

Minutes of the Syracuse Planning Commission Work Session, May 3, 2016

Minutes of the Syracuse City Planning Commission Work Session held on May 3, 2016, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Ralph Vaughan, Chairman
Dale Rackham, Vice Chair
Greg Day
TJ Jensen
Curt McCuiston
Troy Moultrie
Grant Thorson

City Employees: Noah Steele, Planner
Royce Davies, Planner
Paul Roberts, City Attorney
Stacy Adams, Commission Secretary
Jo Hamblin, Deputy Fire Chief

City Council: Councilman Mike Gailey

Excused:

Visitors:

[7:02:19 PM](#)

1. **Department Business:**

[7:02:35 PM](#)

a. City Council Liaison Report

Councilman Gailey stated the City Council met last Tuesday in an all-day work session in relationship to the budget. One of the line items on next week agenda will be the adoption of a tentative budget for the City, which they are required by ordinance to do. They also did a work session it was a long day they were at it for quite a while. In regard to the budget when they last left they had a balanced budget, there were some tweaks that were going to happen to it through the week but they pretty much had balance d the budget by the time they had met. In their work session they talked about that there is a Communication Company that would like to put up a ball wall for throwing Lacrosse balls against and they are willing to fund that and are looking at either Rock Creek Park or Freemont Park for that and a decision has not yet been made, have looked at several other parks but the preferred place is Rock Creek by the Communication Company. The City Council suggested they perhaps look at Freemont Park because there will be more Lacrosse fields in that area but there has not yet been a decision made. They had a discussion on Centennial Park and the bathroom complex and the storage unit that is there. The City Council has pretty well backed away from a splash pad and anything associated with a splash pad as part of Chloe's Park for reasons of funding and also some reasons of being able to adapt that to the needs of the City and with the splash pad across the street at the Rush it was the general consensus of the Council that they eliminate the splash pad from Chloe's Park but reviewed the restrooms and the storage building and that will cut a lot out of the budget. They talked about cul-de-sacs and Deputy Chief Hamblin was there and one of the problems they have and sure the Planning Commission will be involved in this but there seems to be a conflict in 2 different Titles of the City ordinance on the size of cul-de-sacs, one is bigger and one is smaller. They discussed that in a work session about what they preferred and seemed like they were looking at a compromise somewhere between the 2. City Attorney Roberts stated yes, it wasn't decided but either the lower number or some middle number. Commissioner Jensen stated to weigh in on that they recently changed in one of the Titles increased the width to 120 feet and so may have missed the other Title when they did that. Councilman Gailey stated so they do have a conflict there and sure the Planning Commission will be involved in that discussion when they get to that. The Mayor gave them a report of the Town Hall meetings that were held in the Fall and early part of the Winter and those were received very well, the attendance was about 150-180 people between all 4 of those Town Hall meetings. They also discussed the salvage and reclaiming of the Modern Cash Market that is across the street on Antelope Drive and looking for funding from outside of City coffers to help move that building to over to where the museum is and there has been some work on social media and social networking to try to help fund that move. A good portion of that funding is already in place and are looking for, there were some in-kind commitments in that work session from some to help with the move and the placement of that. They also discussed the credit card policy of the City and asked for a report from management as to how the City manages credit cards and gave a report during that session. City Attorney Roberts stated in the work meeting they discussed Criddle Farms and so there was some discussion about the preliminary plan that had come through Planning Commission earlier and this was announced publicly so can talk about it but essentially are in tentative discussions with them and looking pretty good that they would rezone that PRD into R-3 so would be less dense and then the north parcel would also be R-3. So that is in the works so would imagine at the next meeting they are expecting to see a General Plan and Zone change request for the south parcel and a General Plan change for the north parcel and then go through the development agreement with the Planning Commission and go from there. Councilman Gailey stated he wanted the City Attorney to weigh in and make sure he could share some of that with the Planning Commission. Commissioner Jensen asked City Attorney Roberts where they

have already opened up part of that area with the whole thing where the Council has to vote to open the General Plan can we consider that as part of that under that opening still. City Attorney Roberts stated that is how they are looking at it. Councilman Gailey stated wanted the Commission to be advised that the PRD is probably dead and that the entire thing will be rezoned R-3. Commissioner Jensen stated his concern is that the PRD plan is still moving through the process and would rather just see that die and then have the R-3 proposal come to them but City Council does have an obligation to look over the preliminary plan at their next meeting. City Attorney Roberts stated it is more a matter of due process and negotiations could fall apart and they don't want the development to, they want to build this year, either as R-3 or PRD so if can get it done then will proceed. Councilman Gailey stated has spoken with the developer and land owners and they are all in agreement and among the Council a straw poll they feel this is a better move and so will be coming back to the Planning Commission. Commissioner Jensen stated would it be of any benefit if the Commission took a straw poll here. City Attorney Roberts stated doesn't think it is necessary if Commissioners have strong feelings would say contact a Council member and let them know about but otherwise think are fine.

