Kaysville City Planning Commission
Meeting Notice and Agenda

The Kaysville City Planning Commission will hold a regular meeting on September 22, 2022, at 7:00 p.m. in the Council Chambers of the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

1. Opening
2. Approval of the minutes from the September 8, 2022 Planning Commission Meeting
3. Public Hearing for text amendment for KCC 17-13-4 R-D Diverse Residential District Conditional Uses
4. Discussion of the 2022 General Plan to include Moderate Income Housing Element based on State Code 17-27a-403(2)
5. Call to the Public
6. Other matters that properly come before the Planning Commission:
   a. Reports
   b. Correspondence
   c. Calendar
7. Adjournment

On Friday, September 16, 2022, a Notice of Meeting was posted in accordance with Utah State Code Section 52-4-202 (3).

Mindi Edstrom
Community Development Department

Kaysville City

Planning Commission Staff Report

To: Kaysville City Planning Commission
From: Melinda Greenwood, Community Development Director
Date: September 16, 2022

Agenda Item #3: Public Hearing for text amendment for KCC 17-13-4 R-D Diverse Residential District - Conditional Uses

Meeting Date	September 22, 2022
Application Type	Text Amendment
Applicant	Kaysville City
Chapter | Title | Section	17-13-4 Diverse Residential District – Conditional Uses

1. Background

A recent application for multifamily dwellings within the R-D Diverse Residential District brought up some confusion as to the interpretation of conditional uses related to multifamily dwellings. Subsequently, staff has prepared a text amendment to remove the confusing paragraph. The removal of the paragraph will ensure multifamily dwellings will not be approved in the R-D district and will eliminate issues with interpretation of confusing code.

2. Public Noticing and Public Comment

A Public Hearing Notice was posted on September 12, 2022. No comments have been received to date.

3. Recommendation

Staff recommends the Planning Commission send a recommendation of approval of the text amendment for 17-13-4 Diverse Residential District – Conditional Uses to remove the provision of multifamily dwellings in its entirety.

Attachments

Draft redline ordinance changes.

SECTION 1: **AMENDMENT** "17-13-4 Conditional Uses" of the Kaysville City Code is hereby *amended* as follows:

AMENDMENT

17-13-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to KCC 17-30.

1. ~~Multiple dwellings, not to exceed six (6) dwelling units per building, legally existing upon the effective date of this Chapter. The lot area shall be not less than eight thousand (8,000) square feet for a two-family dwelling, ten thousand (10,000) square feet for a three-family dwelling, twelve thousand (12,000) square feet for a four-family dwelling, fourteen thousand (14,000) square feet for a five-family dwelling, and sixteen thousand, eight hundred (16,800) square feet for a six-family dwelling.~~
2. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
3. Major home occupations A and B subject to the provisions of KCC 17-26.
4. Instructional Home Occupation Subject to the provisions of KCC 17-26.
5. Residential child care subject to the provisions of KCC 17-26.
6. Twin homes subject to the provisions of KCC 17-28. Must also be permitted as two-family dwellings.
7. Farm animals other than those allowed as a permitted use subject to the provisions of KCC 17-24.
8. Swimming clubs subject to the provisions of KCC 17-31-10.
9. Public utility substations subject to the provisions of KCC 17-31-15.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Melinda Greenwood, Community Development Director
Date: September 1, 2022

Agenda Item #8: Discussion on State Code 17-27a-403(2) Moderate Income Housing Element and incorporating strategies into the 2022 General Plan

Meeting Date	September 8, 2022
Application Type	Discussion for future General Plan Amendment
Applicant	Kaysville City

1. BACKGROUND

At the August 25, 2022 Planning Commission Meeting, the Planning Commission discussed options for amending the 2022 General Plan to be in compliance with Utah State Code 17-27a-403(2). The Commission asked staff to compare the items included in the 2019 General Plan and bring those back as recommendations to include in the 2022 General Plan.

Items included in the Moderate Income Housing (MIH) portion of the 2019 General Plan are listed below. Items highlighted in yellow are still available (in some fashion) as an option in the updated legislation and staff has redlined the changes between the current legislation and wording in the 2019 General Plan.

1. Zoning properties townsite (R-T), single family (R-1), diverse (R-D), two-family (R-2), one to four family (R-4), and multiple family (R-M) residential and central commercial (CC) which allows housing.
2. Clustering in residential areas.
3. Permitting multiple unit structures in single family residential zones.
4. Permitting less costly size, design, materials and construction of housing.
5. Demonstrate investment in the ~~Facilitating the~~ rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
6. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
7. Zone or rezone ~~Allow~~ for higher density or moderate income residential development in commercial and mixed-use zones near major transit investment corridors, commercial centers, or employment centers.

8. Preserve existing 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;.
9. Rezone for densities necessary to assure the production of moderate income housing.

As stated in the meeting on August 25, due to the added mandates, staff doesn't believe that item #8 is a viable option.

Several items area attached, one of which is a matrix that compares our 2019 MIH goals to the current options in state code. Staff determined that items involving major transit investments corridors or station area plans (G, H, Q, V) are unachievable due to the lack of major transit in Kaysville. Any of the menu items which are unachievable for Kaysville have been noted with strikethrough text.

As discussed at the last meeting, menu items that suggest the city fund or reduce fees (D, L) are likely to create unintended budget constraints.

Staff is seeking input from the Planning Commission on which strategies to adopt as General Plan elements to facilitate more affordable housing within Kaysville city. We must implement a minimum of three items. If the City desires to be eligible for bonus points on funding applications, we should select a total of five items.

2. Recommendation

Staff recommends selecting three to five items to include in the 2022 General Plan. To be consistent in what was included in the 2019 General Plan, these items are recommended:

(A) rezone for densities necessary to facilitate the production of moderate income housing;
(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
(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;

Other items which may be considered feasible would be:

(J) implement zoning incentives for moderate income units in new developments;
(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
(N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing, Corporation within that agency's funding capacity, an entity that

applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
(U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
(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; and

If the Planning Commission could create some consensus on a list of five items, staff will draft the MIH amendment around those items and bring back a finalized amendment and schedule a public hearing.

Attachments:
1. 2022 General Plan excerpt Chapter 3 Housing & Neighborhoods
2. 2019 General Plan excerpt Plan for Moderate Income Housing
3. Workforce Services Moderate Income Housing Element for a General Plan
4. Matrix of MIH menu items

ESTABLISHING A COMMUNITY

Housing & Neighborhoods

- Existing Housing
- Housing Stock
- Historic Building Permits
- Housing Gap Analysis
- Housing Cost Burden
- Affordable Housing
- Goals & Priorities

Existing Housing

Kaysville City is an established community with 31,494 residents, according to the 2019 U.S. Census Bureau Population Estimates. Between 2010 to 2019, the city has experienced an average annual population growth of 1.6%, growing from 27,300 to its current residential count.

As shown in Table 3.1, Kaysville has 8,777 housing units in total, of which 8,712 are occupied units. There are many more homeowners than renters in Kaysville, with 87.7 percent of homes owner-occupied. This is due mostly to the large amount of single-family homes in the city, and very few multi-family housing units. The city has 7,643 owner occupied units and 1,069 renter occupied units. Occupied housing has grown at an annual average growth rate ("AAGR") of 2.4 percent from 2010 through 2019, with owner occupied housing units growing at 2.1 percent and renter occupied units growing at 4.4 percent.

As shown in Table 3.2, 90 percent of Kaysville's occupied housing stock is single family with 10 percent multi-family, mobile home and other housing types. By comparison, Davis County's housing stock is comprised of 94 percent single family homes and 6 percent multi-family, mobile home and other housing types.

Table 3.1 - Kaysville Housing Units

	2010	2019	AAGR
Total Housing Units	7,268	8,777	2.1%
Occupied Housing Units	7,064	8,712	2.4%
Owner-occupied Units	6,340	7,643	2.1%
Renter-occupied Units	724	1,069	4.4%

Source: US Census Bureau American Community Survey, 2015-2019

Table 3.2 - Kaysville Occupied Housing Units

TYPE	OWNER OCCUPIED		RENTER OCCUPIED		TOTAL	% OF TOTAL
Single Family	7,383	96.6%	456	42.7%	7,840	90%
2 to 4 Units	168	2.2%	292	27.3%	460	5%
5 to 9 Units	15	0.2%	96	9.0%	111	1%
10 or more Units	-	0.0%	204	19.1%	204	2%
Mobile Home & Other	76	1.0%	2	2.0%	97	1%
Total Units	**7,643**	**87.7%**	**1,070**	**12.3%**	**8,712**	**100%**

