

# IADU ORDINANCE

TREVOR CAHOON – COMMUNITY SERVICES DIRECTOR



# PURPOSE

Consider the Draft Ordinance and make a recommendation to the City Council for adoption of an IADU Ordinance in compliance with State Statute



# CONTEXT

In the 2021 general session, the Utah Legislature passed HB82, requiring that cities allow internal accessory dwelling units in no less than 75% of residential zones.

By October 1, 2021, we are required to have an ordinance in place that complies with the provisions of HB82 or IADU will be expressly allowed within the city.



# CONTEXT

A municipality may not establish restrictions on the construction or use of an IADU, including IADU size in ratio to the primary dwelling, total lot size, or street frontage.

The municipality can however:

- Require bedroom window egress
- Prohibit installation of a separate utility meter
- ➔ • Require that the IADU design not change the appearance of the primary dwelling
- Require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport
- Prohibit an IADU in a mobile home

- Require an IADU permit or license
- Prohibit an IADU if the primary dwelling is served by a failing septic tank
- Prohibit an IADU if the lot is 6,000 sf or less
- Prohibit the renting of the IADU for less than 30 consecutive days
- Prohibit renting an IADU that is not in an owner-occupied primary dwelling.

# CONTEXT – PLANNING COMMISSION

## RECOMMENDATION

The Planning Commission voted to recommend approval of the IADU Ordinance in a unanimous decision. With the recommendation to add the definitions for IADU and EADU into Title 10, and recommended that Title 10 Chapter 8 Off Street Parking, be looked at for consistency with the new IADU ordinance.

ACCESSORY DWELLING UNIT, **EXTERIOR**: an accessory dwelling unit created separate from a primary dwelling and for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.

ACCESSORY DWELLING UNIT, **INTERIOR**: an accessory dwelling unit created within a primary dwelling; within the footprint of a primary dwelling at the time the internal accessory dwelling unit is created; and for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.

## DEFINITIONS

## INFORMATION ON PARKING

State statute allows the city to require only one additional space for an IADU.

Currently we do not provide an approved surfacing guideline in our code. This may need to be addressed.

# ALTERNATIVE LANGUAGE

C. One off-street parking space per IADU shall be provided, in addition to any off-street parking provided for the primary dwelling **in compliance with Chapter 8 of this title.**

# ALTERNATIVE LANGUAGE

- The council may choose to adopt the original language as recommended by the Planning Commission or update the following language of 10-19-7D to only require the construction if there are not enough parking spaces as required by 10-8-5.

(PC Original Recommendation) D. In the event a garage or carport is converted to an IADU, off-street parking shall be replaced on a space-per-space basis.

-OR-

(Alternative) D. In the event a garage or carport is converted to an IADU, and such conversion reduces the number of available off-street parking spaces below the minimum amount required by 10-8-5, then the eliminated spaces shall be replaced on a space-per-space basis up to the minimum amount required.





# DRAFT ORDINANCE SUMMARY

THE DRAFT ORDINANCE FOLLOWS STATE LAW IN WHAT CITIES MUST DO AND CANNOT DO. WHILE THE CITY HAS SOME DISCRETION ON SEVERAL ITEMS WITHIN THE CODE, WHAT CAN BE PROHIBITED IS REFLECTED WITHIN THE DRAFT ORDINANCE WITH FEW EXCEPTIONS.

**THE PREROGATIVE OF THE PLANNING COMMISSION IS TO MAKE RECOMMENDATIONS ON WHAT RESTRICTIONS OR PROHIBITIONS, ALLOWABLE UNDER STATE LAW, ARE TO BE RECOMMENDED TO THE CITY COUNCIL.**



# ORDINANCE HIGHLIGHTS



## EXTERNAL APPEARANCE

There is no prohibition on changing of external appearance.

Materials should be constructed of similar materials and design.

Each unit's entrance shall be distinct from the other and shall be on separate planes of the primary dwelling unit.



## OWNER OCCUPATION

Either the IADU or the primary dwelling unit shall be owner-occupied.



## COMMON WALL OR FLOOR

In order to qualify as an IADU, a minimum of 15' common wall or floor space with the primary dwelling unit is required.



## ZONING

IADUs are allowed in all residential zones, excluding the Residential Patio (R-P) Residential Multi-Family (R-7).

# RESIDENTIAL ZONING INFORMATION

	# of Parcels	Acreage	Area %	# Parcels < 6000 Sq Ft
Residential Very Low Density (A)	232	916.02	49%	1
Residential Low Density (R-L)	416	247.54	13%	2
Residential Low Moderate Density (R-LM)	118	60.68	3%	1
Residential Moderate Density (R-M)	1598	593.81	32%	17
Residential Patio (R-P)	96	18.44	1%	10
Residential Multi-Family (R-7)	202	17.49	1%	198

A clear criteria should be set to exclude zones or areas within the city to disallow IADUs. Upon review of city zoning code, and the specific prohibitions that are allowed under the state statute, it is recommended that the R-7 and R-P are the most defensible zones to prohibit IADUs in order to create a standard criteria.



# DISCUSSION

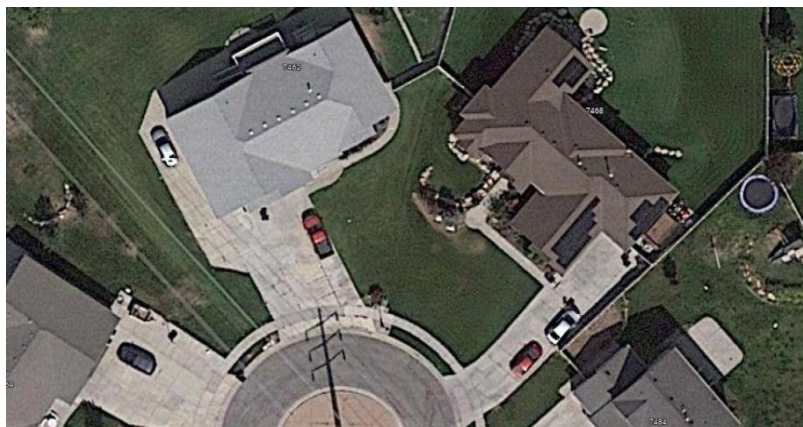
# WHAT CAN WE DO?

