

## SOUTH WEBER PLANNING COMMISSION AGENDA

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PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in a regular public meeting on Thursday September 15, 2022, in the Council Chambers, 1600 E. South Weber Dr., commencing at 6:00 p.m.

**OPEN** (Agenda items may be moved in order or sequence to meet the needs of the Commission)

1. Pledge of Allegiance: Commissioner Davis
2. Public Comment: Please respectfully follow the guidelines below: Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com) to be included with the meeting minutes.
  - a. Individuals may speak once for 3 minutes or less
  - b. State your name and address
  - c. Direct your comments to the entire Commission
  - d. Note: Planning Commission will not respond during the public comment period
3. Approval of Consent Agenda
  - a. PC2022-08-11 Minutes
4. Discussion on the R-7 Zone Amendments
5. Planning Commission Comments (Boatright, Davis, Losee, McFadden, Walton)
6. Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

THE UNDERSIGNED DULY APPOINTED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com) 4. UTAH PUBLIC NOTICE WEBSITE [www.pmn.utah.gov](http://www.pmn.utah.gov) 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

**DATE: September 2, 2022**

**DEVELOPMENT COORDINATOR: Kimberli Guill**

# **SOUTH WEBER CITY PLANNING COMMISSION MEETING**

**DATE OF MEETING:** 11 August 2022    **TIME COMMENCED:** 6:00 p.m.

**LOCATION:** South Weber City Office at 1600 East South Weber Drive, South Weber, UT

**PRESENT:**

**COMMISSIONERS:**

Gary Boatright
Jeremy Davis
Julie Losee
Marty McFadden (excused)
Taylor Walton

**COMMUNITY SERVICE DIRECTOR:** Trevor Cahoon

**DEVELOPMENT COORDINATOR:** Kimberli Guill

**Minutes:** Michelle Clark

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**ATTENDEES:** Paul Sturm, Michael Grant, Kajoel Gasaway, Ed Stephens, and Sanford Thompson.

**Commissioner Davis called the meeting to order and welcomed those in attendance.**

**1. Pledge of Allegiance:** Commissioner Davis

**2. Public Comment:** Please respectfully follow these guidelines.

- Individuals may speak once for 3 minutes or less: Do not remark from the audience. State your name & address and direct comments to the entire Commission (Commission will not respond).

**ACTION ITEMS:**

**3. Consent Agenda**

- 14 July 2022 Minutes

**Commissioner Boatright moved to approve the consent agenda as amended to include discussion concerning the commission's selections for moderate income housing, what happens if they don't make any selections, and how that relates to the Transportation Tax Increment Financing TTIF. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and Walton voted aye. The motion carried.**

**Commissioner Walton moved to open the public hearing Resolution 22-44: Moderate Income Housing. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and Walton voted aye. The motion carried.**

\*\*\*\*\* **PUBLIC HEARING** \*\*\*\*\*

**RES 22-44: Moderate Income Housing**

House Bill 462 (HB 462) - Utah Housing Affordability Amendments became law on June 1st, 2022. HB 462 creates new and modifies existing requirements for certain municipalities. The moderate income housing plan provisions apply to the same list of cities as Senate Bill 34 applied to. Approved during the 2022 General Session, the “Utah Housing Affordability Amendments” modified many of the provisions related to affordable housing that were in the 2010 SB 34 legislation.

**Highlights of HB 462**

- Clarifies MIH requirement and timing to amend your General Plan
- Requires the inclusion of an implementation plan to bring the MIH element to life
- Amends the list of strategies to use
- Outlines the annual reporting requirement
- Adds priority incentives/restrictions for compliance with the MIH requirement

The inclusion of the moderate-income housing element within a county or municipal General Plan is based on population. If the population of the municipality is at least 5,000 people, the General Plan must include this element. For counties, the total county population must be at least 40,000 people with at least 5,000 people in the unincorporated portion.

In order to ensure that jurisdictions are not only envisioning the increase of moderate income housing but establishing concrete steps to make it happen, HB 462 amends the code to require the inclusion of an implementation plan within the General Plan.

HB 462 has amended the list of strategies that municipalities and counties can consider and use within the moderate income housing elements. Many of the previous strategies have been revised and/or combined to provide better clarity while a number of new strategies have been added for consideration. Strategies need actionable implementation steps.

Community Services Director Trevor Cahoon reported the Planning Commission needs to review the Moderate Income Housing (MIH) Plan and make a recommendation to the City Council on any amendments that need to be made due to new State legislation. He acknowledged the agenda packet included Option (E) and Option (X). These two options were not identified by the Planning Commission at their last meeting. He explained the Planning Commission is required to select a minimum of three options; however, as he was reviewing the state provision, if options are substantially similar, they can only be counted as one option. For example, if the Planning Commission selected three rezone options, it counts as one option. As Trevor listened to the audio from last month’s meeting, he wanted to provide other options that were discussed.