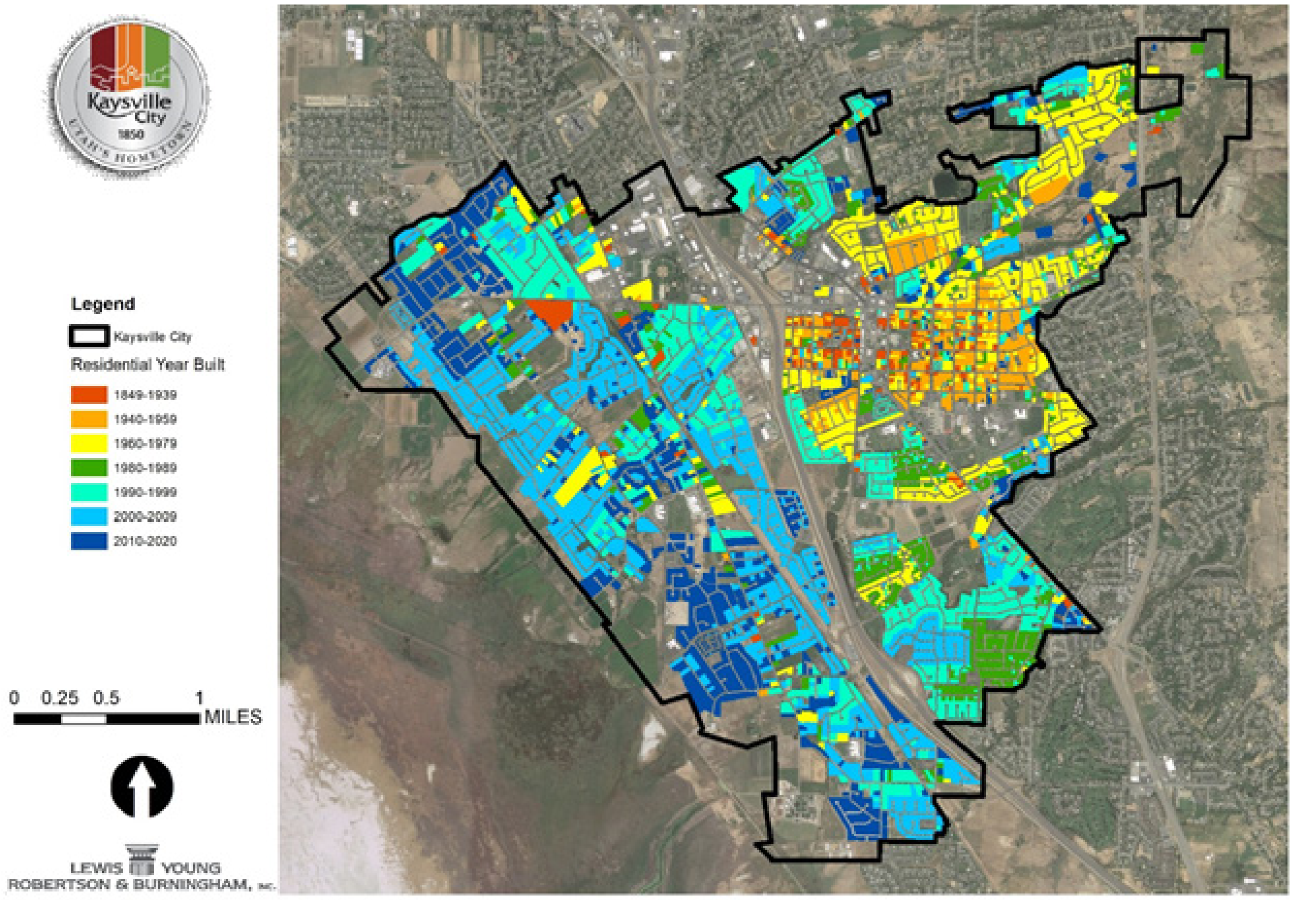
Housing Stock

Figure 3.1 depicts the age of the housing stock within the city. The eastern portion of the city contains development primarily from the initial city settlement between 1849 and 1939. Development remained concentrated in this area and expanded in all areas, especially to the east and south through the 1980s. In the 1990s, the concentration of residential development moved westward. The heavy concentration of home building continues to be on the western border of the city. By age, the central eastside housing stock will be more vulnerable and may be prime areas to focus rehabilitation efforts.

Available Housing Programs

There are a variety of housing programs available to help maintain and support affordability, which will be increasingly critical as increasing housing costs erode the city's affordability. Municipalities are encouraged to utilize the programs offered by the Utah Housing Corporation and the Department of Community and Economic Development to assist in establishing and maintaining the requirements set forth for affordable housing by Section 10-9a-4. Some of these programs include:

- Community Development Block Grant (CDBG) Program
- Home Investment Partnership Acts
- Section 8 Housing Choice Voucher Program
- Supportive Housing Program
- Shelter Plus Care
- Low Income Housing Tax Credits (LIHTC)
- Section 202 Loans for Housing the Elderly
- Olene Walker Trust Fund
- McKinney-Vento Fund
- FIRSTHOME
- UHC'S Subordinate Loan
- HomeAgain
- Score
- NOMI
- Streamline Refinance Loan Program
- CROWN



Historic Building Permits

The city has issued building permits for 1,399 residential units over the last 10 years. These include 19 multi-family units, 2 duplex or twin homes, 1 mobile home, and 1,372 single family units. Historically, Kaysville has constructed mainly single family units. Multi-family units, including townhomes, condos, and apartments, have been more prevalent in recent years and will continue to be an important to tool to address moderate income housing needs within the city.

Table 3.6 - Kaysville City Building Permits

YEAR	SINGLE FAMILY UNITS	DUPLEX DWELLINGS	MULTI-FAMILY UNITS	MOBILE/ MANUFACTURED	TOTAL CONSTRUCTED UNITS
2011	83	-	-	-	83
2012	135	-	-	-	135
2013	151	2	-	-	153
2014	168	-	-	-	168
2015	190	-	-	-	190
2016	157	-	-	-	157
2017	124	-	-	-	124
2018	158	-	18	-	178
2019	105	-	6	1	112
2020	101	-	-	-	101
Total	**1,372**	**2**	**19**	**1**	**1,399**

Housing Gap Analysis

The Utah Housing and Community Development Division within the Utah Department of Workforce Services (DWS) utilizes American Community Survey data and the U.S. Housing and Urban Development Comprehensive Housing Affordability Strategy (CHAS) to identify the current number of rental households, as well as project the number of units needed over the next five years, by percentage of household area median family income (HAMFI). The total number of moderate to low income renter households according to CHAS is 1,530.

As illustrated in Table 3.7, at ≤80 percent HAMFI, there are 810 renter households with 755 units currently available. This suggests a shortage of 55 rental units at the ≤80 percent of HAMFI income level. However, the city has a total of 940 affordable units suggesting a surplus of affordable units for this income bracket.

This mismatch in available and affordable housing suggests 185 households are living in affordable housing despite their median income being above the ≤80 percent HAMFI threshold. The mismatch is more also seen in the ≤50 percent HAMFI category as a 65 affordable unit deficit exists, as well as a mismatch in renters with incomes higher than the ≤50 percent threshold occupying 285 units. At ≤30 percent HAMFI, there is a deficit of 95 rental units.

Table 3.7 - Kaysville Housing Gap

SHORTAGE	RENTER HOUSEHOLDS	AFFORDABLE RENTAL UNITS	AVAILABLE RENTER UNITS	AFFORDABLE UNITS - RENTER HOUSEHOLDS	AVAILABLE UNITS - RENTER HOUSEHOLDS	HOUSING MISMATCH
≤ 80% HAMFI	810	940	755	130	(55)	185
≤ 50% HAMFI	490	710	425	220	(65)	285
≤ 30% HAMFI	230	270	135	40	(95)	135

The current ACS and CHAS data indicate the number of rental units lags behind the number of rental households. The Kem C. Gardner Institute identified this lag citing the period from 2010-2018 where the number of rental households were increasing at a faster pace than housing units. Since 2010, the increase in households has outpaced the growth in housing units by an average annual growth rate of 2.4 percent. The current inverse relationship is evidence of the housing shortage in Utah. The Kaysville gap analysis further identifies a need to provide affordable housing for households in all three categories – 30 percent, 50 percent, and 80 percent of HAMFI.

Table 3.8 - Renter Population Projection

	5 YEAR PROJECTION	10 YEAR PROJECTION
≤ 80% HAMFI	3,982	4,621
≤ 50% HAMFI	3,755	5,441
≤ 30% HAMFI	1,157	1,358

The demand for affordable housing is anticipated to grow over the next 10 years. The demand for units meeting the ≤50 percent HAMFI category requirements is expected to grow the most with a growth rate of 7.7 percent per year. The other two categories will grow about 3 percent per year.

Table 3.8 provides the projected population in the three categories– 30 percent, 50 percent, and 80 percent of HAMFI in 5 and 10 years. Table 3.9 provides projected housing demand in the three categories along with the current affordable rental unit housing supply.

Table 3.9 - Projected Affordable Housing Needs

	AFFORDABLE RENTAL UNITS	GROWTH RATE	5 YEAR UNIT DEMAND	10 YEAR UNIT DEMAND
≤ 80% HAMFI	940	3.02%	1,091	1,266
≤ 50% HAMFI	710	7.70%	1,029	1,491
≤ 30% HAMFI	270	3.26%	317	372

Housing Cost Burden

As shown in Table 3.3, the median household income in Kaysville is $99,597. The median household income has grown at an AAGR of 3.04 percent from 2009 through 2019. The Kaysville owner-occupied income in 2019 was $107,962 while renter-occupied income was $44,178. The renter gross median income grew at an AAGR of 2.08 percent compared to a 4.01 percent growth rate in median gross rent.

The overall average monthly housing costs for all owner-occupied housing in Kaysville is $1,421. Monthly costs for owner-occupied housing units with a mortgage is $1,761 while those without a mortgage is $421. The median gross rent in the city is $948. The ratio of the city's median rent to renter income is 25.8 percent. The ratio of the city's median income to median household owner income is 19.6 percent. Ratios greater than 30 percent indicate the average renter or household owner is burdened by housing costs. Ratios greater than 50 percent suggest a severe burden. Currently, the overall renter income to rent ratio is not considered a burden. However, the ratio is nearing the burden threshold.

The area median income (AMI) for Davis County for 2019 was $83,310. The median family income for a family of four in Davis County is $93,688. The Appendix Table 3.4, represents the ratio of median rent in Kaysville at 100 percent of the AMI income for a family of four in Davis County. Ratios greater than 30 percent indicate a burden based on typical housing costs within the County. Ratios greater than 50 percent suggest a severe burden. At 30 percent of AMI, a family of four is burdened and nearing the severe burden threshold.

The U.S. Department of Housing and Urban Development annually reviews fair market rents to determine a standard for various housing programs in order to publish HOME Investment Partnership Program ("HOME") rent limits. The rent limits for the Ogden-Clearfield HUD Metro FMR Area for 2021 is found in the Appendix Table 3.5.

Table 3.3 - Kaysville Housing Cost Burden Ratio

	2009	2019	AAGR
Median Income	$78,395	$99,597	3.04%
Owner-occupied Median Income	$84,498	$107,962	3.11%
Renter-occupied Median Income	$37,477	$44,178	2.08%
Median Gross Rent	$692	$948	4.01%
Owner-occupied w/ Mortgage Cost	$1,591	$1,761	1.28%
Median Rent to Renter Income	22.2%	25.8%	1.5%
Median Mortgage to Owner Income	22.6%	19.6%	-1.4%

Source: US Census Bureau American Community Survey 2015-2019, Utah Department of Workforce Services: Housing and Urban Development

Affordable Housing

Recommendations for Affordable Housing

Kaysville is an established community with a population of 31,494 and total number of households of 8,712, according to the 2019 American Community Survey. Kaysville aims to facilitate a reasonable opportunity for a variety of housing, including moderate income. Currently, the median rent and median income ratio is below the 30 percent cost burden suggesting affordability in the near-term. Likewise, the median mortgage and household owner income ratio is below the 30 percent cost burden. However, rents are increasing at a higher rate than income.