## WHAT CITIES CAN DO

- ✓ Require bedroom window egress
- ✓ Prohibit installation of a separate utility meter
- Require that the IADU design not change the appearance of the primary dwelling
- ✓ Require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport
- ✓ Prohibit an IADU in a mobile home
- ✓ Require an IADU permit or license
- ✓ Prohibit an IADU if the primary dwelling is served by a failing septic tank
- ✓ Prohibit an IADU if the lot is 6,000 sf or less
- ✓ Prohibit the renting of the IADU for less than 30 consecutive days
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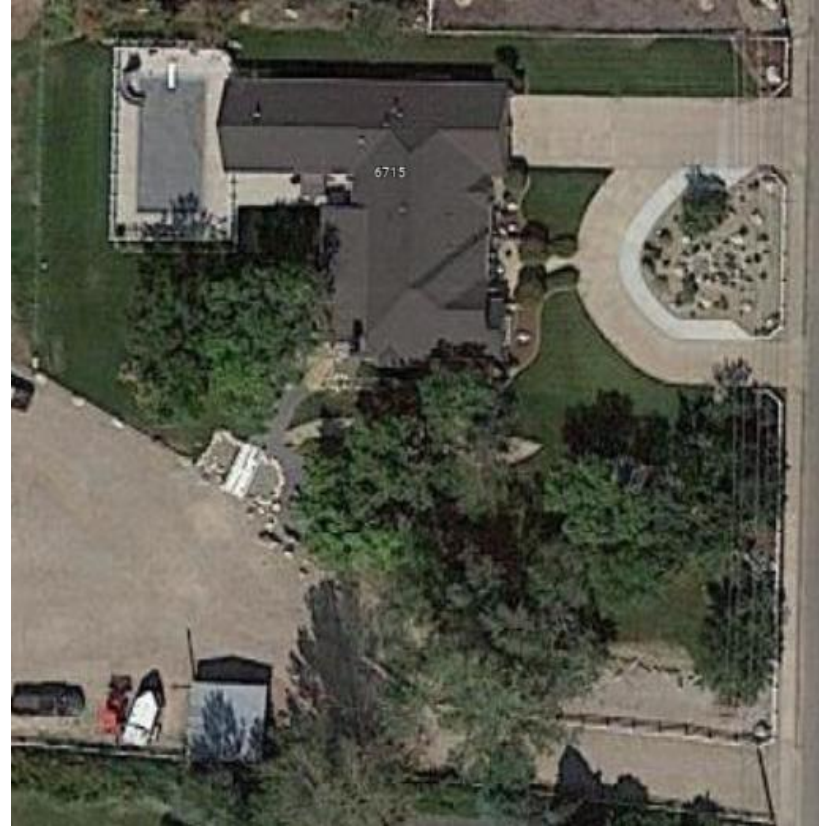
- Limit the size of an IADU in ratio to primary dwelling.
- Issue a blanket ban on IADUs
- Limit the lot size and frontage of lots containing IADU (noted exception above)
- Prohibit IADUs in more than 25% of residentially zone areas in the City
- Require installation of a separate utility meter

## WHAT CITIES CANNOT DO



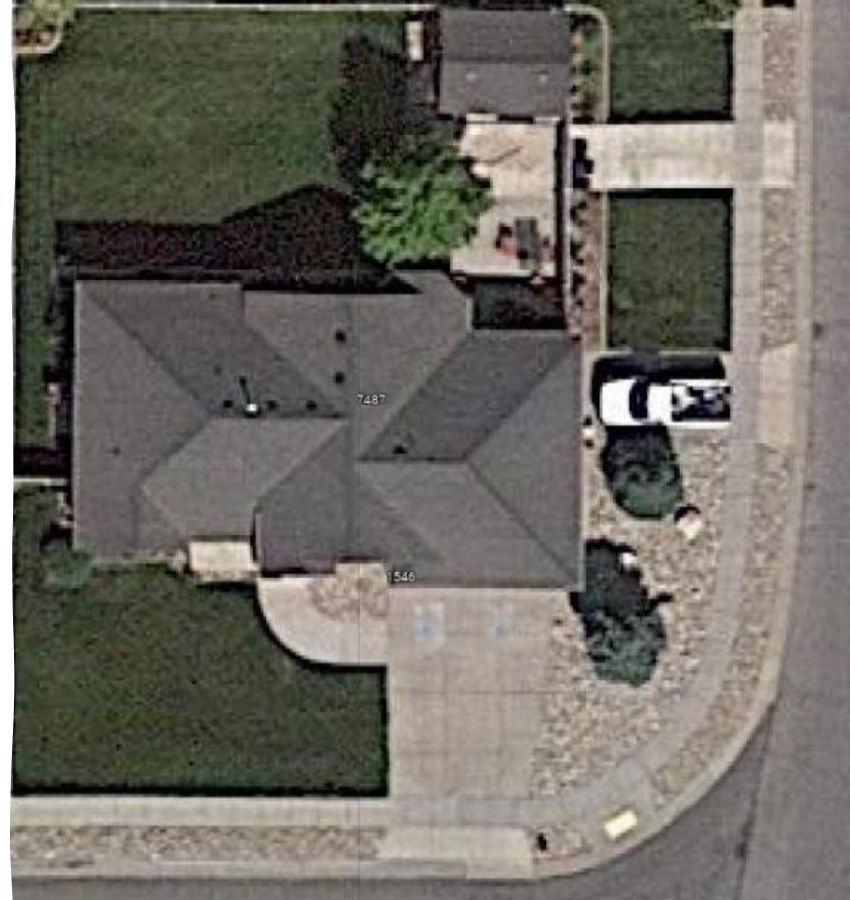
Lets Talk IADU parking

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# South Weber City Dust Information and Discussion

