

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.

Discussion took place concerning the commission's selections, what happens if they don't make any selections, and how that relates to the Transportation Tax Increment Financing TTIF.

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 Trevor 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.