There is also cause for concern that ownership of single-family homes is becoming too expensive for moderate-income households as housing prices continue to outpace income increases. The housing element of the General Plan is designed to determine the demand for moderate income housing and provide an outline of how to meet the needs of current and future residents. Kaysville land use plans and programs may encourage diverse housing opportunities that compliment and enhance the existing community.

Y2 Analytics conducted a Kaysville Community Survey which provided resident feedback regarding a variety of community topics, including housing. From this survey, and feedback from community members, the guiding principles regarding housing – including moderate income housing – were developed.

Utah Code 10-9a-4 requires the city to implement strategies for ensuring moderate income housing options are available throughout the community. The following goals and recommendations fulfill this requirement, address community sentiments, and address strategies to provide development of moderate income housing over the next five years and beyond.

- Meet state requirements for affordable housing
- Accommodate a full range of housing opportunities to meet the economic, lifestyle and life-cycle needs and expectations of the city
- Encourage the preservation of open space through clustered development and the protection of foothills, natural drainages and remaining agricultural areas
- Facilitate the incorporation of Accessory Dwelling Units (ADUs) into existing neighborhoods

Kaysville City residents appreciate the lifestyle offered by their community and have the desire to share the community with their children and others while preserving the existing sense of place. The focus of many residential zones is on single family residential units in low and medium density neighborhoods. To provide housing opportunities while maintaining the existing sense of place, a focus on cluster development in undeveloped areas and low-rise mixed use redevelopment within central commercial areas was supported by the Y2 Analytics survey.

Clustered development allows for a concentration of homes in one area to allow extra land to be preserved as open space or other nonresidential land uses such as parks, neighborhood commercial sites, and public infrastructure. A revitalization of the commercial areas along Main Street and above 200 North can offer the needed housing opportunities for the area.

Existing zoning allows residential development in several zones. These zones include:

- Old Kaysville Townsite Residential District (R-T)
- Single Family Residential District (R-1)
- Diverse Residential District (R-D)
- One To Two Family Residential District (R-2)
- One To Four Family Residential District (R-4)
- Multiple Family Residential District (R-M)
- Central Commercial District (CC)
- General Commercial (Mixed Use Zoning District Overlay)
- Light Industry/Research Use (Mixed Use Zoning District Overlay)

Development activity within the city, especially west of I-15 where the majority of vacant developable land is located, is expected to continue expanding the low and medium density neighborhoods within the city. With a majority of housing stock between I-15 and West Davis Corridor focused on single family homes, allowing clustering will encourage open space preservation.

Kaysville has a strong desire to preserve their existing community culture while providing a full range of housing opportunities to meet the economic, lifestyle and life-cycle needs and expectations for residents. The land use map for Kaysville promotes a mixed use low rise downtown core. The inclusion of mixed use and flex space land uses will offer variety in the housing stock.

A focus on mixed use opportunities with diverse multifamily housing stock in the central part of the city will provide a variety in housing stock and options for diverse living styles. This will provide housing for people with different life cycles, housing needs, and offer affordable housing options. The statewide housing demand has pushed an emphasis on the need for variety in housing types to increase affordability. Through redevelopment, the diversification of housing stock near Main Street and north of 200 North may provide affordable housing options to meet the current and projected needs of the city.

Accessory dwelling units also offer an additional affordable housing opportunity for Kaysville. An Accessory Dwelling Unit (ADU) is a secondary residential area within an existing residential lot. ADUs can be attached, such as an addition or in a basement, or they may be detached. These low impact units can be incorporated by homeowners into existing residential parcels. Their presence within established neighborhoods could benefit the city by increasing affordability for property owners and renters alike.

Additionally, ADUs do not require significant infrastructure and are constructed individually by property owners. Often rented below market rate, ADUs can provide moderate income housing opportunities, frequently to family and friends, and provide homeowners with an additional income source.

The city should seek to work with the numerous existing programs available to encourage the development and preservation of affordable housing at all income levels.

Goals & Objectives

GOAL 1: PROVIDE A FULL RANGE OF HOUSING OPPORTUNITIES TO MEET THE ECONOMIC, LIFESTYLE AND LIFECYCLE NEEDS AND EXPECTATIONS FOR RESIDENTS

Objective 1.1: Allow for higher density and mixed use within the City Center to diversify housing stock

Objective 1.2: Facilitate the incorporation of Accessory Dwelling Units (ADUs) into existing neighborhoods

GOAL 2: WORK WITH THE NUMEROUS PROGRAMS AVAILABLE TO ENCOURAGE THE DEVELOPMENT AND PRESERVATION OF AFFORDABLE HOUSING AT ALL INCOME LEVELS

PLAN FOR ADDITIONAL MODERATE INCOME HOUSING

Background This is "an estimate of the need for development of additional moderate income housing within the City, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur." (Utah Code 10-9a-403(2)(a)(iii)).

Goals and Policies

Approximately fifteen percent (15%) of the additional housing should be moderate income housing. Kaysville will continue to use the following means and techniques to provide a realistic opportunity for development of a variety of housing, including moderate income housing:

1. Zoning properties townsite (R-T), single family (R-1), diverse (R-D), two-family (R-2), one to four family (R-4), and multiple family (R-M) residential and central commercial (CC) which allows housing.
2. Clustering in residential areas.
3. Permitting multiple unit structures in single family residential zones.
4. Permitting less costly size, design, materials and construction of housing.
5. Facilitating the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
6. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.
7. Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers.
8. Preserve existing moderate income housing.
9. Rezone for densities necessary to assure the production of moderate income housing.

Moderate Income Housing Element for a General Plan

OUTLINE

Introduction

- Purpose of the Plan
- Description of how the moderate income housing plan fits within the context of the community's general plan and how the cooperation of jurisdiction departments will facilitate the accomplishment of goals outlined in the plan
- Discussion of how the community's planning efforts fit within the context of regional planning efforts and the coordination that has taken place between the jurisdiction and other entities in the development of the moderate income housing plan
- Background information about the community (growth patterns, community sentiments towards housing, local economy, etc.)

CURRENT POPULATION

- Demographic data from the most recent U.S. Census or American Community Survey
  - o This can be supplemented with any jurisdictional annual surveys
- Summary of how the population has changed over the past five to ten years
- Number of households within targeted income groups (< 80% AMI, < 50% AMI, and < 30% AMI)

CURRENT HOUSING STOCK

- Total number of housing units
- Breakdown of housing units by:
  - o Occupancy (renter-occupied or owner-occupied)
  - o Size (number of bedrooms)
  - o ADUs (number of internal and detached units)
  - o Quality ("new," "dilapidated," etc.)
- Affordability of existing housing stock for targeted income groups

CURRENT MODERATE INCOME HOUSING AVAILABILITY AND NEED

- Availability of existing housing stock for targeted income groups and number of additional units needed
- Availability of moderate income housing for different races and ethnic groups and number of additional units needed
- Availability of moderate income housing for different special needs groups (homeless, disabled, veterans, elderly, youth aging out of foster care, victims of domestic violence, etc.) and number of additional units needed
- Availability of a variety of housing sizes and number of additional units needed

5-YEAR AND 10-YEAR POPULATION PROJECTIONS

- Low, medium, and high population projections for the next five and ten years
- Estimate of percentage of the population that will fall within targeted income levels and special needs groups over the next five and ten years

FORECAST OF MODERATE INCOME HOUSING NEED

- Comparison of projected population growth and expected housing construction for the next five and ten years
- Estimate of the number of housing units needed by residents within targeted income levels and special needs groups for the next five and ten years

REGULATORY ENVIRONMENT

- Analysis of how current zoning regulations and land uses impact the availability of moderate income housing
- Discussion of any potential barriers to moderate income housing or Fair Housing

PLANS TO MEET THE MODERATE INCOME HOUSING NEED

- Goals, strategies, and actions designed to:
  - Strategically meet current and forecasted moderate income housing needs
  - Eliminate regulatory barriers to moderate income housing
  - Preserve and improve existing moderate income housing
- Strategies should include at a minimum the number of required strategies from the UCA listed strategies
  - Jurisdictions can exceed the minimum number
  - Jurisdictions may also include additional, creative strategies once the minimum state-listed strategies have been incorporated

- Forecasting for moderate income housing:
  - Number of moderate income housing units to be built
  - Possible locations for new moderate income housing units
- Implementation plan for each strategy with the following:
  - A timeline
    - Provide flexibility in timing in case outside factors impact the implementation timing
    - Identify the measures and benchmarks to be achieved, one-time and ongoing
- Responsible party(ies)
- Community resources that can be used to support the implementation (RDA/EDA housing set-aside funds, fee waivers, local CDBG funds, donated land, etc.)

Moderate Income Housing Reporting Criteria in the Utah Code

(Updated: May 2022)

Municipal Land Use Code

Definitions - UCA 10-9a-103

(40) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

(49) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:
- (a) an estimate of the existing supply of moderate income housing located within the municipality;
- (b) an estimate of the need for moderate income housing in the municipality for the next five years;
- (c) a survey of total residential land use;
- (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) a description of the municipality's program to encourage an adequate supply of moderate income housing.

General Plan Requirement - UCA 10-9a-401(3)

- (a) The general plan of a specified municipality, as defined in Section 10-9a-408, shall include a moderate income housing element that meets the requirements of Subsection 10-9a-403(2)(a)(iii).
- (b) On or before October 1, 2022, a specified municipality, as defined in Section 10-9a-408, with a general plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with Subsection (3)(a).

Moderate Income Housing Element - UCA 10-9a-403(2)

- (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
  - (i) a land use element that:
    - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education,

public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(B) includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element that:

(A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;

(B) for a municipality that has access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce;

(C) for a municipality that does not have access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development in areas that will maintain and improve the connections between housing, transportation, employment, education, recreation, and commerce; and

(D) correlates with the population projections, the employment projections, and the proposed land use element of the general plan; and

(iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and

(C) includes an implementation plan as provided in Subsection (2)(c).