[7:10:20 PM](#)

b. City Attorney Updates

City Attorney Roberts stated no other updates for them

[7:10:28 PM](#)

c. Upcoming Agenda Items

Planner Steele stated they will be seeing the cul-de-sac ordinance come through from Deputy Chief Hamblin and will have a presentation for them. Wanted to get the Commissions opinion on whether or not would like staff to send up the flag pole regarding Buffer zone ordinance and images that seem to be inaccurate in the ordinance. Commissioner Vaughan asked if wanted to have a general discussion or something want them to actually seriously discuss because have prepared a report. Planner Steele stated hasn't prepared anything just wanted some general discussion if that was something would want to take a look at. Commissioner Jensen stated as the very least would like to see if can change the 'or' to an 'and' in buffer E but mentioned doing something more significant and would love to see what staff comes up. Commissioner Vaughan stated wondered how it was going to be presented to the Commission if it is just a casual discussion or if it going to be an actual action item. City Attorney Roberts stated with the Bylaw changes think the appropriate step would be to ask the Council if they would like the Commission to look at it and then at that point staff can put the work in and get it prepared. Planner Steele stated so it would be Councilman Gailey giving them the green light, so up the flag pole and then back down the flag pole and then staff will work on it. Commissioner Vaughan stated that is what he was getting at if they are at that particular point where are ready to present something to the City Council firm enough to say they would like to discuss it because it is one thing to have a discussion saying they would like talk about widgets but it is another thing to tell the City Council want to discuss whether or not they can talk seriously about widgets in an ordinance. Councilman Gailey stated if the Commission is okay with it what he does on Wednesday mornings is he writes a report of what was discussed in Planning Commission work session and send that to the members of the City Council and will do that in the morning if are fine with that. Commissioner Vaughan stated they are happy with whatever the City Council would like them to look at. Councilman Gailey stated and get a straw poll from them in what they would like to do.

[7:13:01 PM](#)

Commissioner Jensen asked Planner Steele if there had been a discussion of the Planning Commission possibly doing a tour of the facility down in North Salt Lake has that been finalized yet. Planner Steele stated think it is May 20th with the City Council don't know if the Planning Commission is included in the tour right now but sure as things move forward there will be plenty of chances to participate for the Planning Commission. City Attorney Roberts stated that is a public meeting so as long as they don't have a quorum so 3 or less then come along, it is a public meeting. Commissioner Jensen stated the City Recorder because the whole Council will be there, so they will already be recording the meeting so if there are more than 3 Commissioners there think that could record that. City Attorney Roberts stated she could but would have to notice it as a joint meeting. Commissioner Jensen stated might want to see how many Commissioners would want to go, they might know what are even talking about. Planner Steele stated it is a public meeting sometimes gets so many details but it is a field trip for the rest of the Commission so know what they are talking about it is a field trip for the City Council to visit Fox Borough in North Salt Lake and this is purely and exploratory field trip just to see a different housing type that is being potentially proposed in the City and that could affect some legislative decisions.

[7:15:20 PM](#)

Planner Steele stated also wanted to report on 2 Development Review Committee meetings they have had. One is south of Buffalo Point Elementary school and a potential subdivision name for this would be Grayson Ridge. Have also had a minor subdivision concept review on Bluff Road south of Kara subdivision over by Jensen Nature Park by Dennis Higley and have both of those applications and are just waiting for. Commissioner Jensen asked if it was over by RC Willey. Planner Steele stated yes it is just east of RC Willey's, Kara subdivision is kind of a long dead end street. Planner Steele stated as soon as they get the preliminary plan applications for those will see that coming through the pipeline.

[7:16:25 PM](#)

2. Discussion Items:

Commissioner Jensen stated they discussed moving the accessory building to now. Commissioner Thorson stated as soon as possible and if that is legal then let's do it. Commissioner Jensen stated just wanted to jump in on the section proposing removing the carports and awnings and whatever, the reason that was put into the code is specifically there is a building that is along Bluff Road right near Jensen Nature Park and the Church where the applicant had built a structure and turned out it was over 200 square feet and so to comply with the ordinance what the applicant did is they reduced the

