

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 August 11, 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 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. PC2022-07-14 Minutes
4. **Public Hearing & Action on RES 22-44: Moderate Income Housing Update**
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 4. UTAH PUBLIC NOTICE WEBSITE www.pmn.utah.gov 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

DATE: July 28, 2022

DEVELOPMENT COORDINATOR: Kimberli Guill

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 14 July 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
Taylor Walton

COMMUNITY SERVICE DIRECTOR: Trevor Cahoon

DEVELOPMENT COORDINATOR: Kimberli Guill

Minutes: Michelle Clark

ATTENDEES: Paul Sturm, Michael Grant, Rod Westbroek, Carter Randall, Nate Harbertson, and Dana Schuler.

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

1. Pledge of Allegiance: Commissioner Walton

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).

Paul Sturm, 2527 Deer Run Drive, pointed out inconsistencies in the PowerPoint presentation material for agenda item #5.

ACTION ITEMS:

3. Consent Agenda

- 9 June 2022 Minutes

Commissioner Walton moved to approve the consent agenda as amended. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

Commissioner Losee moved to open the public hearing Ordinance 2022-13: South Weber City Code Title 12 Flood Damage Prevention. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

***** PUBLIC HEARING *****

Ordinance 2022-13: Title 12 Flood Damage Prevention

Title 12 Flood Control currently serves as South Weber City's ordinance to guide development in floodplains.

Dana Shuler, of Jones & Associates, explained the Federal Emergency Management Agency (FEMA) has recently issued new maps and studies for Davis County with an effective date of September 15, 2022. Each affected community must adopt these new maps by the effective date, otherwise, flood insurance policy holders of the National Flood Insurance Program (NFIP) risk losing their insurance coverage.

Dana acknowledged personnel at the State of Utah Division of Emergency Management developed a comprehensive flood ordinance template for use by entities. This template was used as the basis for the new ordinance. Staff from administration, legal, engineering, and planning have coordinated on the language in this new ordinance, and a representative from FEMA Region 8 is reviewing the proposed ordinance.

Commissioner Davis asked if there was any public comment.

Paul Sturm, 2527 Deer Run Drive, expressed concerns with the document and explained in official documents, there should not be an "A" without a "B", and similarly, no "1" without a "2", etc. He also pointed out even though an acronym is defined in a definitions section, it should also be redefined when it is first used in the text of the document. Also, there is a section in the general plan where there were aspects of flooding that were not initially addressed but was added later on.

Commissioner Boatright moved to close the public hearing Ordinance 2022-13: South Weber City Code Title 12 Flood Damage Prevention. Commissioner Walton seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

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

The Planning Commission reviewed the maps. Commissioner Walton asked if the general plan hazards map needs to be amended. Trevor reported the staff is reviewing a hazardous mitigation plan, which will be incorporated into the maps. He stated the maps from Jones & Associates are more detailed than FEMA maps, but both will be used and will be a work in progress.

Commissioner McFadden moved to recommend approval to the City Council of Ordinance 2022-13: South Weber City Code Title 12 Flood Damage Prevention including the OAHO and AH FEMA recommended zones. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

5. Information Discussion: Moderate Income Housing (MIH) Update

Community Services Director Trevor Cahoon reported House Bill (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 SB 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.

South Weber’s Current Selections

South Weber has implemented a MIH plan in the General Plan, and have selected the following elements:

- (B) Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing
- (L) Preserve existing moderate-income housing
- (U) Apply for programs administered by a Metropolitan Planning Organization (MPO) or other transportation agency

Each of these elements has been changed using the following language:

- (New B) Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing
- (New K Previous L&K) Preserve existing and new moderate-income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund
- Strategy U has been discontinued

Potential/Feasible Options:

- **Rezoning** – rezone for densities necessary to facilitate the production of moderate income housing.
- **Accessory Dwelling Units (ADU)** – Create or allow for, and reduce regulations related to, internal/detached accessory dwelling units in residential zones.
- **Higher Density** – Zone or Rezone for higher density or moderate income residential development in commercial or mixed –us zone near major transit investment corridors, commercial centers, or employment centers.

Potential/Feasible Options:

- **Single Room** – amend land use regulations to allow for single room occupancy developments.
- **Impact Fees** – reduce, waive, or eliminate impact fees related to moderate income housing.
- **Transfer Rights** – create a program to transfer development rights for moderate income housing.

Commissioner Boatright voiced his frustration with voting in the same people and expecting change. He opined the State Legislature is telling communities what to do.

Trevor acknowledged South Weber City is a drivable community and isn't really accessible for public transit. Discussion took place regarding decreasing the parking spaces for Senior Living Facilities. Commissioner McFadden preferred the ADU option for detached accessory dwelling units in residential zones.