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and

(B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;

(ii) for a town, may include, and for a specified municipality as defined in Section 10-9a-408, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;

(iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:

(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;

(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;

(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

(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;

(G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;

(H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;

(I) amend land use regulations to allow for single room occupancy developments;

(J) implement zoning incentives for moderate income units in new developments;

(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;

(L) reduce, waive, or eliminate impact fees related to moderate income housing;

(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;

(N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;

(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing

Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;

(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;

(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

(S) create a program to transfer development rights for moderate income housing;

(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;

(U) develop a moderate income housing project for residents who are disabled or 55 years old or older;

(V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

(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; and

(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; and

(iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement:

(A) the strategy described in Subsection (2)(b)(iii)(V); and

(B) a strategy described in Subsection (2)(b)(iii)(G), (H), or (Q).

(c)

(i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.

(ii) The timeline described in Subsection (2)(c)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality, whether one-time or ongoing; and

(B) provide flexibility for the municipality to make adjustments as needed.

(d) In drafting the land use element, the planning commission shall:

(i) identify and consider each agriculture protection area within the municipality;

(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture; and

(iii) consider and coordinate with any station area plans adopted by the municipality if required under Section 10-9a-403.1.

(e) In drafting the transportation and traffic circulation element, the planning commission shall:

(i)

(A) consider and coordinate with the regional transportation plan developed by the region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or

(B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the municipality is not within the boundaries of a metropolitan planning organization; and

(ii) consider and coordinate with any station area plans adopted by the municipality if required under Section 10-9a-403.1.

Applicability - UCA 10-9a-408(1)(e)

"Specified municipality" means:

(i) a city of the first, second, third, or fourth class;

(ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; or

(iii) a metro township with a population of 5,000 or more.

Reporting Requirement - UCA 10-9a-408(2)-(4)

(2)

(a) Beginning in 2022, on or before October 1 of each calendar year, the legislative body of a specified municipality shall annually submit a written moderate income housing report to the division.

(b) The moderate income housing report submitted in 2022 shall include:

(i) a description of each moderate income housing strategy selected by the specified municipality for implementation; and

(ii) an implementation plan.

(c) The moderate income housing report submitted in each calendar year after 2022 shall include:

(i) the information required under Subsection (2)(b);

(ii) a description of each action, whether one-time or ongoing, taken by the specified municipality during the previous fiscal year to implement the moderate income housing strategies selected by the specified municipality for implementation;

(iii) a description of each land use regulation or land use decision made by the specified municipality during the previous fiscal year to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified municipality's efforts to implement the moderate income housing strategies;

(iv) a description of any barriers encountered by the specified municipality in the previous fiscal year in implementing the moderate income housing strategies;

(v) information regarding the number of internal and external or detached accessory dwelling units located within the specified municipality for which the specified municipality:

(A) issued a building permit to construct; or

(B) issued a business license to rent;

(vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and

(vii) any recommendations on how the state can support the specified municipality in implementing the moderate income housing strategies.

(d) The moderate income housing report shall be in a form:

(i) approved by the division; and

(ii) made available by the division on or before July 1 of the year in which the report is required.

(3) Within 90 days after the day on which the division receives a specified municipality's moderate income housing report, the division shall:

(a) post the report on the division's website;

(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified municipality is located, and, if the specified municipality is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and

(c) subject to Subsection (4), review the report to determine compliance with Subsection (2).

(4)

(a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(b);

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station; and

(iii) is in a form approved by the division.

(b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(c);

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) four or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station;

(iii) is in a form approved by the division; and

(iv) provides sufficient information for the division to:

(A) assess the specified municipality's progress in implementing the moderate income housing strategies;

(B) monitor compliance with the specified municipality's implementation plan;

(C) identify a clear correlation between the specified municipality's land use regulations and land use decisions and the specified municipality's efforts to implement the moderate income housing strategies; and

(D) identify how the market has responded to the specified municipality's selected moderate income housing strategies.

Incentives & Restrictions - UCA 10-9a-408(5)-(8)

(5)

(a) A specified municipality qualifies for priority consideration under this Subsection (5) if the specified municipality's moderate income housing report:

(i) complies with Subsection (2); and

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) five or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) six or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station.

(b) The following apply to a specified municipality described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:
   (i) the Transportation Commission may give priority consideration to transportation projects located within the boundaries of the specified municipality in accordance with Subsection 72-1-304(3)(c); and
   (ii) the Governor's Office of Planning and Budget may give priority consideration for awarding financial grants to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).

(c) Upon determining that a specified municipality qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified municipality, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (5)(c) shall:
   (i) name the specified municipality that qualifies for priority consideration;
   (ii) describe the funds or projects for which the specified municipality qualifies to receive priority consideration;
   (iii) specify the fiscal year during which the specified municipality qualifies for priority consideration; and
   (iv) state the basis for the division's determination that the specified municipality qualifies for priority consideration.

(6)

(a) If the division, after reviewing a specified municipality's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified municipality.

(b) The notice described in Subsection (6)(a) shall:
   (i) describe each deficiency in the report and the actions needed to cure each deficiency;
   (ii) state that the specified municipality has an opportunity to cure the deficiencies within 90 days after the day on which the notice is sent; and
   (iii) state that failure to cure the deficiencies within 90 days after the day on which the notice is sent will result in ineligibility for funds under Subsection (7).

(7)

(a) A specified municipality is ineligible for funds under this Subsection (7) if the specified municipality:
   (i) fails to submit a moderate income housing report to the division; or
   (ii) fails to cure the deficiencies in the specified municipality's moderate income housing report within 90 days after the day on which the division

sent to the specified municipality a notice of noncompliance under Subsection (6).

(b) The following apply to a specified municipality described in Subsection (7)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(5); and

(ii) the Governor's Office of Planning and Budget may not award financial grants to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).

(c) Upon determining that a specified municipality is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified municipality, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (7)(c) shall:

(i) name the specified municipality that is ineligible for funds;

(ii) describe the funds for which the specified municipality is ineligible to receive;

(iii) specify the fiscal year during which the specified municipality is ineligible for funds; and

(iv) state the basis for the division's determination that the specified municipality is ineligible for funds.

(8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

County Land Use Code

Definitions - UCA 10-9a-103

(43) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(52) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the county;

(b) an estimate of the need for moderate income housing in the county for the next five years;

(c) a survey of total residential land use;
(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
(e) a description of the county's program to encourage an adequate supply of moderate income housing.
(f) an estimate of the existing supply of moderate income housing located within the municipality;
(g) an estimate of the need for moderate income housing in the municipality for the next five years;
(h) a survey of total residential land use;
(i) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
(j) a description of the municipality's program to encourage an adequate supply of moderate income housing.

General Plan Requirement - 17-27a-401(3)(a)

(i) The general plan of a specified county, as defined in Section 17-27a-408, shall include a moderate income housing element that meets the requirements of Subsection 17-27a-403(2)(a)(iii).
(ii) On or before October 1, 2022, a specified county, as defined in Section 17-27a-408, with a general plan that does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

Moderate Income Housing Element - UCA 17-27a-403(2)

(a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
  (i) a land use element that:
    (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
    (B) includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
  (ii) a transportation and traffic circulation element that:
    (A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;
    (B) addresses the county's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce; and
    (C) correlates with the population projections, the employment projections, and the proposed land use element of the general plan;

(iii) for a specified county as defined in Section 17-27a-408, a moderate income housing element that:
  (A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
  (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(ii) for implementation; and
  (C) includes an implementation plan as provided in Subsection (2)(e); and

(iv) a resource management plan detailing the findings, objectives, and policies required by Subsection 17-27a-401(3).

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
  (A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and
  (B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) shall include an analysis of how the county will provide a realistic opportunity for the development of moderate income housing within the planning horizon, including a recommendation to implement three or more of the following moderate income housing strategies:
  (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;
  (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
  (D) identify and utilize county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county for the construction or rehabilitation of moderate income housing;
  (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
  (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers;
  (G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;
  (H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
  (I) amend land use regulations to allow for single room occupancy developments;
  (J) implement zoning incentives for moderate income units in new developments;
  (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;

(L) reduce, waive, or eliminate impact fees related to moderate income housing;
(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
(N) implement a mortgage assistance program for employees of the county, an employer that provides contracted services for the county, or any other public employer that operates within the county;
(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;
(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
(S) create a program to transfer development rights for moderate income housing;
(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
(U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
(V) 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; and
(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 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.

(iii) If a specified county, as defined in Section 17-27a-408, has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified county shall include as part of the specified county's recommended strategies under Subsection (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

(c) In drafting the land use element, the planning commission shall:
(i) identify and consider each agriculture protection area within the unincorporated area of the county or mountainous planning district;
(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture; and

(iii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

(d) In drafting the transportation and traffic circulation element, the planning commission shall:

(i)

(A) consider and coordinate with the regional transportation plan developed by the region's metropolitan planning organization, if the relevant areas of the county are within the boundaries of a metropolitan planning organization; or

(B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the relevant areas of the county are not within the boundaries of a metropolitan planning organization; and

(ii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

(e)

(i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the county for implementation.

(ii) The timeline described in Subsection (2)(e)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the county; and

(B) provide flexibility for the county to make adjustments as needed.

Applicability - UCA 17-27a-408(1)(e)

"Specified county" means a county of the first, second, or third class, which has a population of more than 5,000 in the county's unincorporated areas.

Reporting Requirement - UCA 17-27a-408(2)-(4)

(2)

(a) Beginning in 2022, on or before October 1 of each calendar year, the legislative body of a specified county shall annually submit a written moderate income housing report to the division.

(b) The moderate income housing report submitted in 2022 shall include:

(i) a description of each moderate income housing strategy selected by the specified county for implementation; and

(ii) an implementation plan.

(c) The moderate income housing report submitted in each calendar year after 2022 shall include:

(i) the information required under Subsection (2)(b);

(ii) a description of each action, whether one-time or ongoing, taken by the specified county during the previous fiscal year to implement the moderate income housing strategies selected by the specified county for implementation;

(iii) a description of each land use regulation or land use decision made by the specified county during the previous fiscal year to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified county's efforts to implement the moderate income housing strategies;

(iv) a description of any barriers encountered by the specified county in the previous fiscal year in implementing the moderate income housing strategies; and

(v) information regarding the number of internal and external or detached accessory dwelling units located within the specified county for which the specified county:

(A) issued a building permit to construct; or

(B) issued a business license to rent;

(vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and

(vii) any recommendations on how the state can support the specified county in implementing the moderate income housing strategies.