footprint at the base of the building to 200 square feet and there are no poles going down or anything and so the awning actually takes that to well over 200 square feet and it is a 2 story structure and so the reason that awnings language was specifically added was to prevent that from happening again because essentially for all intents and purposes the building is well over 200 square feet but because the footprint meets the 200 square foot or less requirements was why that language was added and maybe can be rephrased a little better than what it is but that is the reason that language was there. If the IBC covers that that is fine but at the time staff felt like it didn't cover it and felt like someone ran around the ordinance just to avoid getting a building permit and just wanted to bring that up for the benefit of staff. Conditional Use certainly as staff had mentioned the reason it has been a Conditional Use up to this point is that it used to go to City Council at one point because City Council used to see all the Conditional Uses and it has been paired back to Planning Commission and then the minor uses but the idea on that was especially on larger buildings the design is something that is open to interpretation because want the structure to sort of match the existing building and so that is why they felt having a Planning Commission review on that was a good idea, the other stuff is certainly something that is covered under code but whether the ARC reviews that or whatever that is certainly a change can discuss. Finally the major issue with the height thing and Commissioner Rackham also raised it but the premise of the presentation assumes that the largest building they are going to build in going to be an RV pad and the fact is although Syracuse is quickly going away from farming there still are some farmers in Syracuse and so some barns are going to go over 20 feet in height because they store hay bales up in the upper loft and stuff and so before go and get rid of the 30 foot height restriction need to understand there are multiple types of buildings that can be used as accessory building and certainly the restriction that was there that it can't exceed the height of the primary structure that always felt like it kind of regulated it quite a bit and then as far as the RV thing think that is kind of self-regulating always because if it just going to be an RV garage the person is not going to build a really tall garage just because they want to because that costs more money, so those are his thoughts on that.

[7:20:11 PM](#)

Commissioner Rackham stated regarding changing the 3 foot to 5 foot setbacks on 200 square foot or less accessory buildings the reason it was originally 3 feet was to make sure that whatever water run off stayed in their yard and didn't out it up to the fence and run it over and so could have access to the sides to maintain it. Think putting it 5 feet would take a lot of accessory buildings in the City would now be out of compliance and have no record of when were built because there was no permit for them and so think it should be left at 3 feet. Commissioner Rackham stated thinks should leave the maximum height at 30 feet. Planner Steele stated that is good feedback. In talking with the City Building Official to help explain where this was all coming from and his preference would be to remove the section for under 200 square feet because no one is required to get a Building Permit or Conditional Use Permit and would suggest coming up a set of rules and think need some rules under 200 square feet but maybe they are more geared towards like 3 feet based off of not having the water drip over into the adjacent property owner and maybe add dripline will remain on property or something. Really with the Tuff Sheds there are so many of them and the City Building Official is worried that he is not required to inspect them and doesn't want to create a regulatory nightmare for staff. Commissioner Jensen stated the main reason they want to put regulations on the accessory buildings under 200 square feet and the example he cited earlier is what prompted the 15 foot height requirement and discussed making it lower than that but compromised on 15 foot but that is the main thing concerned about is making sure they don't have 2-story structures under 200 square feet and then the change from 10 feet to 6 foot from the primary structure that is kind of throughout don't think that is a bad change. Actually the only, the reason that is there for under 200 square feet and they changed it from 10 to 6 on the over 200 square feet but concern either way want to make sure there is a way to get from the back yard and sometimes 6 feet is not enough to get a backhoe or whatever through and those usually need at least 8 and so 10 feet is a nice buffer and so the side yard kind of covers that but then if something is 3 feet from the side yard how do ya get to one side of the house to the other, for fire protection too, just want to make sure there is an alley way there but not sure how would regulate that other than what they tried to do with the current code and the 10 foot kind of helped with that but the over 200 square feet dropped down to 6 feet and so that kind of argument doesn't really make sense anymore.

[7:23:52 PM](#)

Commissioner Day stated his neighbor believes in zero setbacks maybe even negative setbacks on his accessory building but is working through that. Would suggest to strike 2 (d) don't think it is really in the best interest of Code Enforcement for spend so much time visiting these Tuff Sheds if there is a complaint by neighbor perhaps they could contact Community Development and could send someone out but would prefer not to default that Code Enforcement would be sent out. Regarding setbacks almost thinks it is self-regulating and think people are going to, maybe set a minimum but don't have a strong opinion, think people are going to put it as far away as they need to put it.

[7:24:46 PM](#)

Commissioner Jensen stated if they are worried about the fire protection could just list that under the 200 square feet that buildings within 5 feet must be constructed with fire wall and the only way that would come into enforcement is if the building burns down and the City finds out didn't have the fire protection and at that point it's not so much for City's benefit but it is for the benefit of adjacent land owner that may be affected but at least if it is in the code can say look we don't want that if are going to try to keep the 3 feet. Planner Davies stated that would already be covered by the IBC so that is why the Building Official keeps saying should remove those requirements. Commissioner Jensen stated thinks should specific should comply with IBC requirements in the code instead and then when someone asks staff can advise them of what to be aware of within 5 feet of property line would need to have a fire wall, since that seems to be the big issue here.

[7:25:54 PM](#)

Commissioner Moultrie stated the lots are small enough if make the setback 5 feet it could be in the middle of the backyards and think if it is less than 200 square feet think there should be enough room so can do something or replace siding or stucco or lawnmower but think 3 feet is ridiculous, even his house is only a foot and a half and think 2 feet is plenty for less than 200 square feet structure and is currently getting ready to put in a shed in his own backyard. Would say at least 10 feet away from the primary structure and forget about the fire proofing or what not if it is less than 3 feet if have electricity in there then should do something with the fire regulations or fire proof but seems ridiculous to have 5 feet when the lots are so small.