September 14, 2021

# Executive Summary

- Fugitive dust issues have gotten measurably worse over the past couple of months
- It appears that fugitive dust particles from both pits (Geneva and Stake-Parson) are being blown across the city
- The worst dust amounts are not simply a factor of windier days and weeks. There must be some combination with operations going on in the pits.
- There are occasional “bad” days rather than a consistent amount being blown past the pits
- Dust collection data has some unusual and unexpected results that need a deeper review and evaluation
- Different things need to be tried or applied in order to reduce and better control the fugitive dust being blow through the city

# General Outline

- Current Condition
- Gravel Pit Information
- City Information
- Some Possible Next Steps

# Current Conditions *(just some of them)*

- Dust is everywhere!
- Inside homes, pushed through closed windows and doors
- Filling rain gutters, covering lawns, raising sod levels (or killing grass)
- Getting into cars, machinery, and equipment
- Many residents cannot leave windows open at night for a cool breeze because dust will be all over counters and floors
- Pets get covered with dust and some scratch their skin raw
- Some door locks get dust inside them which affects their ability to work
- Some of the closest residents get cars and other surfaces sand blasted
- It is thought to be aggravating some health issues

# Cedar Cove Park

Sod raised 6-8 inches due to blowing sand over past years







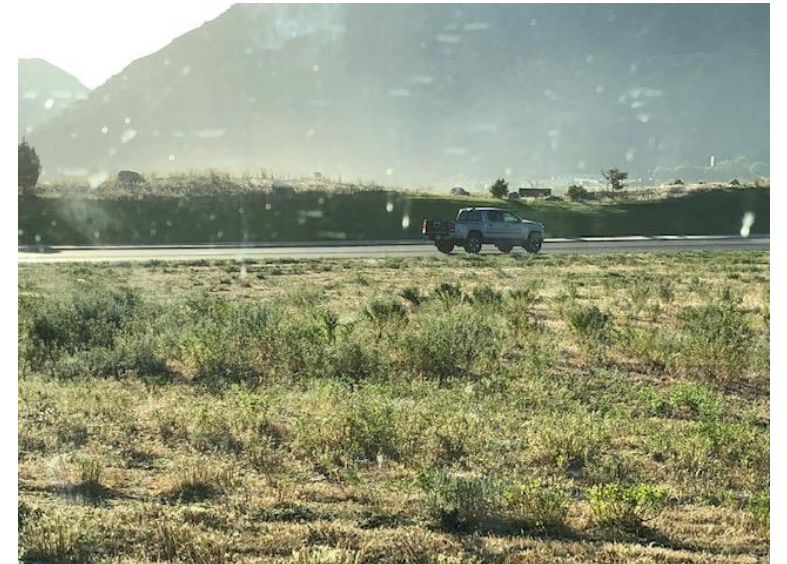
**Residents directly  
west of gravel pits**

Sod raised and damaged  
from blowing sand

# Photos from Residents



# Photos from Residents



# Gravel Pit Dust Mitigation Efforts (some listed here)

- Protect and treat windward slopes with clay slurry which crusts over
- Roads are treated with magnesium chloride 3 times per year
  - They have agreed to add an extra application this year
- Some plant functions usually delayed to 9 or 10 AM after high wind normally ends
  - Material is still being moved or hauled before this time
  - Higher dust creating operations are delayed
- Water is a major tool in managing dust in active work areas (approx. 100,000 gal/day)
  - A sprinkling system comes on about an hour prior to typical start of high wind
  - Water trucks regularly spraying surfaces
  - Opacity limits are tracked throughout the day and more water applied in problem areas immediately
- Twice monthly the downwind air is measured for 24 hours
  - These days are randomly selected and readings must meet state regulations

# Gravel Pit Dust Mitigation Efforts (continued)

- Staker-Parson built a 12-foot barrier wall along the west end of their property to reduce issues in that area
- Street sweeping occurs typically between April and September (busier and dryer times)

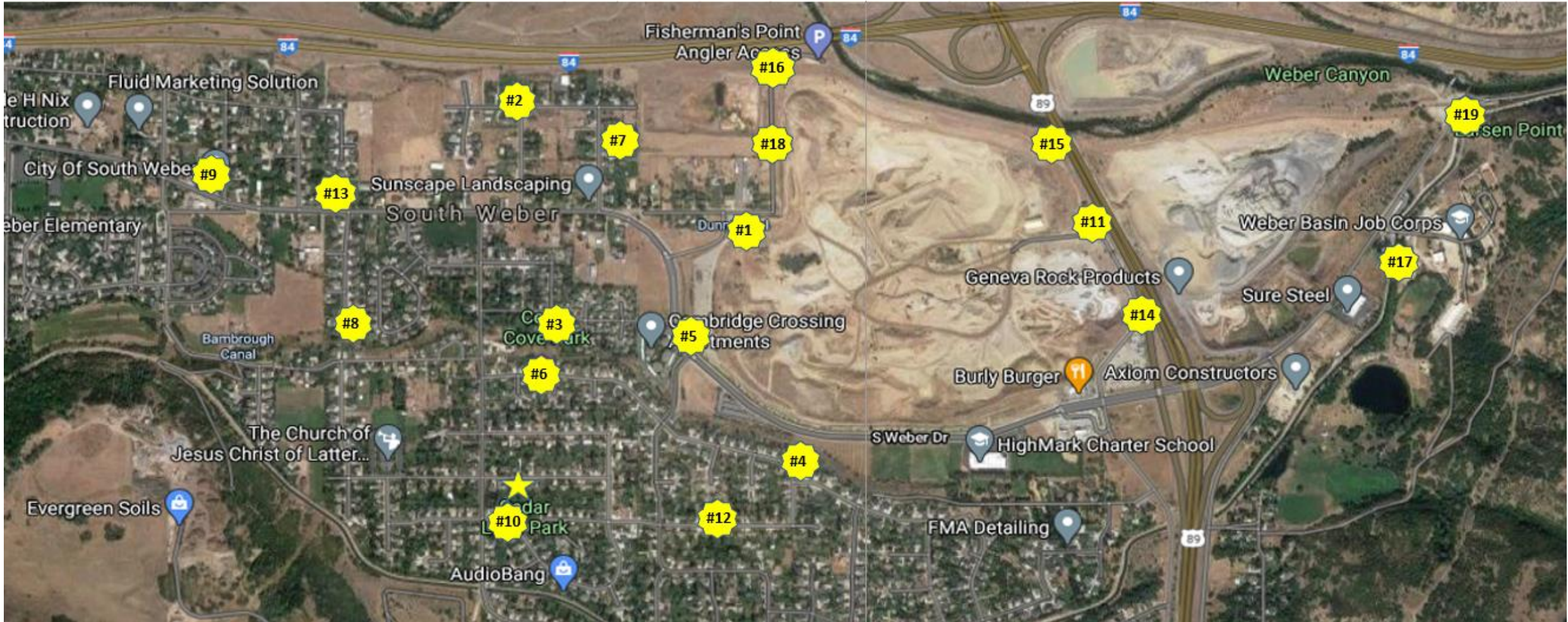
## **Current Constraints and Aggravating Factors:**