Commissioner Losee pointed some of the options don't fit South Weber City. Commissioner Walton discussed Strategy X and queried if there is a strategy for multi-family housing on one lot.

Commissioner Davis suggested the option of mansion style condominiums complexes, which appears to be one large structure, but are actually individual condominiums.

The Planning Commission came to the consensus on Strategy Options (A), (B), (F), and (W). They are as follows:

- (A) Rezone for densities necessary to facilitate the production of moderate income housing.
- (B) Demonstrate Investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing.
- (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.

(W) Demonstrate implementation of any other program or strategy to address the housing needs of residents of the county who earn less than 80% of the area median income, including the dedication of 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.

Commissioner Boatright suggested letting the Legislature know, as a city, we need to hold our representatives accountable.

Trevor reported a draft will be sent to the Planning Commission in the next two weeks. The City Council will need to ratify it before October 1, 2022.

Planning Commission Comments:

Commissioner Boatright: thanked the city staff for all the work taking place on Canyon Meadows Park.

Commissioner Davis: thanked city staff for hard work in showing dedication and passion for the city.

Community Services Director Trever Cahoon: announced the fall America Planning Association (APA) Conference and Utah League of Cities and Towns Conference will be coming up. Attendance will count as Planning Commission training for the year. Trevor will send out more information.

ADJOURN: Commissioner Boatright moved to adjourn the Planning Commission meeting 7:24 p.m. Commissioner Losee 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

**Comments to South Weber City Planning Commission
for 14Jul22 Meeting
by Paul A. Sturm**

Public Comments

A) Agenda Item #5 -Packet Pages 46 to 83 of 83

5. Information Discussion: Moderate Income Housing Update

I noticed what may be inconsistencies in the PowerPoint presentation material presented tonight, as developed by the State of Utah Workforce Services, the Utah League of Cities and Towns, and the Wasatch Front Regional Council.

- 1) On Page 78 of 83 - Incentives and Restrictions b. i. states the need to develop five or more strategies for municipalities (without a fixed guideway public transit station), such as SWC.
- 2) On Page 80 of 83 - Next Steps, Bullet #1, states the need to amend/adopt the General Plan with a Moderate Income Housing (MIH) element. Sub-bullet #1 states at least three strategies must be included for municipalities (without a fixed guideway public transit station).

It appears that these instructions are inconsistent with each other. Is it three or five strategies to be compliant?

It should also be noted that SWC had to do the same thing last year when the Utah Legislature initiated its MIH mandate during the 2021 legislative session.

B) Agenda Item #4 -Packet Pages 30 to 45 of 83

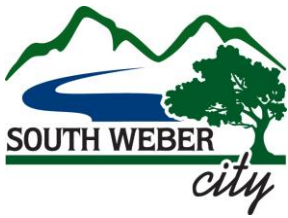
4. Public Hearing & Action on Ord 2022-13: South Weber City Code Title 12 Flood Damage Prevention

I have two general comments regarding the formatting of this SWC official document. Both impact the text and content in Chapter Three (3), Chapter Four (4), and Chapter Five (5).

- 1) My first comment is one that I have expressed in the past. In official documents there should not be an "A" without a "B", and similarly, no "1" without a "2", etc. Otherwise, a reader may be expecting to find additional information.
- 2) Another comment is one that I have also made in the past, and was affirmed by the Mayor, is that, even though an acronym is defined in a definitions section, it should also be redefined when it is first used in the text of the document.

Since this is a total replacement of a SWC Code document, I believe it would be best to have this document as complete as possible.

Added as a verbal comment: Also, Flooding, that could result from earthquakes and potential sequential dam failures, was addressed in the SWC General Plan.



4 RES 22-44 Moderate Income Housing Update

PLANNING COMMISSION MEETING

STAFF REPORT

MEETING DATE

August 11, 2022

PREPARED BY

Trevor Cahoon
Community Services Dir

ITEM TYPE

Discussion

ATTACHMENTS

youtu.be/RU1k2BaSwl

MIH Deep Dive Powerpoint

PRIOR DISCUSSION DATES

AGENDA ITEM

Public Hearing & Action on RES 22-44: Moderate Income Housing Update

PURPOSE

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.

BACKGROUND

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 SB 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.

South Weber's Current Selections

South Weber has implemented a MIH plan in the General Plan, and have selected the following elements:

- (B) Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing
- (L) Preserve existing moderate income housing
- (U) Apply for programs administered by a Metropolitan Planning Organization (MPO) or other transportation agency

Each of these elements have been changed using the following language:

- (New B) Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing
- (New K Previous L&K) Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund
- Strategy U has been discontinued

The options that are available are found within the PowerPoint in this packet. The Planning Commission will discuss the various options that are available and will give some direction to City Staff on which options would be their recommendation to the City Council.

After discussion with the Planning Commission the Commission wanted to consider the following items with the attached potential implementation plans for each item:

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.