[7:27:59 PM](#)

Commissioner Thorson stated his concern is they are fixing a non-problem and don't know what the problem is other than an interpretation of the fire and building code says are out of compliance. Concern is the interpretation they have been given is the most strict that could possibly exist and is going to review his IBC and confirm but occupancy of that structure matters a lot over whether the IBC and the fire code exist or apply at all is his opinion without further review but is just worried are just fixing a non-problem. There are some things in there that would probably change, he setup his backyard currently for a 3 foot setback for a future shed and thinks should dig a hole and put in concrete so it is grandfathered in because no one would know was built anyway, but already has landscaping in for a 3 foot setback. So again think are fixing a non-problem and think are addressing a very strict interpretation of codes and there are some concerns in there that would change but the 3 foot wouldn't change and the setbacks from existing buildings don't really matter and have seen 2-story sheds mostly playhouses, lofts and stuff and they can look kinda silly so would probably put a height restriction it but pretty close in the range, 20 feet would be pretty good for a 5 foot setback. Just concerned that are jumping the gun on this.

[7:28:58 PM](#)

Commissioner Jensen asked the Commissioners the one they can hammer through today and for those who went to the land use training they get every Fall and throughout the year staff comment trying to get away from Conditional Use permits is just generally preferred because the reason want to make it a Conditional Use is because want to have a reason why whether there are things need to mitigate or those types of things so can out restrictions on the building but in the case of an accessory building the type of restrictions that would be put on having a difficult time coming up with stuff, sure that there are but as long as the larger than the 200 square feet as long as the ARC at least looks at the building and makes some type of determination that it matches or the DRC could do that too but really don't think they need to come before the Planning Commission for a large accessory building, the Planning Commission had done it in the past kind of traditional but curious what the other Commissioners think. Commissioner Day stated he would prefer they not come before the Planning Commission on accessory structures don't see this body being the appropriate, if it is in the code and meet the code they should be able to do it. Commissioner Jensen stated they can always appeal to the Commission. Commissioner Rackham stated he agrees with Commissioner Day. Planner Steele stated they actually don't come before the Planning Commission it is a staff level it is considered a Minor Conditional Use permit so Major Conditional Use permits come before the Planning Commissions but Minor Conditional Use permits are a staff level only. Commissioner Jensen stated his mistake but even so staff is reviewing it either way and do think that the larger buildings do require some type of additional review whether that is a Conditional Use permit or call it something else for fee structure but at the very least want to make sure staff is looking over the plans for the building. Planner Steele stated for sure and staff would look at it either way if it was just part of the ordinance part of the building permit process or if it was a Conditional Use permit and to be honest whatever the Commission wants agrees that this is not an emergency situation but just going off of some input that received from the Building Official and some of his frustrations in trying to enforce an ordinance that doesn't match up because everything that is over 200 square feet people are getting permits for and so the rules for that don't match the rules for less than 200 square feet and really just wanted to make them match. So a couple options would be to just go in and change the 2 numbers so that under 200 and over 200 setback match or can go in and can revamp the ordinance if feel like it is necessary.

[7:31:25 PM](#)

Commissioner Jensen stated would like to hear from the other Commissioners on the Conditional Use permit. Commissioner Thorson stated the setback are already part of the code and there is not a conditional issue other than it is a building issue so at that degree it is not even a Land Use issue it is a building structural issue for the building department. Commissioner McCuiston stated he agrees also with no Conditional Use permit. Commissioner Moultrie stated he already stated his 2 cents. Commissioner Jensen stated a quick note for staff under 3(a) where is stated building permit if are going to make that change would suggest change it to building permit required and then keep the rest of the language so it is clear it is required. Commissioner Day stated maybe would be nice to have a week or 2 weeks for the Planning Commissioners to review this and think about it and maybe come back with some really good input o maybe email the input to staff just an idea. Planer Steele stated will take everyone's suggestions and take another stab at it and put it on the work session for next meeting. Commissioner Jensen stated did have another thought about why wanted to have 10 feet from minor accessory buildings since they weren't being regulated they were worries about people storing gasoline and stuff in them so that might be why that extra 4 feet is there but it wouldn't hurt his feelings if they went to 6 feet as well, if the larger buildings are at 6 why not the smaller buildings.