- 70% cut back in secondary water use
- Well and pond water is a small portion available to them
- More construction work this year than last year
- Secondary water being cut off next week

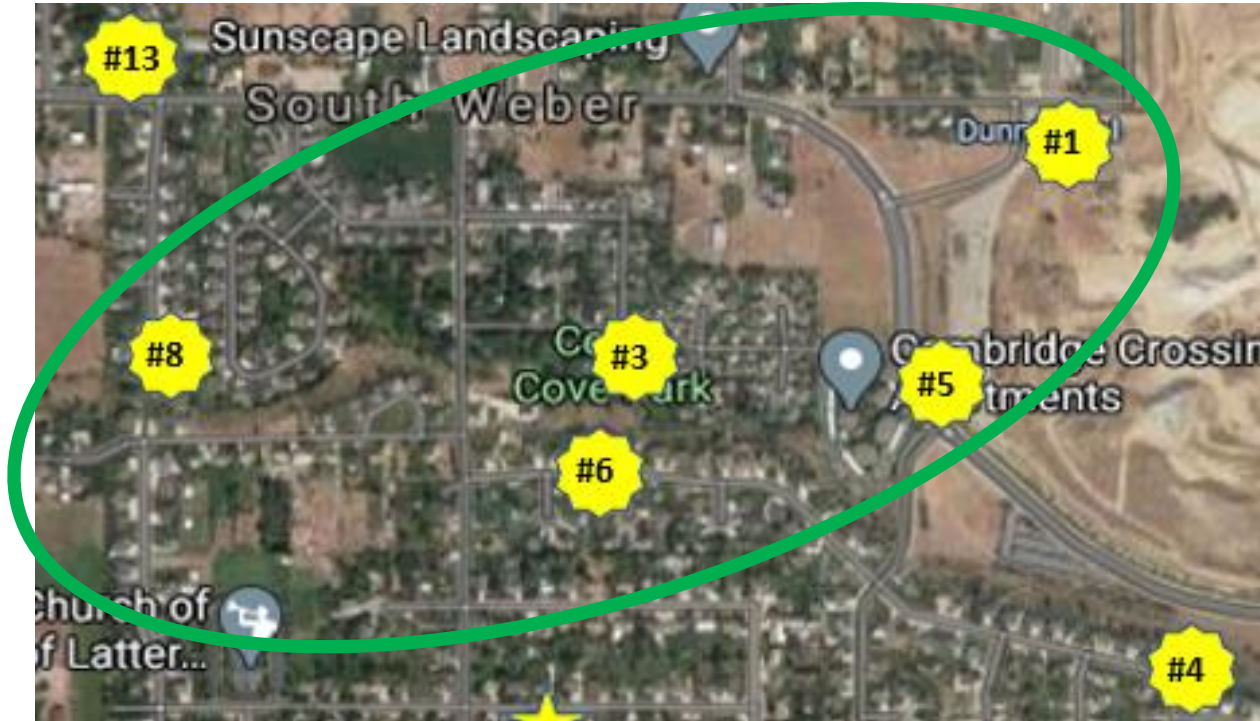
# South Weber City Fugitive Dust Efforts

- No documented and measured data has been taken by the city since 2004
- 19 dust collection boxes have been placed throughout the east half of the city to comparatively measure where the higher amounts of dust is going
  - Boxes are placed in open, direct flow of air/wind locations (not behind structures or trees)  
Initial evaluations started in June. All placed by end of July. 6+ weeks of good data.
- Samples have been weighed and reviewed under a microscope for comparative evaluations
- Key findings are listed in the initial executive summary
  - Fugitive dust issues have gotten measurably worse over the past couple of months
  - It appears that fugitive dust particles from both pits (Geneva and Stake-Parson) are being blown across the city
  - The worst dust amounts are not simply a factor of windier days and weeks. There must be some combination with operations going on in the pits.
  - There are occasional “bad” days rather than a consistent amount being blown past the pits
  - Dust collection data has some unusual and unexpected results that need a deeper review and evaluation