(d) The moderate income housing report shall be in a form:

(i) approved by the division; and

(ii) made available by the division on or before July 1 of the year in which the report is required.

(3) Within 90 days after the day on which the division receives a specified county's moderate income housing report, the division shall:

(a) post the report on the division's website;

(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified county is located, and, if the unincorporated area of the specified county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and

(c) subject to Subsection (4), review the report to determine compliance with Subsection (2).

(4)

(a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(b);

(ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies; and

(iii) is in a form approved by the division.

(b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(c);

(ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies;

(iii) is in a form approved by the division; and

(iv) provides sufficient information for the division to:

(A) assess the specified county's progress in implementing the moderate income housing strategies;

(B) monitor compliance with the specified county's implementation plan;

(C) identify a clear correlation between the specified county's land use decisions and efforts to implement the moderate income housing strategies; and

(D) identify how the market has responded to the specified county's selected moderate income housing strategies.

Incentives & Restrictions - UCA 17-27a-408(5)-(8)

(5)

(a) A specified county qualifies for priority consideration under this Subsection (5) if the specified county's moderate income housing report:
   (i) complies with Subsection (2); and
   (ii) demonstrates to the division that the specified county made plans to implement five or more moderate income housing strategies.

(b) The following apply to a specified county described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:
   (i) the Transportation Commission may give priority consideration to transportation projects located within the unincorporated areas of the specified county in accordance with Subsection 72-1-304(3)(c); and
   (ii) the Governor's Office of Planning and Budget may give priority consideration for awarding financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).

(c) Upon determining that a specified county qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (5)(c) shall:
   (i) name the specified county that qualifies for priority consideration;
   (ii) describe the funds or projects for which the specified county qualifies to receive priority consideration;
   (iii) specify the fiscal year during which the specified county qualifies for priority consideration; and
   (iv) state the basis for the division's determination that the specified county qualifies for priority consideration.

(6)

(a) If the division, after reviewing a specified county's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified county.

(b) The notice described in Subsection (6)(a) shall:
   (i) describe each deficiency in the report and the actions needed to cure each deficiency;
   (ii) state that the specified county has an opportunity to cure the deficiencies within 90 days after the day on which the notice is sent; and
   (iii) state that failure to cure the deficiencies within 90 days after the day on which the notice is sent will result in ineligibility for funds under Subsection (7).

(7)

(a) A specified county is ineligible for funds under this Subsection (7) if the specified county:
   (i) fails to submit a moderate income housing report to the division; or

(ii) fails to cure the deficiencies in the specified county's moderate income housing report within 90 days after the day on which the division sent to the specified county a notice of noncompliance under Subsection (6).

(b) The following apply to a specified county described in Subsection (7)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the unincorporated areas of the specified county in accordance with Subsection 72-2-124(6); and

(ii) the Governor's Office of Planning and Budget may not award financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).

(c) Upon determining that a specified county is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (7)(c) shall:

(i) name the specified county that is ineligible for funds;

(ii) describe the funds for which the specified county is ineligible to receive;

(iii) specify the fiscal year during which the specified county is ineligible for funds; and

(iv) state the basis for the division's determination that the specified county is ineligible for funds.

(8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

2019 General Plan	2022 MIH Elements
9. Rezone for densities necessary to assure the production of moderate income housing.	(A) rezone for densities necessary to facilitate the production of moderate income housing;
5. Facilitating the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.	(B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
	(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
	(D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;
6. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.	(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
7. Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers.	(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;
	~~(G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;~~
	~~(H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;~~
	(I) amend land use regulations to allow for single room occupancy developments;
	(J) implement zoning incentives for moderate income units in new developments;
8. Preserve existing moderate income housing.	~~(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;~~
	(L) reduce, waive, or eliminate impact fees related to moderate income housing;
	(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
	(N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
	(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing, Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
	(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community subsidize moderate income housing;
	~~(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;~~
	(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
	(S) create a program to transfer development rights for moderate income housing;
	(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
	(U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
	~~(V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;~~
	(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; and
	(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.

Kaysville City Planning Commission Meeting Minutes
September 8, 2022

The Planning Commission meeting was held on September 8, 2022 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Barrus and Commissioners Branch, Doxey, Keetch, Lott, Sommerkorn, and Sundloff

Staff Present: Mindi Edstrom, Dan Jessop and Melinda Greenwood

Public Attendees: Heather McGivern, MaryBeth Hall, Mark Lund, Kelly White, Phil Holland, Weston Ridd, Marsha Cook, Talicia Wilson, Cathy Johnson, Mr. Johnson, Carol Ward, Carol Bourne, Amanda Mitchell, Linda Gerner, Jason Larsen, City Councilmember Abbi Hunt

1-OPENING

Chair Barrus opened the meeting by welcoming all in attendance to the September 8, 2022 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM AUGUST 25, 2022

Commissioner Branch made a motion to approve the minutes from the August 25, 2022 meeting and Commissioner Doxey seconded the motion. All voted in favor of approving the minutes (7-0).

3- CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1064 SOUTH 750 EAST FOR HEATHER MCGIVERN

Introduced by: Dan Jessop

Mr. Jessop shared that the McGivern's are new to Kaysville and before they purchased the home, they came into city offices to see what would be allowed on their property. Mr. Jessop shared with them after doing the math that they would be allowed to have up to seven horses, four cows, fourteen sheep or llamas, and 178 chickens. He added that there is ample area to build structures needed to house the animals.

Heather McGivern approached the Commissioners and Commissioner Doxey asked Ms. McGivern what kind of animals she was planning to put on the land. She said she wants 2-3 horses, but wanted to be able to add more if she desired in the future.

Commissioner Barrus asked if there was a fence around the property and Ms. McGivern replied by saying that there is a fence in place.

Commissioner Doxey made the motion to approve the Conditional Use Permit for the use of horses at 1064 South 750 East and Commissioner Branch seconded the motion. The vote was unanimous in favor of the Conditional Use Permit (7-0).

4- CONDITIONAL USE PERMIT FOR FARM ANIMALS PARCEL 1D# 11-1150-0110 AT 676 CENTER STREET FOR MARYBETH HALL

Introduced by: Dan Jessop

Dan stated this is a Conditional Use Permit is for farm animals. This parcel is behind the home at 676 Center Street and does not have an address but is separate from the home. The neighbors next door applied for a conditional use permit several weeks ago and she thought that she should apply as well since she will be selling her home. Dan repeated that what would be allowed on the property as many as three horses, seven sheep or llamas and 95 chickens and there is plenty of room for structures for the animals and there are no conditions that he sees needing to be placed at this time.

Commissioner Keetch asked Mr. Jessop if the property had a fence around it and he said that he believes so.

The applicant was invited to approach the Commissioners. Ms. Hall said that she did not have anything else to add other than she is going to be selling the property and just wanted to be able to add that horses were allowed on this piece of property.

Commissioner Sundloff made the motion to approve the Conditional Use Permit for the home located at 676 Center Street with no additional conditions and it was seconded by Commissioner Keetch. The vote was unanimous in favor of the motion (7-0).

5- FINAL PLAT SUBDIVISION APPROVAL FOR MERIL ESTATES FOR MARK LUND AND KELLY WHITE FOR THE PROPERTY AT 478 SOUTH MAIN STREET

Introduced by: Dan Jessop

The Final Plat Application for 478 South Main Street was turned in and was looked at by the City Engineer and Staff and everything is exactly the same as the preliminary plat. Mr. Jessop said that this final plat is recommended by staff for approval.

There were no questions for staff and applicants were invited to approach the Commissioners. Neither of the applicants has anything further to add to the discussion.

Commissioner Doxey made the motion to approve the final plat application for 478 South Main Street and it was seconded by Commissioner Lott. The vote was unanimous in favor of the final plat approval (7-0).

6- PUBLIC HEARING FOR A REZONE APPLICATION FROM THE HOLLAND GROUP INC. FOR 67 NORTH ANGEL STREET FROM A-1 LIGHT AGRICULTURAL DISTRICT TO R-1-14 SINGLE FAMILY RESIDENTIAL DISTRICT

Introduced by: Melinda Greenwood

Ms. Greenwood thanked those in attendance for coming and gave a brief explanation of the rezone process and the role of the Planning Commission. Ms. Greenwood gave a description of the lot at 67 North Angel Street stating it is currently zoned A-1 and has a single family home on the lot. She explained what would be allowed on the property if it were rezoned R-1-14. She explained there are similar areas zoned R-1-14 by surrounding properties. The requested rezone fits into the new 2022 General Plan Future Land as it shows this land is to be zoned single family residential. Ms. Greenwood showed a slide that included a table giving the differences between the A-1 zone and the R-1-14 zone as far as minimum lot sizes, density, minimum lot width, front, side, and rear setback and the maximum building height. Ms. Greenwood showed a drawing that the applicant provided showing the proposed concept site plan for the rezone. She added that there are adequate elements in the 2022 General Plan to support this rezone and said staff is recommending the Planning Commission forward a recommendation of approval to the City Council for the rezone of 67 North Angel Street from A-1 to R-1-14.

Chair Barrus invited the applicant, Phil Holland to approach the Planning Commissioners. He stated that he is not trying to maximize density because it is important to keep the ½ acre lots in the area and that he feels that this is a pretty straight forward rezone.

Commissioner Keetch asked Mr. Holland about the amount of lots he was wanting to create. He at one point said there would be 10 but she wanted to know if that was in addition to the existing home or if that was included.

Mr. Holland clarified that the existing home was included in the 10 units. He said that in keeping the house he will get a better value out of it than just selling it as an empty lot. He also stated that he would not do a bait and switch in his own neighborhood as far as adding more lots one or creating a different entrance onto Angel Street.

Commissioner Barrus opened the Public Hearing.