[7:33:40 PM](#)

Commissioner Vaughan stated the easiest way to handle this is to do exactly what the Building Official asked them to do and bring into compliance with IBC which means he would tell them what they need to do and that becomes it period. That is the easiest way the very, very easiest way. Now is that acceptable to staff if they did that, would that be acceptable to the City Council or does the City Council want them to go through this just like they are on everything because there is

a whole bunch of things that they are talking about now that have not been addressed but that are part of the situation. Commissioner Vaughan stated he owns 4 10x40 8 foot tall sea going cargo containers and thinking about bringing them up to his house. Commissioner Day stated he would need to meet the setback requirements. Commissioner Jensen stated think are only allowed 2 under the current code. Commissioner Vaughan stated but those aren't accessory buildings because they are portable and also has 2 12x30 mobile offices that were used as construction offices those are on wheels and happen to be equipped with port-a-pottys and self-contained units but those are on wheels so they are essentially a trailer. One of his children also has a tiny house but because has a big giant slab in the back of his house, has a 2000 square foot slab behind the fence in front of his garage in the back and could park all of this stuff back there. Now at what particular point do those become an accessory unit because they are all temporary and portable and if wanted to on the cargo containers even if did call them an accessory unit those things have 4 sides that means would have an awning on all 4 sides as long as it is not bigger than the floor footage of the sea going cargo containing because it says awnings, it doesn't say cumulative, it doesn't say each, or total it just says awnings so could have 4 awnings on there as well as an awning on the on the tiny house and an awning on the mobile office. Now they also own 4 20 foot dead Safeway trucks that they use as mobile lock up offices when they go on a construction site they take the wheels off so they can't be stolen because they have a couple hundred thousand dollars worth of merchandise and tools inside. Those are mobile but at what point do they start saying okay things aren't accessory buildings or because don't have some type of a concrete anchor. For earthquake purposes in California they pour corners on cargo containers so they won't move in an earthquake zone, we live in an earthquake zone and have just as many earthquakes here in Utah as in Southern California, just don't make the movies and television as much but those are the problems could have and are not addressing them. Now talking about the height limit that means at some later point like they did with the Animal Hospital last week when came back with the design he added a ventilation parapet on top of the building so if someone builds a 20 foot building and then finds out are not getting adequate ventilation that mean they can't add a parapet on top or anything to do that because that would violate the height restriction, out buildings, chicken cops, sheds obviously they are not on there. One thing he had done in the past is would take 2 cargo containers and then get 30 foot span roof structures and set them on top of that, nail in place not permanently installed so would have 2 buildings and then a driveway through the center that would be covered by the roof, which is something that is not a building but it is still attached to a mobile structure, it is not a patio, it is sitting on top, there are all kinds of things where holes can be shot in this whole thing. How far do they want to go with this thing, do they want to take it to the simplest degree of just complying with the IBC and leave it at that allowing staff to tell them what we have in our statute that makes us in compliance of that or are we going to tell staff this is what we want to bring them into compliance with IBC. Does the City Council want them to even consider at all doing this or do they just want to be in compliance with IBC and not worry about the other stuff, it is hard to tell. The City Council liaison is present and doing a great job with a poker face and doesn't want to tip a hand either way and maybe perhaps hadn't even thought of this or seen it coming on the horizon but if want to can draw this out until the cows come home or can take the short and easy route. If they want to take the long route, you bet they will be continuing it for 2 or 3 more meetings because there is no way to get rid of it other than the suggestion that at their next work session they invite the Building Official, The City Engineer and the Fire Marshall to tell them what they consider in their best estimates would bring it into IBC compliance and then accept their recommendations. Commissioner Vaughan would like staff to answer that and knows Commissioner Jensen is partisan on this obviously are very, very strong on it because had a comment against any other comment that everybody has had so staff don't know what would like to do but they are really dragging this thing out and can't drag it out again as long as they want but what does staff want them to do and what think City Council would like them to do and what would be the easiest way to get it done.

[7:41:08 PM](#)

Planner Davies stated that was a lengthy questions but the easiest thing to do would be to make the code as easy to use as possible and think could all agree on that, think the Council would agree on that and think the citizens agree on that. The easier the code is to understand the simpler it is the better off they are and at a minimum they need to remove or need to do what the Building Official requested at the last meeting but also feel very strongly about removing the Conditional Use permit requirement because that is a completely unnecessary cost for citizens to come in and get a permit for something that they really don't need to get a Conditional Use permit since staff is not exacting any special conditions that would be required by code. The other stuff said can talk about and discuss it and if there is further discussion would be happy to hear it and can continue to talk about but just proposed a bunch of changes and wanted to discuss it but if the Commission feels like don't want to go through those changes at this time that is fine, it is up to the Commission as the decision making body and how they do things but his recommendation would be at a minimum do what the Building Official requested with changing the under 200 foot setbacks and then just remove the Conditional Use permit requirement.