# Dust Box Results – Highest (1) to Lowest (19) Average Dust



# Dust Box Results – Makes Sense & Doesn't Make Sense

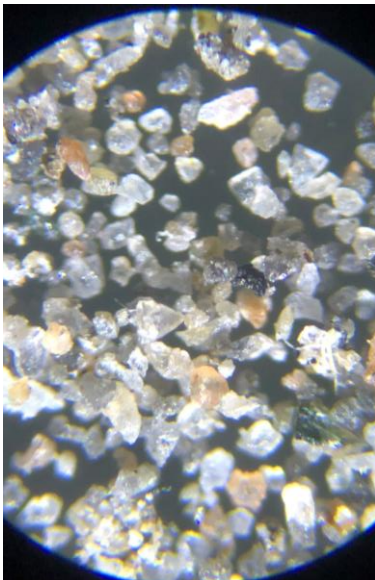




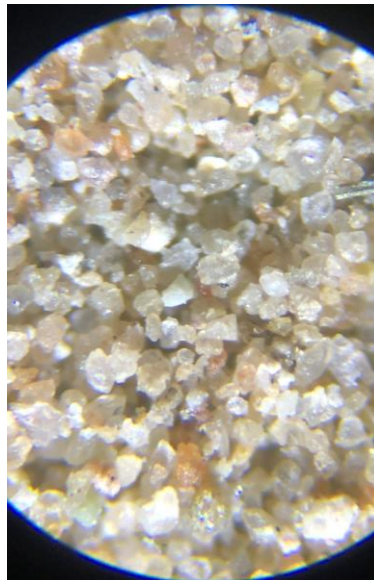
# Dust Evaluation at West End of the City

- No dust collection boxes are currently placed west of City offices
- However, some dust samples have been taken and compared under the microscope to the South Weber gravel pit dust samples
  - Appearance and size is different – much smaller and finer for western samples
  - Could it be finer particles from the South Weber gravel pits not being captured?
  - Could it be coming from the south?
    - Wind direction stations in Layton show some south and eastward flow patterns

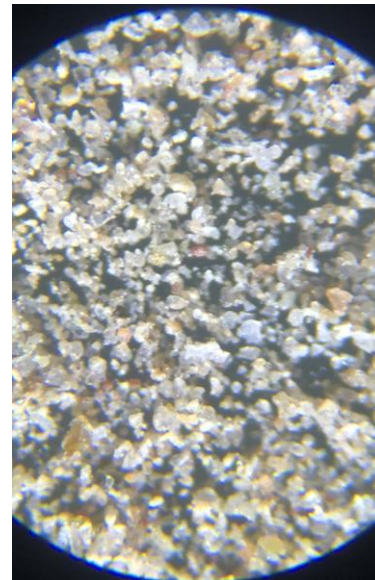
Geneva Dust



Staker-Parson Dust



Dust from West

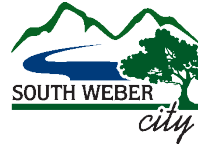
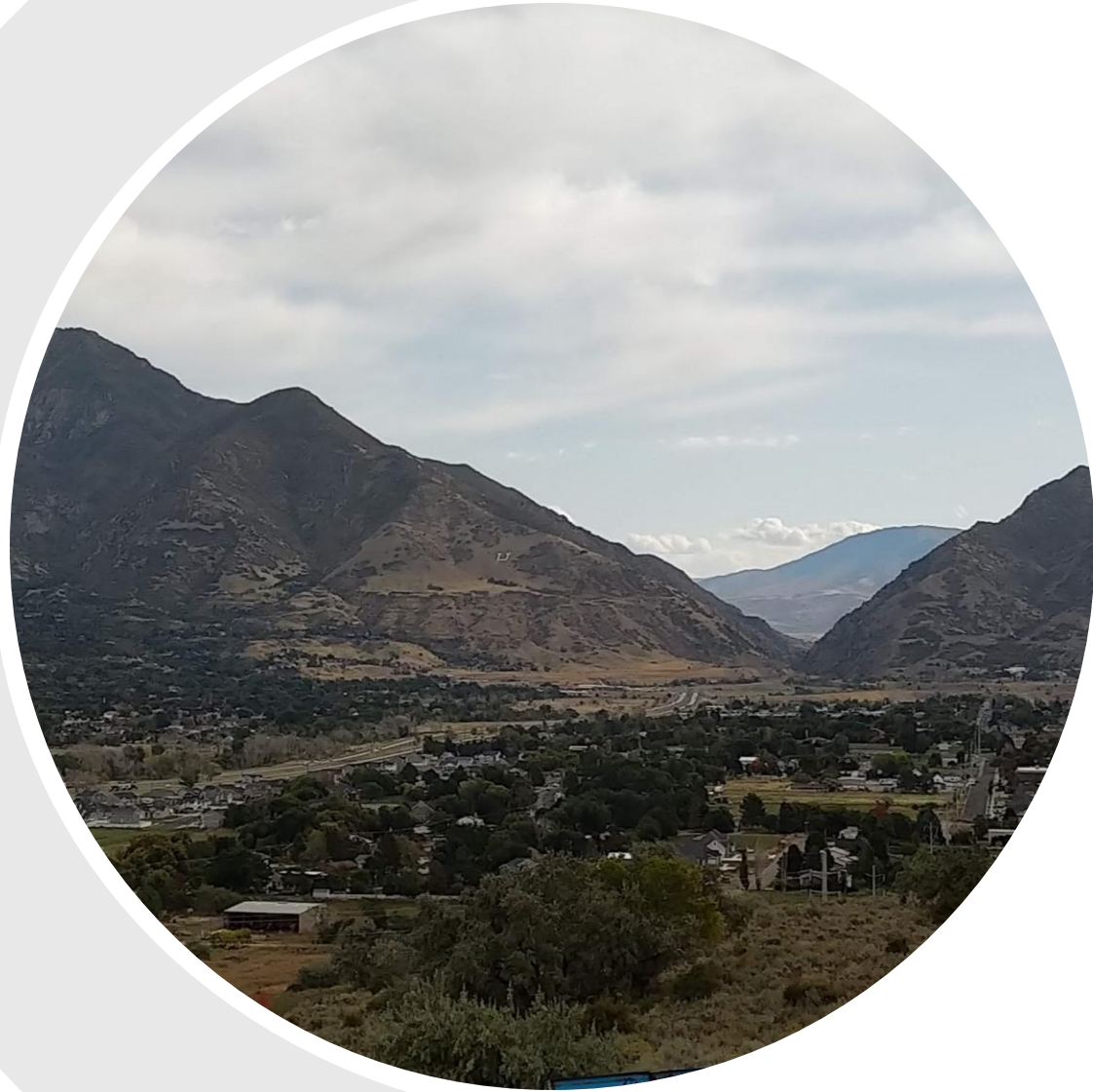