Dennis Forbush lives at 127 North Angel Street and is the neighbor directly to the north of this lot. He said that the quagmire is a lane he considers a utility corridor before Bonneville Lane went in and that is where he gets his irrigation water. There are four head gates that feed water to the back of his property. The ditch and water company have water shares that have to come down that road. It has an 18" pipe that comes of the main irrigation line. The thing that worries him the most with this proposal is running out of irrigation water. The lane is only 24' wide and is not wide enough for a road and he would really like it to say A-1, however he does like the large lots that are being proposed.

Talicia Wilson lives at 99 North Angel Street and her home is the home in the middle of the proposed rezone. Her concern is the lane that was previously mentioned by Mr. Forbush. Talicia said that the little lane was actually promised to him and over the last seven years he has tried to purchase the property and the owner was not ready to sell it. They were never given the opportunity to purchase the land where the lane is and they would be willing to do so. She would prefer for it to be part of one of their properties instead of being a road. Talicia is in favor of the half acre lots and likes the fact that they are keeping the house on lot one. She proposed that Lot 1, 2, & 3 remain there and still be A-1 so they still have the feel of what the west side of Kaysville is.

Cathy Johnson lives at 62 North Angel Street and gave a brief history of the piece of land proposed for the rezone and that it had belonged to her parents.

Commissioner Barrus closed the Public Hearing.

Commissioner Sundloff feels that this rezone would not affect the character of the neighborhood in terms of it not sticking out from what is already there, and it falls in line with the general plant that was recently passed.

Commissioner Sommerkorn agrees with the comments made by Commissioner Sundloff as far as this rezone being in accordance with the general plan and in keeping with the character of existing zoning.

Commissioner Sommerkorn made a motion to recommend to the City Council approval of rezone for the property at 67 North Angel Street from A-1 to R-1-14. Commissioner Doxey seconded the motion to recommend approval of the rezone request. The vote was 6-1 in favor of the motion, with Krista Keech voting nay.

7- CONDITIONAL USE PERMIT FOR MULTIPLE DWELLINGS AT 146 EAST 200 NORTH FOR WESTON RIDD

Introduced by: Melinda Greenwood

Chairman Barrus noted to the audience that the item was changed to Conditional Use even though it was noticed as a rezone.

Ms. Greenwood gave an explanation as to why staff decided to change the rezone to a Conditional Use Permit. Ms. Greenwood the shared information on the property at 146 East 200 North, stating it is zoned R-D, it is 25,700 square feet, has an existing single family home on it and per the conditional use, up to six units would be allowed on the property. She shared aerial views of the property and an area zoning map. She also showed the 2022 General Plan Future Land use Map. She also addressed a about whether or not the property was a flag lot adding that after some research and the original 1981 plat map it was originally platted that way and is not a flat lot.

Ms. Greenwood showed the concept plan submitted with the application, which shows six units including four townhome style units on the south end of the property and two single townhome style units north of that. She stated that staff recommends that the Planning Commission approve the conditional use permit subject to the conditions in the staff report and any other conditions they feel are appropriate.

There five conditions recommended so that it meets the zoning code for 17-13 R-D, parking minimums are met per 17-32, no more than 6 dwelling units will be permitted, usable functional space will be provided per the R-M zone, and a minimum of 20 ft^2 enclosed outside storage for each dwelling unit as outlined in the R-M zone.

Commissioner Barrus invited Mr. Ridd to address the Commission.

Commissioner Doxey asked Mr. Ridd if he considered any other use on the site such as mixed use and Mr. Ridd said he not looked into other options for this project.

Commissioner Keetch asked Mr. Ridd if he currently resides at this property and what his ideology around the parking spaces was.

Mr. Ridd spoke to the concept plan submitted and showed the explanation for the parking and the ingress and egress. He said that all backing up traffic would be done on the property itself so they would be pulling out moving forward from the lot.

Commissioner Keetch shared that she went over the property after school had let out and it was a zoo at the intersection in front of the lot. It was a mad house and she spoke to the crossing guard and he expressed his concern to the danger of adding more traffic as well as safety for the children.

Mr. Ridd agrees with what she shared and feels that there needs to be a better solution to that intersection.

Commissioner Doxey asked Ms. Greenwood what the maximum allowable housing units that could go onto this lot and she referred to the Conditional Use Permit for R-D saying that only 6 units are allowed.

Commissioner Lott asked if there are any ordinances about driveways being close to intersections.

Ms. Greenwood did say that there is code that driveways need to be spaced a certain amount apart and said that this driveway would be a private road. She said in the site plan process we could ask that drive approach could be placed differently.

Mr. Jessop responded saying that there are ordinances for driveways requiring 12 feet between driveways that driveways be 20 feet from a corner.

Ms. Greenwood gave a brief history of the R-D zone and when it was added in 1998 and then changed again in 2006 she believes the intent was to not have more multifamily dwellings come through, but the code was not well-written and is unclear. She said if the city didn't want to have more multifamily dwellings, it shouldn't have been listed as a conditional use and the whole paragraph should have been eliminated.

Commissioner Sundloff asked to make a motion to allow comment from the public. Commissioner Keetch seconded the motion. The vote was 7-0, unanimous in favor of the motion.

Carol Ward said that her concern is the amount of dwellings that could go in there and how would you be able to get onto 200 North with all the traffic.

Marsha Cook lives behind the proposed property. She stated that she worked for the City of Kaysville when the R-D ordinance was created. And when she worked here she said that they were told it meant no new multifamily dwelling and that this being considered as a conditional use permit was very concerning.

Commissioner Sommerkorn gave an explanation that the State Legislature added to the state code a provision that is called the Plain Language Provision, which is 10-9a-306-1. The law means it doesn't matter what you think it means or what the intention was, you look only at the language of the ordinance. The law says that you interpret the law in favor of the property owner.

Marsha Cook said that it means that there was no sense in even rezoning all those years ago and Mr. Sommerkorn said that at the time it probably made sense but the state code has changed since then. Ms. Cook said that that was frustrating.

Amanda Mitchell said that if it is the case any resident could get a Conditional Use Permit for multifamily in R-D and she doesn't want her neighborhood to change.

Linda Gerner lives to the south side of the property and opposes multiple dwellings. Her biggest concern is the intersection and the speeding and back log of traffic on 200 North. She also asked about using property in the R-D zone as a storage space because the property is being used as a storage facility.

Jason Larson wants to speak in favor of multifamily dwellings and feels that this rezone fits the city's general plan.

Commissioner Sundloff said he respectfully disagrees that multifamily dwellings are a Conditional Use and said when he looks at the wording it is talking about certain multiple family dwellings, meaning those that were legally existing the date that the coded was passed and therefore the way the city has been interpreting it in the past is the correct interpretation.

Commissioner Sommerkorn said that Commissioner Sundloff demonstrates the difference in opinion that exists.

Commissioner Branch asked staff to go back to the proposed concept plan and agrees with Commissioner Keetch's observation of the parking and traffic situation near the lot and the parking is a concern and would like to make a condition on the lot to move to five units rather than six and proposes to have more parking.

Commissioner Sundloff asked staff how the city interpreted the words "legally existing upon the effective date of this chapter."

Ms. Greenwood said any multiple dwellings that currently exists in the R-D zone.

Commissioner Sundloff suggested that there be a right in and right out condition for the driveway and that fencing could be a condition.

Commissioners Sommerkorn said that the parking requirements are met with the concept plan and that conditional uses are to be considered based on standards in your ordinance.

Commissioner Keetch made a motion to allow for off-street parking, look at the entrance and exit into the structure, not to allow for parking on 200 North and have five units allowing more parking. Then she changed her motion to only allowing five units instead of six. There was not a second and the motion failed.

The Commissioners discussed a lack of parking on the streets, taking green space and making additional parking above the required parking, being in compliance with state code and what is allowable as a Planning Commission body to impose as conditions.

Commissioner Sundloff made a motion to approve the conditional use permit with the conditions of only allowing five dwelling units, adding five additional parking stalls (for a total of 16 stalls) where unit six gets removed, to require a right in and right out for the driveway and to require 6 foot fencing around the site. Commissioner Branch seconded the motion. The vote was 4 yays (Commissioners Sundloff, Lott, Keetch, and Branch) and 3 nays (Commissioners Sommerkorn, Doxey and Barrus) in favor of the motion. Commissioner Summerkorn stated his reason for voting against the motion was due to doubling the parking requirement on the project. Commissioner Doxey and Barrus stated the same reason as Commissioner Summerkorn for voting nay.

8- DISCUSSION ON STATE CODE 17-27A-403(2) MODERATE INCOME HOUSING ELEMENT AND INCORPORATING STRATEGIES INTO THE 2022 GENERAL PLAN

Discussion was postponed until September 25, 2022.

9- CALL TO THE PUBLIC

No public for Call to the Public.

10- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION:

The League of Cities is coming up in October and the Fall Land Use Conference this fall as well. Staff will send out more information regarding those training opportunities.

Ms. Greenwood asked if the Planning Commission would like her to make revisions to the R-D Zone to clear up the confusion about multifamily dwellings being a conditional use.

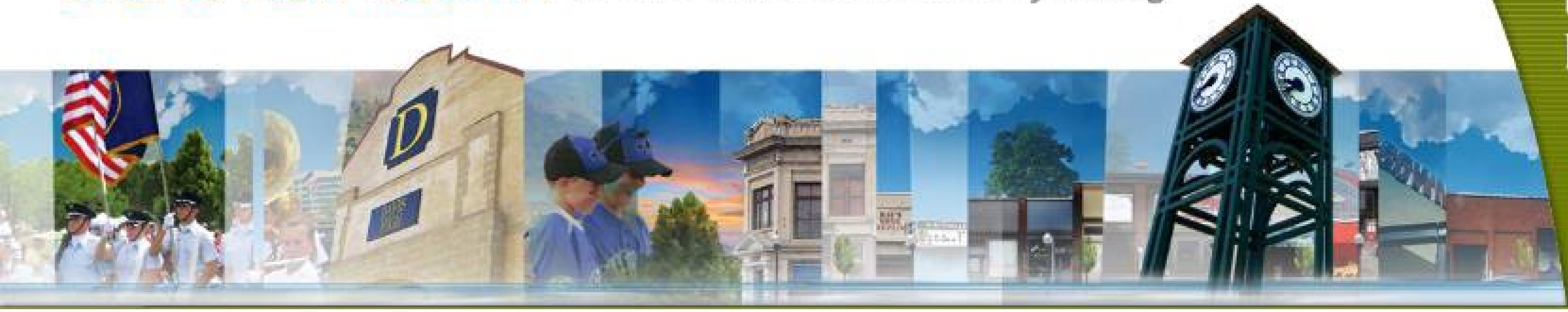
11-ADJOURNMENT

A motion to adjourn was made by Commissioner Lott at 9:23 pm.