[7:42:25 PM](#)

Planner Steele stated would suggest letting staff go back and taking some of the input today because some of the input received is good and coming back in another work session and see if that is acceptable for the Commission and if it is can push it through. Commissioner Vaughan stated with all due respect to the City Council liaison do they dare ask him to go to the City Council and ask them how far they want the Planning Commission to take it or do they just want to proceed all by themselves and submit it to the City Council and then find out how they feel about what did. Planner Steele stated absolutely not they want to follow the right venues and since wasn't at the last meeting doesn't know if City Council had a chance to weigh in and say yes this is an issue or no it is not and before they do any more work we'll get the nod from City Council that this is something that they want staff to address and if it yes then the next work session can present with the input received at this meeting and go from there.

[7:43:48 PM](#)

Commissioner Moultrie stated it is not about what is easy or what is going to make it easy on someone, there are 3 things they need to consider, 3 things they need to make sure of. Number 1 is the law, number 2 is the City and of course number 3 is the citizen and it has got to be fair and good for all 3 parties, if it not good for all 3 parties it is not a good decision.

[7:44:17 PM](#)

Planner Steele stated he is confident that staff can craft something that meets the IBC and then meets the concerns of protecting the health, safety and welfare of residents don't want the water dripping on other people's yard, don't want to be blocking views or creating a nuisance and don't want someone's gas can blowing it up and causing a big fire so can address all of these issues and think it shouldn't be too much extra work.

[7:44:53 PM](#)

Commissioner Rackham stated not knowing all the ordinances isn't there something somewhere in the ordinance about temporary structures, mobile homes, trailers and things like that elsewhere besides accessory buildings. Planner Steele stated knows can't park them in front of a residence. City Attorney Roberts stated currently in the code, can bring them into the backyard just need to have them on a hard surface or on gravel or something like that so if were to bring in a temporary trailer like that on wheels then would just say make sure it is on a hard surface and doesn't sink in the mud.

[7:45:31 PM](#)

Commissioner Jensen stated has a thought on that because he does bring up an interesting point, in his mind and even a Tough Shed can be a moveable building because can move it but think the second it goes from having axles or some way to readily move it to sitting on the ground at that point don't think it is a temporary structure anymore it is an accessory building so if someone drops a cargo container in their backyard if it is just set on the ground at that point then it is an accessory building. Certainly it can be taken out in 10 minutes like a Tough Shed but think maybe staff could do some research on some type of or if there are guidelines from other cities that would address that because it sounds like the City's current code doesn't cover it, with City Council's blessing of course.

[7:46:22 PM](#)

Councilman Gailey stated he will carry that to them, according to the Bylaws what he would suggest is would get with Chairman and then any 2 Commissioners if have something that would like him to have him take it back to the Council, can share his opinion but can't share the opinion of 4 others. As they talk about this one had a sensitive ear to what some Commissioners had said and got caught in this several years ago when built a, have an acre of land and built an RV garage to hold an RV and half of it has 2 stories on it so it goes up the plate at the top is at 20 feet so the pitch of the roof pouts it at 30 feet and got caught in the same thing as mentioned and missed by about 3 weeks because the site plan had been designed with a 3 foot setback on the side because that is what it had been forever but when it was re-written the time before then it created a nightmare and think the City Council would and is speaking his mind here but think the thing they would want to do is make sure they don't create a hardship for those who are trying to do legitimate things and at the same time don't create a lot of things where there are a lot of people out of compliance because of what they do. Let him get with the Chairman and with staff and will make sure these comments get back to City Council and make sure to get their opinions and will send that with the report he send to the Planning Commissioners on Wednesday mornings as well, get a copy of what is sent.

[7:48:34 PM](#)

Planner Steele thanked Councilman Gailey for his being the voice of City Council. Planner Steele asked the Planning Commissioners if he could take a straw poll on how they feel about just taking the setbacks for under 200 square feet, still have standards but wouldn't be in conflict with over 200 feet structures. Commissioner Thorson stated he objects to that change and really would like to see and as part of and if staff could get section and paragraph the IBC requirement and fire code applied to these structures and the occupancy that makes it apply and is curious to find out if that is really true or not but would object to it otherwise anyway because of the hardship it gives to people. Commissioner Jensen stated there are 2 parts to that, had already stated okay with changing the minimum distance to the primary structure from 10 to 6 feet that is fine but 3 feet has been the standard in Syracuse for a very long time and what bothers him is that are going to have residents saying we'll he had his at 3 feet why can't I have mine at 3 feet and so rather than open that Pandora's box because people are going to feel like are being treated unfairly and as another Commissioner pointed out the lot sizes are rather small anyways and so an extra 2 feet can be a big deal and think for under 200 square feet leave it at 3 feet. Commissioner Moultrie stated would at least keep it at 10 feet from the primary structure though that is more important than keeping it by the fence line. Planner Steele stated so zero setback requirements from the fence line and then 10 from the primary structure. Commissioner Rackham and Thorson stated keep the 3 foot requirement, 3 from the property line and 10 from the primary structure. Commissioner Thorson stated it really doesn't change the current setbacks in the code. Commissioner Moultrie stated make sure keep water from the shed on your property and have access so can do maintenance to the shed because if it was right up against then can't paint it or what not. Commissioner Rackham stated less than 3 feet is pretty hard to do it speaking from experience because inherited a house with a shed and it was about a foot and a half from the fence and it never got painted because couldn't get back there. Commissioner Jensen stated 3 feet is enough for a lawnmower on the backside of it. Commissioner Day stated the 3 Commissioners contemplating building a shed better hurry up and pour a foundation before the changes get going. Commissioner Day stated in all seriousness maybe just takes a break from this tonight and let staff review and time to think about and come back and let Councilman Gailey report back. Commissioner McCuiston stated thinks the 3 feet is fine. Commissioner Thorson stated the comment that the Commissioners who are building sheds object to it, the public isn't objecting to it, there is not a