**South Weber’s Current Selections:**

- Option (A) Rezone for densities necessary to facilitate the production of moderate income housing.
- Option (B) Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing.
- Option (E) Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential areas.
- Option (F) Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.
- Option (X) Demonstration implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.
- Option (W) Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

## STRATEGY

(A) Rezone for densities necessary to facilitate the production of moderate income housing.

## IMPLEMENTATION

**Complete July 2023** - Identify areas within South Weber that would best accommodate moderate income housing through a land use study.

**Complete November 2023** - Select various nodes within the community that can facilitate moderate income housing growth with minimal impacts to existing development.

**Complete December 2024** - Update the General plan utilizing the information gathered in the land use study.

**Begin January 2025** - Begin the process of rezoning the land within the nodes to uses that will facilitate the creation of moderate income housing.

## STRATEGY

(B) Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing.

## IMPLEMENTATION

**Ongoing** – Continuously update each Capital Facilities Plan, Impact Fee Facilities Plan and General Plan to account for new growth and potential growth.

#### STRATEGY

(E) Create or allow for, and reduce regulations to, internal or detached accessory dwelling units in residential zones.

#### IMPLEMENTATION

**Fall 2022** - Study options for allowing detached accessory dwelling units.

**Winter 2023** - Discuss with City Council and Planning Commission the options that are available to allow detached accessory dwelling units.

**Spring 2023** - Begin crafting a draft ordinance for detached accessory dwelling units.

**Spring 2023** - Take the draft ordinance through the process.

#### STRATEGY

(F) Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.

#### IMPLEMENTATION

**Complete July 2023** – Study and Identify commercial parcels that would be eligible for rezone to create a new moderate income residential development around the 475 E interchange and the South Weber Drive interchange.

**Complete November 2023** - Select various nodes within the community that can facilitate moderate income housing growth with minimal impacts to existing development.

**Complete December 2024** - Update the General plan utilizing the information gathered in the land use study.

**Begin January 2025** - Begin the process of rezoning the land within the nodes to uses that will facilitate the creation of moderate income housing.

#### STRATEGY

(X) Demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

#### IMPLEMENTATION

**Complete Winter 2022** – Study options to require moderate income housing and the methods to employ them within each residential development.

**Complete Spring 2023** – Draft potential zoning text changes for residential Zones and implementation of new housing type requirements for residential development.

**Complete Summer 2023** – Pass ordinance to require 10% of new residential development be dedicated to moderate income housing.

**STRATEGY**

(W) Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

**IMPLEMENTATION**

Complete Fall 2022 – Identify housing types that would be compatible in scale with single family housing.

Complete Winter 2022 – Identify zones in which we can incorporate these housing types.

Complete Spring 2023 – Draft ordinance language to allow alternative housing types in residential zones.

Complete Summer 2023 – Finalize ordinance to allow for alternative housing types.

Commissioner Davis asked if there was any public comment.

**Paul Sturm, of South Weber City**, relayed he is concerned there was no power point presentation in the packet. He queried as to who added Strategy options (E) and (X) as they were not selected by the Planning Commission during the 14 July 2022 meeting.

**Commissioner Boatright moved to close the public hearing for Resolution 22-44: Moderate Income Housing. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and Walton voted aye. The motion carried.**

\*\*\*\*\* **PUBLIC HEARING CLOSED** \*\*\*\*\*

Commissioner Boatright addressed Paul Sturm's public comments and explained he is not concerned about staff adding to the selections because at the last meeting it was a discussion item and not an action item that required approval.

Commissioner Walton expressed all of these options are similar because they have to do with code. He queried as to the threshold for deciding how close or similar options can be. Trevor replied as he was reviewing the code, he acknowledged the descriptions from the state are very vague. In his opinion, anything involving land for a rezone are similar in activity. He discussed there is not a lot of direction from the state. If it is dealing with code update to amend zoning regulation are similar as well.

Trevor discussed the implementation plan and explained every year the state will request each city report on what, when, and how they are doing on their plan.

Commissioner Losee queried if Option (D) is viable for South Weber. Trevor replied South Weber City is 110% of the county median income and does not qualify.

Commissioner Davis is not in favor of Option (X) but he is okay to leave it and see what the City Council recommends. He doesn't have any concerns with the other selections.

Commissioner Boatright is concerned about Option (F) and opined the state is strapping cities as they have not given many options; however, he does understand the city needs to make a good faith effort.

Commissioner Walton expressed any of these strategies aren't going to influence the economy enough to become moderate income housing. He feels it is a noble goal to implement these strategies, but realistically, he doesn't see it happening.