# South Weber City Fugitive Dust Efforts (continued)

- City representatives meet regularly with representatives from the gravel pits to discuss dust mitigation issues and efforts
- The City's dust collection information has been shared with the gravel pits
- They are reviewing what was going on in their operations on the weeks where there was higher dust amounts, especially for weeks that were less windy
- We will continue to monitor the dust collection boxes and compare results with the gravel pits to see if changes and/or efforts they make have an impact

# Concluding Remarks

- Things could get worse before they get better – when secondary water gets shut off a month early and construction work continues
- Future Prevention: Gravel pit representatives understand that the State's regulation limits are considered too high by our residents. The gravel pit representatives have expressed a desire to continue to work with the City to understand and reduce fugitive dust issues.
- Future Reparations:
  - **POSSIBLE** fund created by the City to fix/replace damage to resident properties
    - This needs to be discussed, and if pursued, have a fair selection process for requested funds
    - Our dust collection data lets us know what areas are currently being hardest hit



# DUST MITIGATION

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TREVOR CAHOON – COMMUNITY SERVICES DIRECTOR



# BACKGROUND

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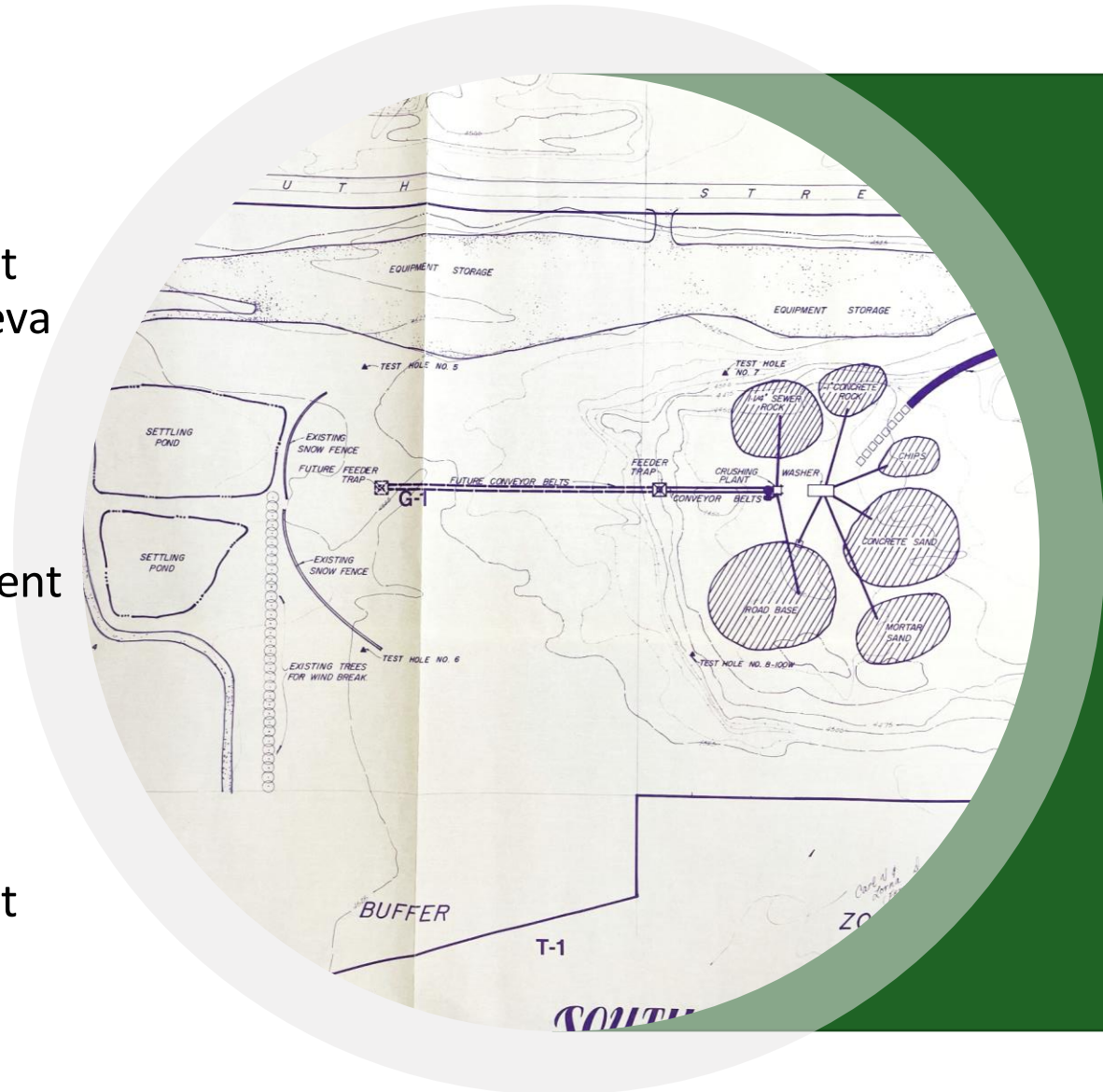
# HISTORY

- The gravel pits have been part of the local landscape as far back as the 1930s. This was prior to the incorporation of the Town of South Weber in 1938.
- Further Expansion of the pits began in the 1960s.
- 1991 Parson Sand and Gravel (Now Staker Parson) tunneled under South Weber Drive (Old Route) to excavate the north side.
- 2000-2002 South Weber Drive Rerouted



# HISTORY PT<sub>2</sub>

- 2003 Fugitive Dust Monitoring Agreement entered into with Staker Parson and Geneva Companies.
- 2003 City Enters into Development Agreement with Staker Parson
- 2009 City Began Discussion on Development Agreement with Geneva, Geneva discontinued pursuit of agreement.
- 2025 Development Agreement for Staker Parson expires
- 2028 Fugitive Dust Monitoring Agreement Expires