problem to be fixed other than the code fix so think they address the code fix and see if it really applies and then see if they really want to come into compliance or not. Commissioner Rackham stated he received a call today from a Syracuse citizen complaining that he didn't like going to 5 feet because he felt like it created a space to store garbage, liked the 3 to keep the water off but opposed the 5 foot to put that on record.

[7:53:10 PM](#)

Planner Steele stated Planner Davies put on the screen the firewall information from IBC, correction IRC. Commissioner Moultrie asked if it matters if it has electricity in the structure or not. Planner Davies stated if they have electricity they are required to have a building permit so the 4 things are electricity, plumbing, mechanical like heating and cooling or a have multi story would require a building permit. Commissioner Jensen asked if that was under the building code, so don't need to have that in the ordinance then. Commissioner Moultrie stated he wasn't sure if it had electricity regardless of how close it was it was required to be fire proofed.

[7:53:52 PM](#)

Commissioner Jensen stated like staff had mentioned if they put something under general requirements that must meet IBC, it should anyways but if they stated that under 1 (c) just to make it absolutely clear. So could say if had electrical in there according to IBC are required to have a building permit. Commissioner Vaughan stated he supports staff's interpretation to what it takes to bring this into compliance with IBC. Commissioner Thorson stated what was shown is residential code not building code. Planner Davies stated that was what was provided to staff from the Building Official.

[7:54:40 PM](#)

Commissioner Rackham stated once again they haven't had anything about electricity and knows people who have built sheds under 200 square feet and put electricity in it and are now going to have a lot of non-compliance and no way to tell when they were built.

[7:55:00 PM](#)

Planner Davies stated to reiterate because has heard a lot of just basically leave it the way it is, leave the 3 feet and leave the 10 feet so to do a quick straw poll, yay or nay to leave it the way it is or change it and that would give staff some direction because that was the catalyst that got this whole thing going. Commissioner Jensen stated think they all agreed on the 3 feet. Commissioner Rackham asked if wanted to go through each item or as a whole document. Planner Davies stated think what would rather do is just focus on that one change because if don't want to do that one change then unless anyone feels strongly about moving forward with the rest of it then maybe just drop it and go back to the Building Official and say didn't want to change it. Commissioner Rackham stated think some of the other changes are valid and worth considering even on their own merit.

[7:56:45 PM](#)

Planner Davies asked the Commissioner on changing the setbacks on structures under 200 square foot. **All Commissioners stated nay.**

[7:56:55 PM](#)

Planner Davies asked whether or not to eliminate the Conditional Use permit requirement. **All Commissioners stated yes.** Commissioner Jensen stated with also changing the language of building permit to building permit required. Commissioner Rackham stated on there it says application shall, so it requires it. Commissioner Jensen stated an application isn't necessarily a building permit. Planner Davies stated staff requires an application for the building permit so it would be included in that. Commissioner Jensen stated if it said building permit required the application is the building permit but just think if say building permit required as have done in other place in the code it would make more sense. Planner Davies stated think staff can craft something that would require that and make it more clear.

[7:57:29 PM](#)

Planner Davies asked regarding the building height on the over 200 square foot structures, do they want to modify that or just leave it as is. **All Commissioners stated to leave it as is.**

[7:57:50 PM](#)

Commissioner Vaughan stated he supports staff on their interpretation. Commissioner Jensen asked about the chart for the building heights and setbacks. Commissioner Rackham stated he never supported that and is okay with going to 5 feet and the 5 feet was to avoid any fire requirements. Commissioner Jensen stated this is for structures over 200 square feet is what they are talking about so don't have a problem with 30 foot high structure being 5 foot from property line. Commissioner Day asked staff if they have to adopt the IRC for this, could say that doesn't apply. Planner Davies stated the City has already adopted IRC. City Attorney Roberts stated yes, the State construction code, IRC is adopted and the City also has and there was a recent change in the legislature this year that said weren't really allowed to deviate from IBC, IRC or IFC unless give the City permission. Commissioner Day asked if had given them permission to move the setbacks. City Attorney Roberts stated no would have to go and ask permission to change the IRC.