Trevor opined the intent is to provide a variety of housing types, but it does burden a city to accomplish this requirement.

Commissioner Walton suggested moving forward with all six selections.

**Commissioner Walton moved to recommend the City Council approve Resolution 22-44: Moderate Income Housing with the (A), (B), (F), (F), (X), and (W). Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and Walton voted aye. The motion carried.**

### **PLANNING COMMISSION COMMENTS:**

**Commissioner Losee:** announced the developer for the Poll property is still marketing on the MLS and what is being advertised is not what was approved by the city.

**Commissioner Davis:** reported the City Council will be reviewing an increase in the Planning Commission stipend at the next City Council meeting. He is in favor of the increase. Commissioner Boatright appreciates the increase but feels to go from \$69 to \$150 is too much.

**Community Service Director:** reported the Utah League of Cities and Towns Conference will be held the second week in September, which interferes with the currently scheduled Planning Commission meeting. It was decided the next Planning Commission meeting will be on September 15, 2022.

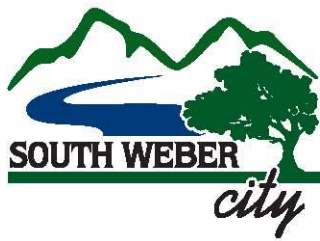
**ADJOURN:** Commissioner Losee moved to adjourn the Planning Commission meeting at 6:50 p.m. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ **Date**  
**Chairperson: Jeremy Davis**

\_\_\_\_\_  
**Transcriber: Michelle Clark**

**Attest:** \_\_\_\_\_ **Development Coordinator: Kimberli Guill**





## PLANNING MEMORANDUM

4 Discussion: R-7 Amendments

1600 E. South Weber Drive  
South Weber, UT 84405

www.southwebercity.com

801-479-3177  
FAX 801-479-0066

To: Planning Commission  
From: Trevor Cahoon, Community Services Director  
Re: Discussion on Residential Multi-family (R-7) Zoning Updates

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### **ACTION**

Discussion on the R-7 zone amendments.

### **BACKGROUND**

The City Council when approving the Final Plat for the South Weber Gateway project, instructed the Cod Committee to consider zoning text amendments to facilitate the development in amending the approved final plat to allow for a townhome development for individual ownership. The items that were brought forward by City Staff as areas that prohibited this type of development included the following:

- The exclusion of provisions surrounding zero lot line developments.
- The absence of a dwelling, townhome definition within the code.
- The inclusion of setback provisions that oriented buildings based on lot configuration and not on orientation of the buildings toward a right-of-way.

As the Code Committee reviewed the R-7 zone, it became clear that the ordinance was written with parameters in a similar fashion to a single-family zone thus making it difficult to plan a multi-family development. The reason that these inconsistencies were not noticed in other developments lies in the fact that other projects utilized the Planned Unit Development conditional use section of our code. The South Weber Gateway was the first project to follow development guidelines strictly under the R-7 zoning code.

As conversation progressed within the Code Committee other areas of concern toward multi-family developments were discussed in relation to the R-7 code and future development. While it is still a desire to limit the use of this zone, the Code Committee discussed various housing types that would be more appealing to future development other than traditional townhome, high-rise, or garden style apartments. Through the conversation the Committee identified the main issue with multi-family housing is the visual appeal and congruence of form with surrounding single-family units already established within the area. To answer these concerns two concepts were discussed, type of housing unit and design standards.

In the case of design standards the State of Utah has limited the City's Ability to impose design standards upon single-family developments. It does not prohibit a city from imposing design standards on multi-family units. Therefore if the City wishes to pursue developing a design standard for multi-family housing this is a possibility. Townhomes are the outlier within this context because although there is more than one unit within the building, state code does identify these units as single-family attached developments. Within the state code there is a provision to allow a City to impose a design



standard on single family developments if the code allows for a density incentive utilizing an overlay zone. This would mean that if the city were to allow a developer to have more density than a zone would typically allow then we would be able to impose design standards for the development.

With this line of thinking if the City were to seek for particular multi-family or single family units by offering more density then we would be able to dictate the form of the units themselves. The Code Committee then discussed the possibility of reducing the allowed density within the R-7 zone to 5 units an acre and offering an incentive of 7 units and acre then the City may be able to better control the type of development that is found within the City.

For example, including smaller single-family housing complexes like Cottage Courts. In these types of development, we would offer a higher density for the creation of single-family homes with smaller lots on a shared court. Some items to discuss would be how many units an acre we would want to encourage and the style of development.

Mansion style apartments or condos was another housing concept that was attractive to the Code Committee. Allowing a building to look like a large single-family home, but housing 4-7 units within the home. So that appearance would be single family while providing more variety and density of housing.