# CURRENT EVENTS

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# ITS WINDY



# ITS DRY



# WE HAVE GRAVEL PITS



# CURRENT EVENTS

- Operational Efforts by the Pits
- Regular Gravel Pit Committee Meetings
- Re-emphasizing Dust Monitoring
- Education with State Agencies (DEQ)



# EFFORTS BY THE PITS

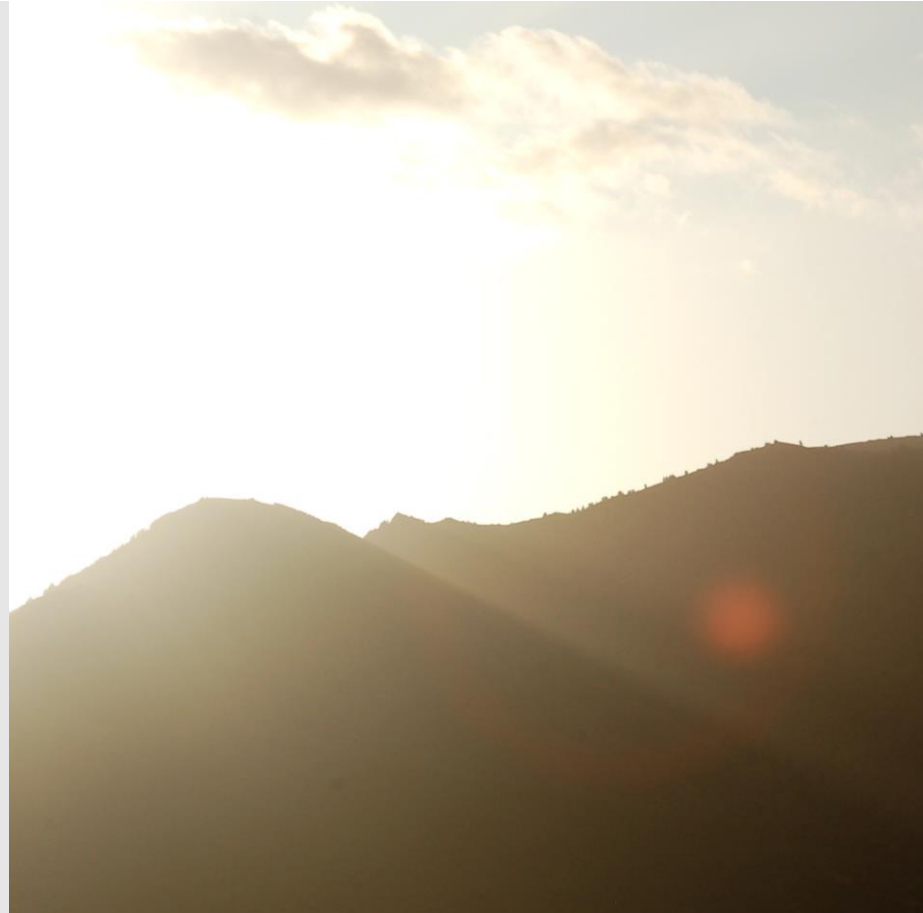


## DUST MITIGATION

The gravel pits have been a source of complaints over the years due to dust impacts upon homes and businesses.

Mitigation efforts have been various over time and have incrementally gotten better.

For Example: Berms on the westward side, construction of walls, planting of vegetation, foggers, guns and cannons, water trucks, magnesium chloride, clay applications, wind screens.



## DUST REMEDIATION

On top of the mitigation efforts the companies do offer some remediation efforts as well.

Staker Parson is currently coating the north end of the property with “pond mud” to have a protective surface over loose materials.

Street Sweepers are being deployed to maintain dust accumulation on roadways.

# REGULAR GRAVEL PIT COMMITTEE MEETINGS

- Councilmember Quin Soderquist
  - Council Liaison
- Mayor Jo Sjoblom
- David Larson
- Trevor Cahoon
- Representatives From Each Pit
  
- Meets Quarterly to discuss ongoing mitigation procedure and citizen concerns.



# RE-EMPHASIZING DUST MONITORING

- The need for more data has become apparent.
- Historically, exceedances are very rare and far between.
- Data received from Staker Parson does not record exceedances in 2021.
- Request has been made to receive recent reports from Geneva.



# EDUCATION WITH STATE AGENCIES



**AIR QUALITY**

<https://deq.utah.gov/air-quality/stationary-source-compliance>

In discussions with DEQ there is consistent monitoring and reporting that is being done.

We have requested and they have committed to more frequent testing.



# REGULATIONS



## EXCEEDANCE TOLERANCE

The pits cannot exceed  
 $265 \mu\text{g}/\text{m}^3$



## VISUAL OPACITY

Outside the pits the visual  
opacity cannot exceed 10%  
Within property they cannot  
exceed 20%