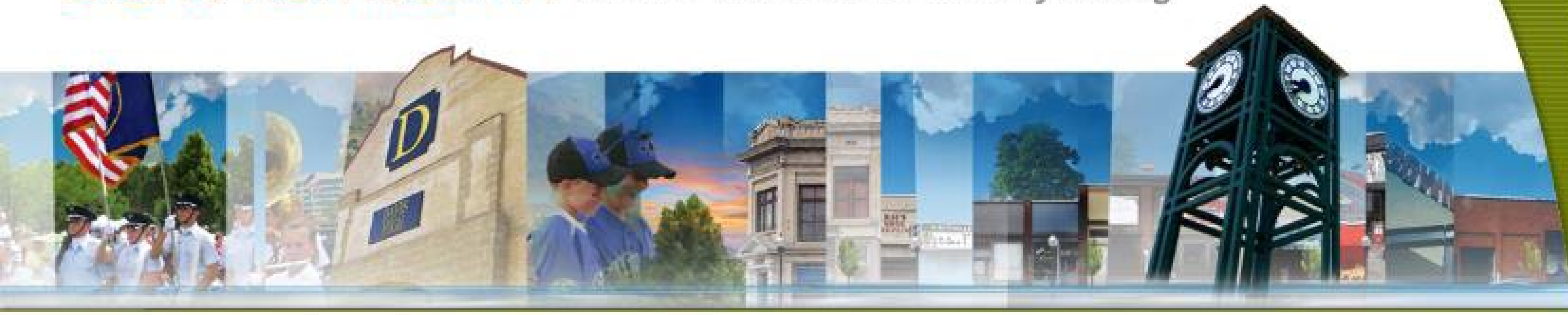
Kaysville City

Utah's Hometown

In the middle of everything



1. Opening



2. Approval of the minutes from the August 25, 2022 regular meeting

KCC 17-24-4 Conditional Uses

17-30-2 Conditional Use Permit

1. A Conditional Use Permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title. A Conditional Use Permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.
2. Conditional Use Permits are issued by the Planning Commission. The granting of a Conditional Use Permit shall not exempt the application from other relevant provisions of this or other ordinances of Kaysville City.
3. Application for a Conditional Use Permit shall be made by the property owner or certified agent thereof to the Zoning Administrator.
4. The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of a site plan review (see KCC 18-4) for those conditional uses which require such a review, and sufficient to demonstrate that the reasonably anticipated detrimental effects of the proposed use will be mitigated in accordance with applicable standards. In considering an application for a Conditional Use Permit, the Planning Commission shall give due regard to the nature and condition of adjacent uses and structures.
5. The application for any Conditional Use Permit shall be accompanied by the appropriate fee as established from time to time by resolution of the City Council.

3. Conditional Use Permit for farm animals at 1064 South 750 East for Heather McGivern

Application Type: Conditional Use Permit for Animals

Applicant: Heather McGivern

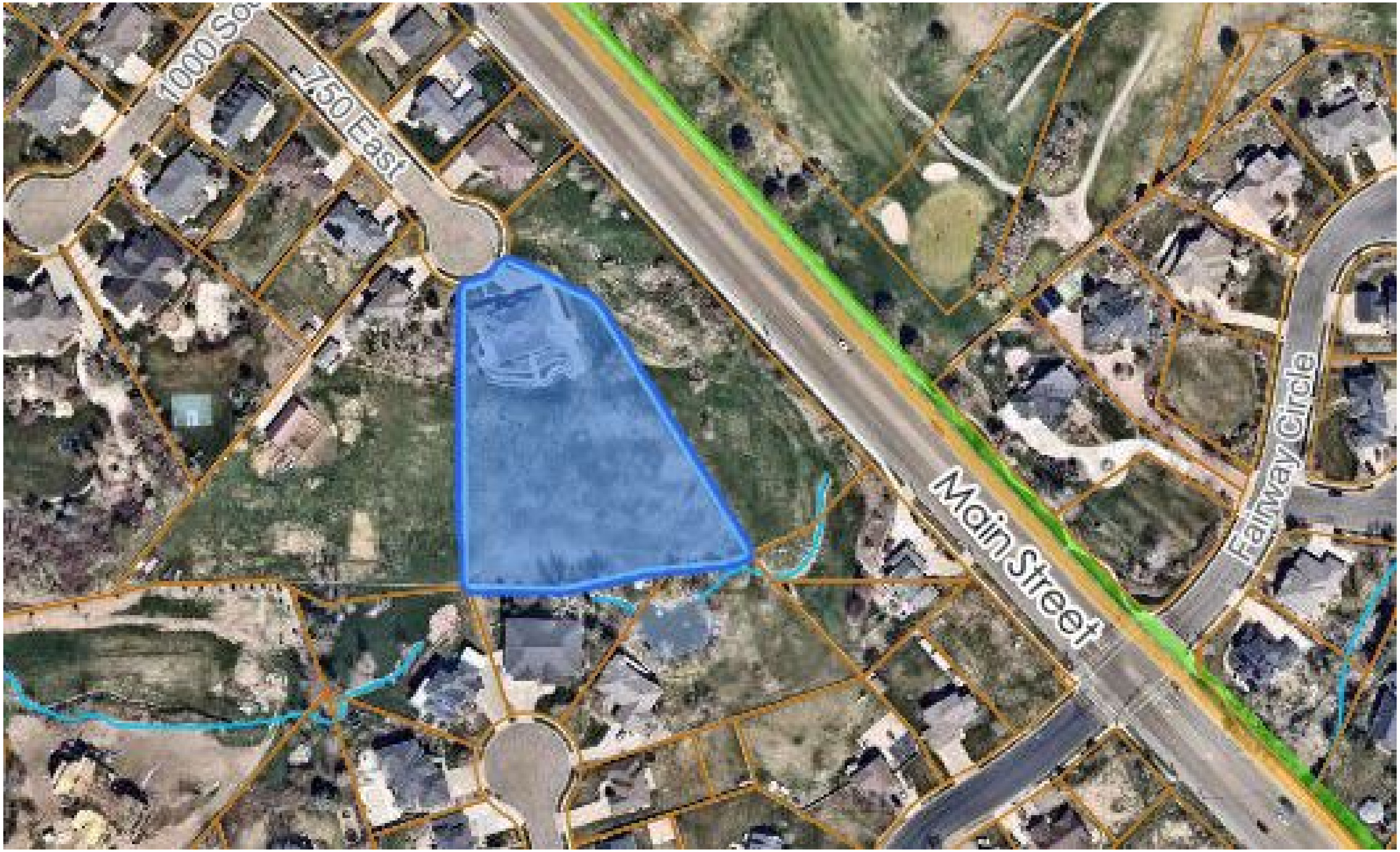
Address: 1064 South 750 East

Zoning: R-1-10

Lot Size: 1.78 acres | 77,536 ft²

Current Use: Single family dwelling

1064 South 750 East



KCC 17-24-2

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be 8,000 square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	8,000	1,600
	14,000	1,400
	20,000	800
	21,780	435
Sheep, goats, llamas or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890
Swine, including pot belly pigs	43,560	43,560

Recommendation:

Approval of CUP for animals with any conditionals the Planning Commission feels are appropriate.

4. Conditional Use Permit for farm animals parcel ID#11-1150-0110 at 676 East Center Street for MaryBeth Hall

Application Type: Conditional Use Permit

Applicant: MaryBeth Hall

Address: 676 North Center Street

Parcel ID: 11-1150-0110

Zoning: R-1-8

Lot Size: .94 acres | 41,382 ft^2

Current Use: Back yard for Single family dwelling

676 North Center Street

KCC 17-24-2

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be 8,000 square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	8,000	1,600
	14,000	1,400
	20,000	800
	21,780	435
Sheep, goats, llamas or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890
Swine, including pot belly pigs	43,560	43,560

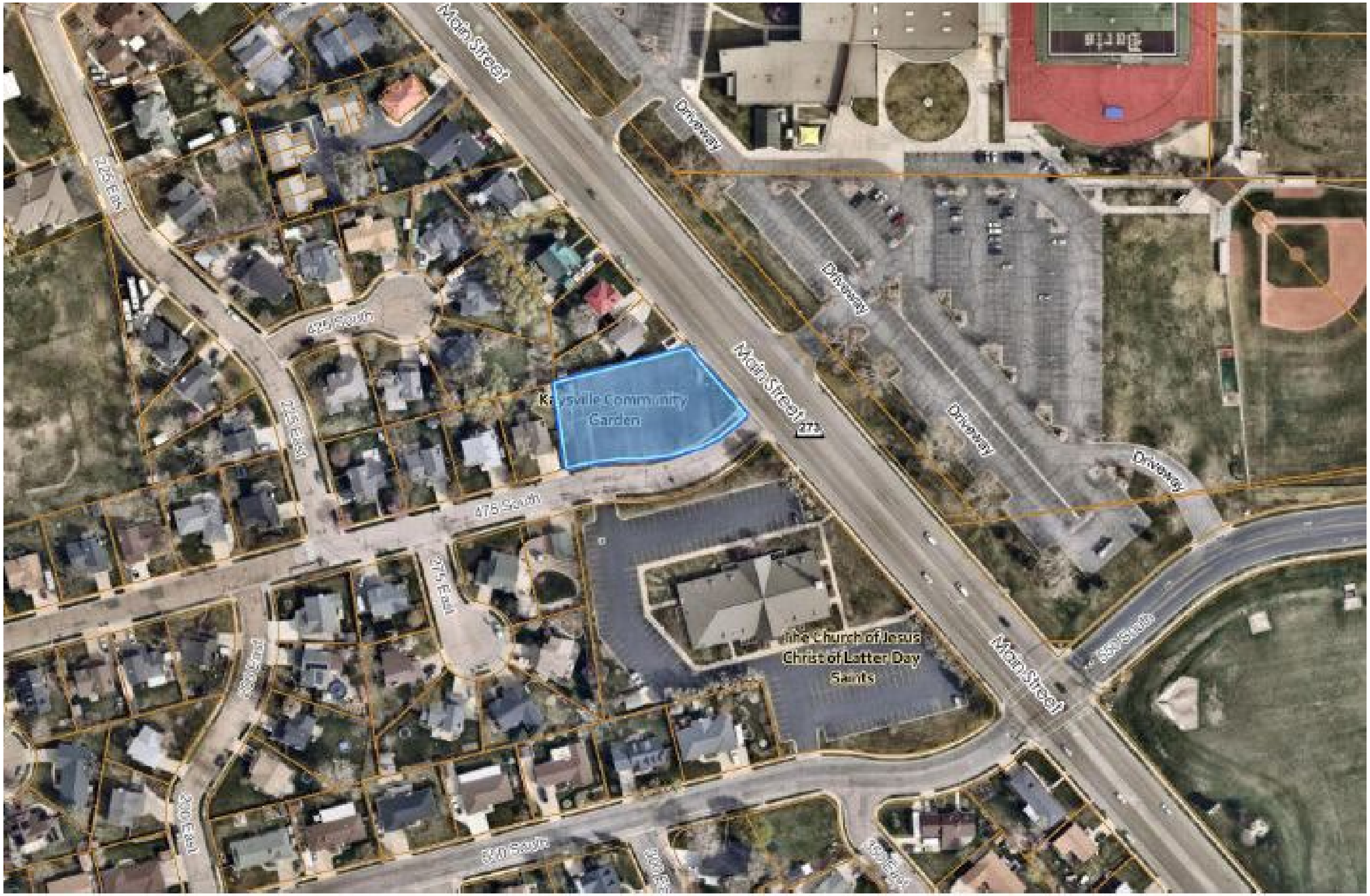
Recommendation:

