Enforcement

(1) Revocation: ADU approval may be revoked for noncompliance with the conditions of approval or any provision of Title 10.

(2) Notice and cure: The City shall provide written notice stating the violation and allow fourteen days to cure before revocation, unless an emergency condition exists.

(3) Appeal: A decision to revoke may be appealed pursuant to the City's appeal procedures.

2. As to IADUs:

a. Appearance and Neighborhood Compatibility:

(1) The street view of an IADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.

b. Entrances:

(1) An IADU shall have at least one (1) independent entrance from the primary dwelling.

(2) To the extent permitted by the design of the IADU, all entrances for the IADU shall be located in such a manner as to not be visible from the street view.

c. Maximum Size:

(1) An IADU shall not exceed forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area.

d. Interior Access:

(1) An IADU shall maintain an internal connection to the primary dwelling through a door, hallway, stairway, or other interior access point.

3. As to DADUs:

a. Location:

(1) A DADU may only be located on a parcel of property exceeding eleven thousand (11,000) square feet.

b. Maximum Size. A DADU may not exceed the lesser of:

(1) Forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area; or

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- ACCESSORY DWELLING UNIT (ADU): A habitable residential dwelling unit added to, created within, or detached from a primary single-family dwelling and contained on one ~~lot~~parcel.
- DETACHED ACCESSORY DWELLING UNIT, (DADU): A subordinate residential dwelling unit that is detached from the primary single-family dwelling, located on the same zoning ~~parcel~~lot, and that meets all requirements of Title 10, including the requirements of 10-13-28.
- INTERNAL ACCESSORY DWELLING UNIT (IADU): A second dwelling unit that is part of ~~the home~~a primary dwelling on a parcel.
- PRIMARY DWELLING: The principal single family detached dwelling on a zoning ~~lot~~parcel.
- OWNER OCCUPIED: The legal owner of record occupies either the primary dwelling or the ADU as the owner's primary residence.

10-12-1: ZONE REGULATIONS, Table 1 Land Use Chart

Land Use Description	A	R-1-8	R-1-10	R-1-12	PUD
<u>Accessory Dwelling Unit (ADU)</u>		P	P	P	

10-12-A: AREA REGULATIONS, Table 2, Residential Space Requirement Chart

Residential Uses	A	R-1-8	R-1-10	R-1-12	PUD
<u>Detached Accessory Dwelling Uses (in feet)</u>					
<u>Front Yard</u>		20	20	25	*
<u>Side Yard⁴</u>		5	5	5	*
<u>Side Yard on a Street</u>		20	20	20	*
<u>Rear Yard⁵</u>		5	5	5	*
<u>Height⁶</u>					

Superscript 4: DADU must be located at least Ten (10) feet from primary building.

Superscript 5: Corner ~~lot~~parcel rearing side of another ~~lot~~parcel, minimum rear yard shall be 10 feet.

Superscript 6: Reference 10-13-28:G.2.

~~10-13-3: YARD SPACE FOR ONE BUILDING ONLY~~

~~No required yard or other open space around an existing building, or hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.~~

10-13-4: EVERY DWELLING TO BE ON A ZONING LOT

~~Only one building which contains a dwelling shall be located and maintained on a "zoning lot", as defined in section 10-2-1 of this title, except for dwellings within a planned unit development.~~

10-13-7: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS

~~Living and sleeping quarters in any building other than the main residential building are prohibited.~~

- A. ~~Living and sleeping quarters in any building other than the main residential building are prohibited.~~
- B. Exception. A detached accessory dwelling unit (DADU) is permitted only when approved by the City and operated in compliance with Section 10-13-28 of this title.

Additional Code Changes

5-2-5: PROHIBITED ACTS AND ACTIVITIES

- E.5 ~~No animals are allowed in City parks on City property unless the area is otherwise posted designated for animals. This shall not apply if a city sponsored event includes animals to be allowed for the event.~~
- H.6. ~~Barks, whines, or howls in an excessive, continuous, or untimely fashion at any time of day or night. For purposes of this subsection, continued means animal noise lasting 30 minutes or longer at any time of day. Short breaks in the noise of three (3) minutes or less do not interrupt the disturbance and are still considered continued. Excessive behavior is considered as such as would warrant the complaint by an otherwise prudent person who understands what another prudent person would do to properly restrain, correct and/or train a pet to refrain from excessive and/or offensive behavior.~~

(Changes requested by animal control.)

10-14-8: ON-STREET PARKING

- E. ~~It shall be unlawful to park any vehicle on any public street from November 15th through March 15th during the hours of four o'clock (4:00) a.m. to twelve o'clock (12:00) p.m. noon, during snow accumulation. Violators may be towed.~~

11-7-5: SEWER SYSTEM

- C. ~~Gravity Operation Preferred: Unless unfeasible, approved by the City, the system shall be designed so that the system operates by gravity means only. Sewage lift stations and force mains should be used only as a last resort.~~