While the idea is new and needs more work to determine the viability of the incentive, the prospect of this update with an eye toward the Moderate Income Housing Updates becomes an idea that can provide a better development and use of land within the future. Further discussion on whether it is viable to reduce the R-7 zone's density further and then offer the now current density as incentive would provide the desired outcome would be important for the Planning Commission to discuss.

At this stage it has become necessary to get the feedback from the Planning Commission on the potential changes the R-7 zone and receive their recommendations on what to include in the draft ordinance. The following table breaks down the changes proposed by the Code Committee for the Planning Commission review.

Code Section	Current Code	Revisions Based on Council Direction	Alternate Revisions Discussed in Code Committee
<b>10-1-10: Definitions</b>			
Zero Lot Line Setback	-	Zero Lot Line Setback: The location of a structure on a lot in such a manner that one or more of the structure's sides rests directly on a lot line.	-
Dwelling, Townhouse	-	Dwelling, Townhouse: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, with	-

		no more than four (4) units per structure.	
Yard, Front	Any yard between the front lot line and the front setback line of the main building and extending for the full width of the lot; any yard meeting the minimum frontage requirements of the applicable zone may be designated as the front yard. See section 10-1-11, appendix A of this chapter.	Any yard between the front lot line or street right-of-way boundary line and the front line of the main building; any yard meeting the minimum frontage requirements of the applicable zone may be designated as the front yard. See section 10-1-11, appendix A of this chapter.	-
Yard, Rear	A yard between the rear lot line and the rear setback line of a main building extending across a full width of the inside lot; and for corner lots, a yard between the rear lot line and the rear setback line of the building, extending between the side lot line and the front frontage line opposite thereto.	A yard between the rear lot line or neighboring setback line and the rear line of a main building.	-
Yard, Side	Any yard between the side lot line and the side setback line of the main building extending from the front yard to the rear yard. See section 10-1-11, appendix A of this chapter.	Any yard between the side lot line or neighboring setback line and the side line of the main building extending from the front yard to the rear yard. See section 10-1-11, appendix A of this chapter.	-
<b>10-1-10A</b>			
Land Use Matrix – Dwelling, Townhouse	-	Permitted in R7	Conditional Use in R7
<b>10-5C-5</b>			
Density	There shall be no more than seven (7) dwelling units per acre contained within the boundaries of each phase of every development; except when previously completed phases of the same development have sufficiently low density so	-	There shall be no more than five (5) dwelling units per acre contained within the boundaries of each phase of every development; except when previously completed phases of the same development have sufficiently low density so

	that the average is still seven (7) dwelling units per acre or less.		that the average is still five (5) dwelling units per acre or less.
Lot Area	1. There shall be a minimum of twelve thousand (12,000) square feet in each lot on which a single-family or two-family dwelling is built. 2. There is no minimum lot area for other dwelling types, but the density requirement listed above must be adhered to in all cases.	-	1. There shall be a minimum of six thousand (6,000) square feet in each lot on which a single-family dwelling is built. 2. There is no minimum lot area for other dwelling types, but the density requirement listed above must be adhered to in all cases.
Lot Width	Each lot shall have a minimum width of one hundred feet (100').	-	1. There shall be a minimum width of sixty-five (65) feet in each lot on which a single-family dwelling is built 2. Minimum lot widths for all other dwelling types shall be recommended by the planning commission and approved of the City Council.
Zero Lot Line	-	1. To facilitate separate ownership or leasehold of two-family, twin home, or multi-family dwellings a residential zero lot line setback is permitted upon recommendation of the planning commission and approval of the City Council. 2. In no case shall a zero lot line setback be allowed adjacent to a property line that is not part of the subdivision	-
<b>10-5C-6</b>			
Shared Common Space	-	Subdivisions that utilize shared common space under single ownership with multi-family, townhouse or two-family units shall orient building setbacks in relation to the street	-

		right-of-way and other main structures on the shared property.	
<i>Setback Table</i>			
Dwellings	Front: 30 feet from all front lines, Side: 10 feet minimum for each side, except 20 feet minimum for side fronting on a street, Rear: 30 feet	Omit	-
Dwellings, Single Family	-	Front: 20 feet, Side: 6 feet minimum for each side, except 12 feet minimum for side fronting on a street, Rear: 10 feet	-
Dwelling, Two-Family, Twin Home, Multi-family	-	Front: 20 feet, Side: 12 feet minimum for each side that is an exterior side wall, and 20 feet minimum for side fronting on a street, Rear: 20 feet	Front: 20 feet, Side: 20 feet minimum for each side that is an exterior side wall, and 20 feet minimum for side fronting on a street, Rear: 20 feet