[7:59:18 PM](#)

Commissioner Jensen stated they had discusses that would discuss PRD tonight what happened with that. Commissioner Rackham asked staff when someone comes in with a building permit for a home and it has an accessory building is staff making sure it complies with code, because has seen a couple built not too far from his house and wondered how they got that in. Planner Davies stated if has an accessory building and over 200 square feet would require a building permit and would make sure complied. Commissioner Rackham stated the building permit came with the house they built it the same time as the house but asking if the accessory building on the plan complies with code because there are a couple examples that are not. Planner Davies stated especially if they are building a house the Building Officials are

going out and looking at the properties and can't speak for the Building Official but would say yes because he has to make sure the house meets code. Commissioner Rackham stated is just beginning to attention when bring in staff looks. Planner Steele stated they have to submit a site plans and check setbacks but have been here 4 years and have never seen a Conditional Use permit come in with new construction.

[8:01:09 PM](#)

Planner Davies stated thinks staff has enough information to go back and craft a better ordinance and bring it back to Commission for review with City Council's approval.

[8:01:20 PM](#)

Commissioner Vaughan asked staff if there were any other items under discussion items. Planner Davies stated no. Commissioner Jensen stated at the last meeting requested PRD on this work session as a discussion item and Commissioner Thorson supported him on it as well and wanted to discuss specifically the open space on PRD's and may we discuss it. Commissioner Vaughan asked what does he want to do. Commissioner Rackham asked if he was wanting to add it to the agenda items. Commissioner Jensen stated his questions is to the Council liaison essentially both himself and Commissioner Thorson have an issue with the open space language for PRD as it is currently written and feel it is being abused and would like to amend that language to tighten it up a little bit and make it a bit more clearer about what consider open space and what they do not. Commissioner Jensen asked Councilman Gailey if he would be willing to take that to City Council. Can tell him specifically the language thinking about but don't want to get into a debate per se but would like to take setbacks out of open space but then maybe reduce the 50% to 40%. Councilman Gailey stated he can tell them that the City Council has some of the same feelings that he does and what he would suggest is let him take it back to the City Council and get their nod for them to proceed with that but his gut feeling is that they feel the same as they do and that they would to look at that again and the last development that came in that met on paper everything that had been called out by the ordinance obviously was not something that they want. Commissioner Jensen stated there are 4 Commissioners that disagreed with that and which is why they voted against it but the City Council is the ultimate arbiter on that. Councilman Gailey stated as they discussed it together it was obviously the opinion of the City Council that the second drawing that came back was not in line with what the intent was of open space so give him the opportunity to approach the City Council and make sure they want to go that direction and will get back with the Chairman.

[8:03:58 PM](#)

3. Commissioner Reports:

Commissioner Thorson stated nothing to report. Commissioner Jensen stated the Davis County Act of Transportation meetings since their last meeting and told a little about the Bonneville Shoreline trail and are still working on that and are trying to figure out they are going to distribute the funds getting from the .25 cent sales tax which the County gets .05 of that and the City .01 and then UTA gets .01. UTA is doing some things and are really interested in the first mile and last mile and sure staff has talked with them on that. Commissioner Rackham stated nothing to report. Commissioner McCuiston stated nothing to report. Commissioner Day stated nothing to report. Commissioner Moultrie stated noting to report.

[8:04:49 PM](#)

Commissioner Vaughan stated he only has one item. Once again they had an applicant bring papers to present to the Planning Commission for them to review. They have to have a solid policy so that can stop this, as chair would ask if possibly in the Bylaws for Planning Commission could have something that specifically bars the submission of documents to the Planning Commission as the time of the meeting without it first having been seen and reviewed by City Staff. Others on the Commission have no fault at it for them talking a look and doing the things but the Chair cannot run the meeting and reviewing the document at the same time and will not so that. Whoever gets to sit in his chair the next time perhaps they can multi task but he will not do that because that. Commissioner Jensen stated his only issue with the item tonight was that it was something that should have been in the packet anyway, staff had it they just failed to put it in the packet. Commissioner Vaughan stated they either need to in his opinion they need to put something on the agenda that is presented at the door or put it on the meeting website saying that documents will not be accepted by the Planning Commission period, if someone wants to walk over to City Attorney Roberts or Planner Steele or Secretary Adams that is fine if they want to give it to staff but as far as making the presentation to the Planning Commission cannot so it. Doesn't know how the City Council feels about that but think they are in the same boat and think it is something that is up to them if want to look at also but as far as his opinion cannot do it.

[8:06:48 PM](#)

Commissioner Jensen stated a quick reminder that they are there to serve the citizens of Syracuse not to be slaves to the code.

[8:07:05 PM](#)

4. Adjourn

COMMISSIONER DAY MADE A MOTION TO ADJOURN. COMMISSIONER THORSON SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.