## PERMITTING

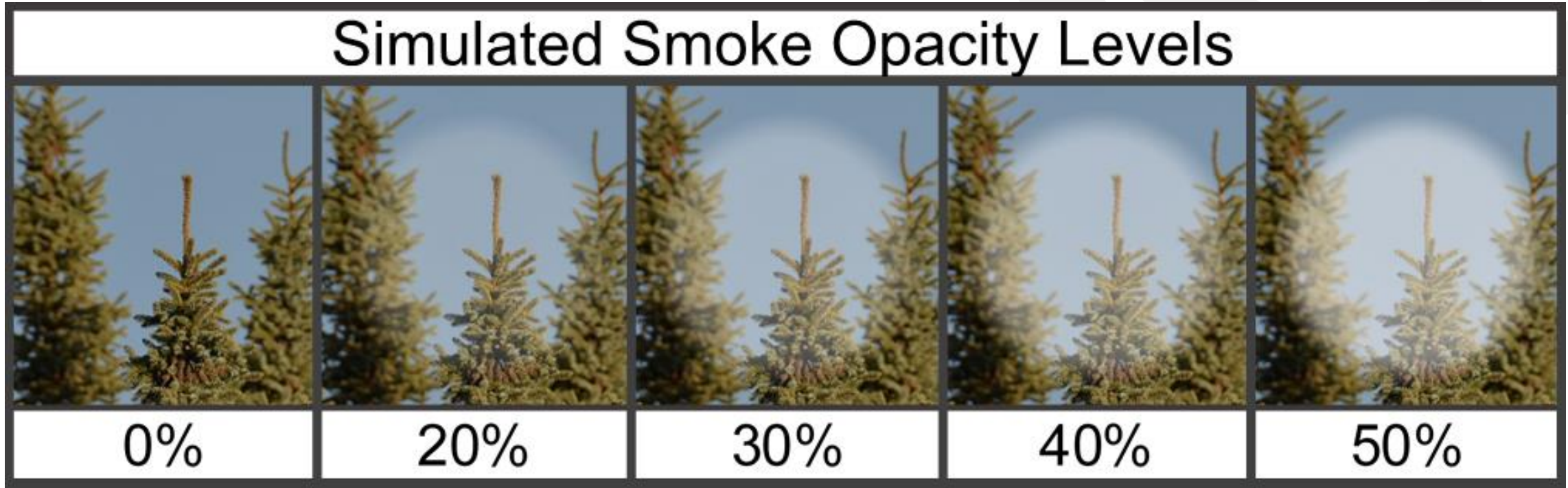
The pits receive permits to  
essentially produce particulate  
matter in the air.



## PENALTIES

Based on findings the DEQ has  
a fine schedule to issue  
penalties.

# OPACITY EXAMPLES



# ON GOING COMPLAINTS

Speaking with UTAH Department of Environmental Quality, as of 09/05/2021 there had been no official complaints for SWC this year.

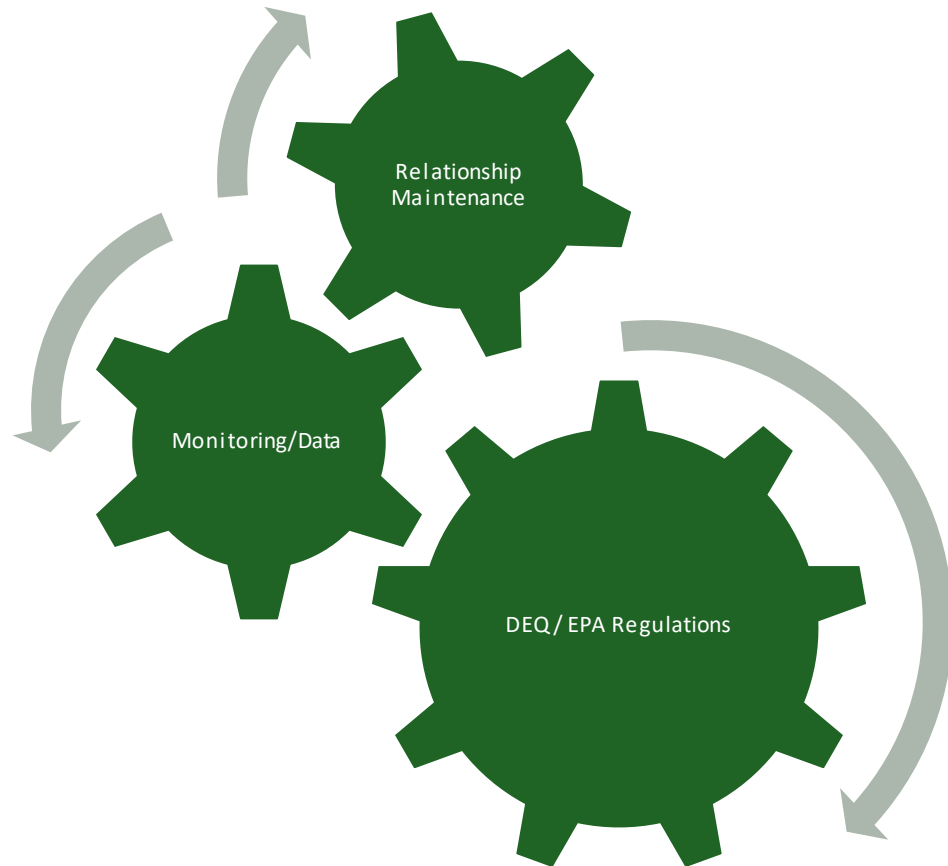
There have been several complaints that are documented in our iWorQ software for citizen feedback.

Documented complaints and responses are on file for several years.

These complaints have been addressed to both companies and mitigation or remediation efforts then are addressed.

The regulatory agency with the authority and ability to make the most difference is the State DEQ

# WHERE DO WE GO FROM HERE



- Continued efforts with Relationship Maintenance
- Monitoring and Data Collection
  - Quantitative & Qualitative
- Rely on DEQ testing and oversight

**From:** [Jayme Blakesley](#)  
**To:** [Jo Sjoblom](#); [Wayne Winsor](#); [Quin Soderquist](#); [Hayley Alberts](#); [Blair Halverson](#); [Angie Petty](#)  
**Cc:** [Lisa Smith](#); [Trevor Cahoon](#); [David J. Larson](#)  
**Subject:** Menu of Enforcement Options -- Dust  
**Date:** Tuesday, September 14, 2021 9:24:33 PM

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Here is the framework/list of options we discussed during City Council meeting tonight:

### **Gravel Pit Conversation**

#### Political

- Federal intervention
- State intervention
- Legislation
- Grant funding/mitigation

#### Legal

- Strict adherence to terms of Fugitive Dust Agreement
  - Monitoring -- city chooses monitoring dates
  - Penalties
  - Breach
- State DEQ
  - Formal complaint
    - Enforcement
    - Update fugitive dust plans
    - Permits
  - GRAMA request
- Federal EPA
  - Formal complaint
  - FOIA request
- Zoning/Land Use
  - Development Agreement (not executed)
- Licensing
- Litigation
  - City initiated
  - Citizen initiated

#### Good Will/Practical

#### Business

- Purchase the sites

#### Mitigation

- Help affected residents