Approval of CUP for animals with any conditionals the Planning Commission feels are appropriate.

5. Final Plat Subdivision approval for Meril Estates for Mark Lund & Kelly White for the property at 478 South Main Street

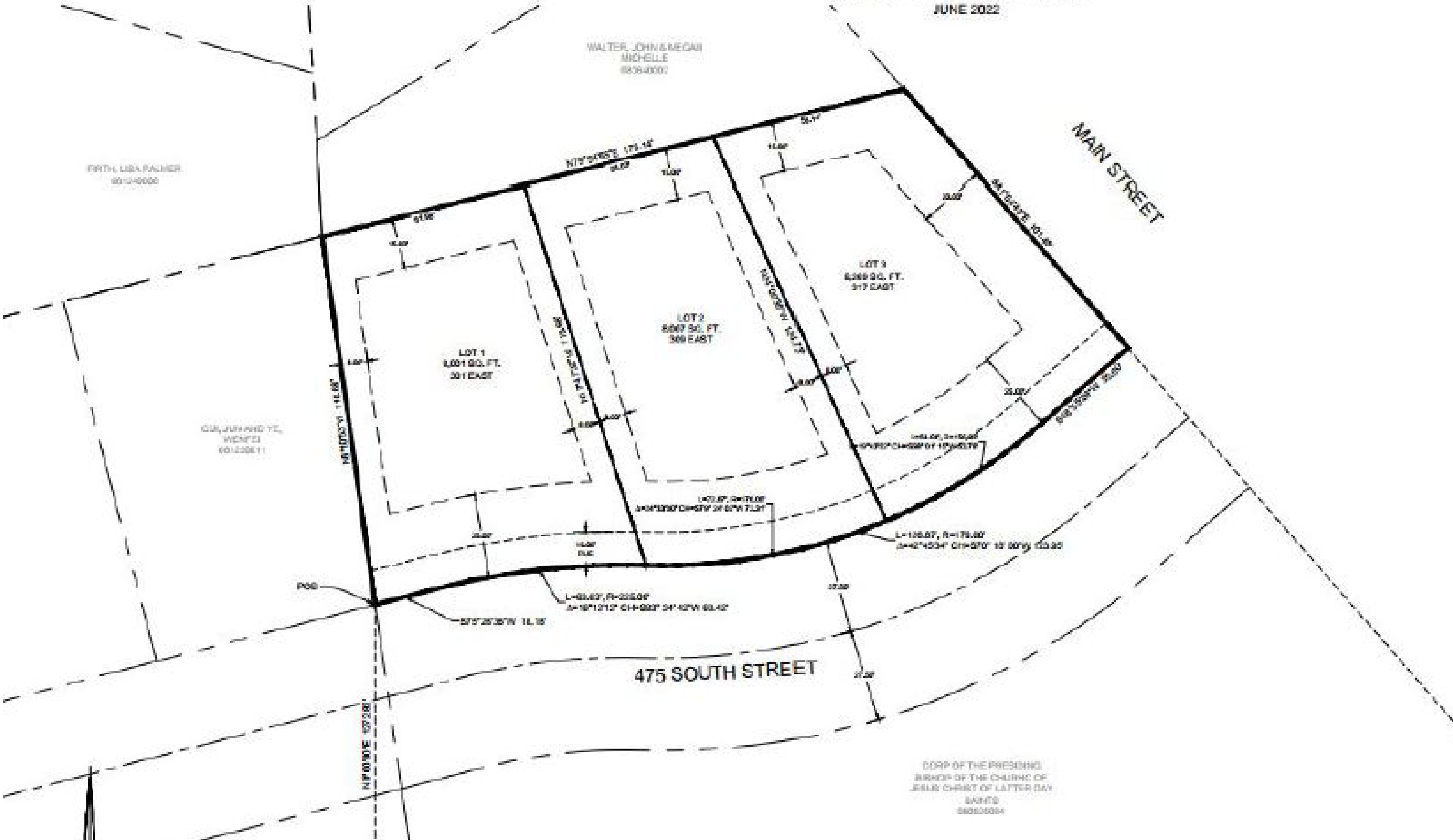
Application Type: Final Plat
Applicant: Mark Lund and Kelly White
Address: 478 South Main Street |08-002-0116
Zoning: R-1-8
Lot Size: .56 acres | 24,393 ft^2
Current Use: Undeveloped
Number of Lots: 3
Lot Sizes: 8,001 to 8,269
Preliminary Plat Approval: August 18, 2022

478 South Main Street

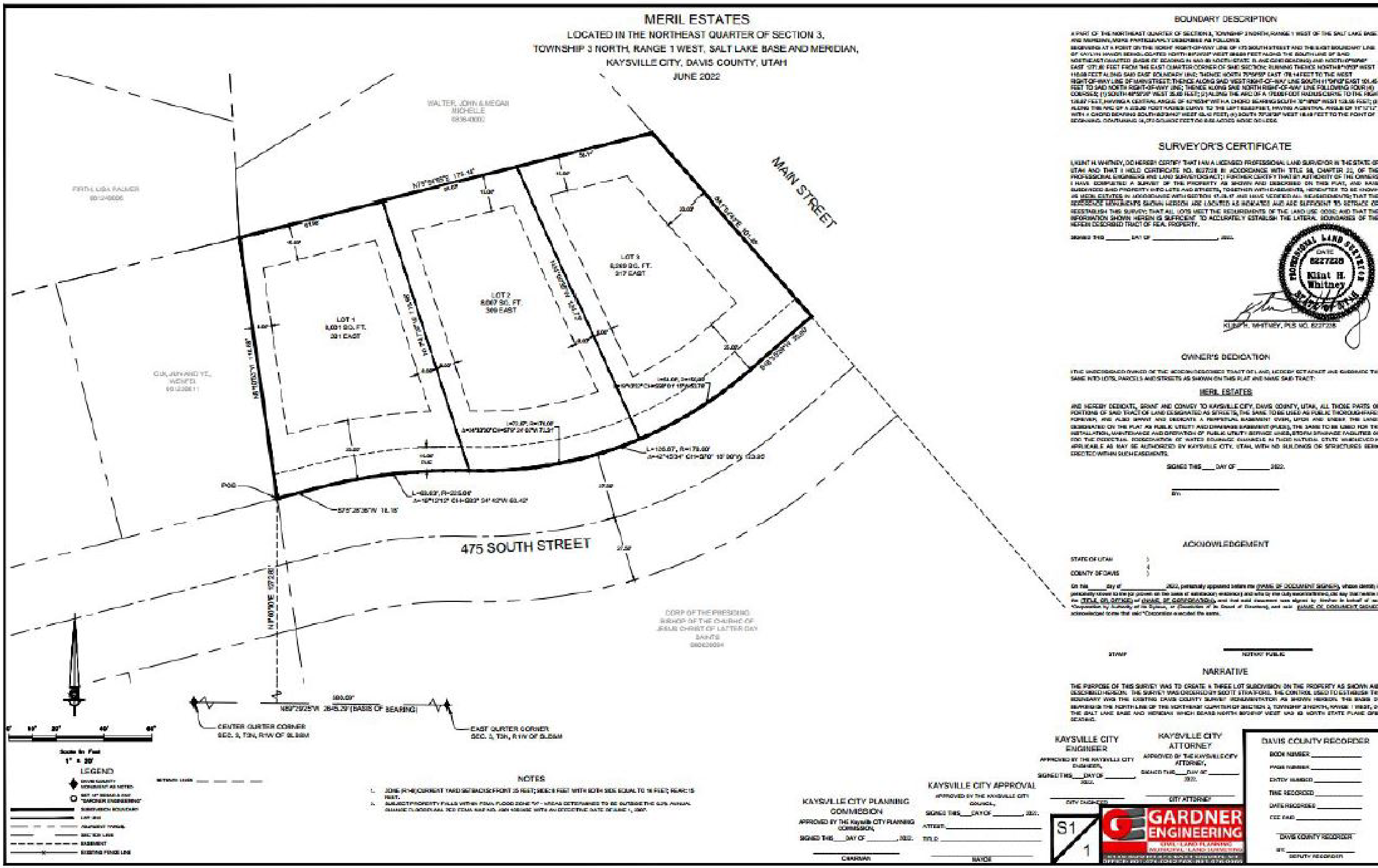


Meril Estates Subdivision- Final Plat

LOCATED IN THE NORTHEAST QUARTER OF SECTION 3,
TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN,
KAYSVILLE CITY, DAVIS COUNTY, UTAH
JUNE 2022

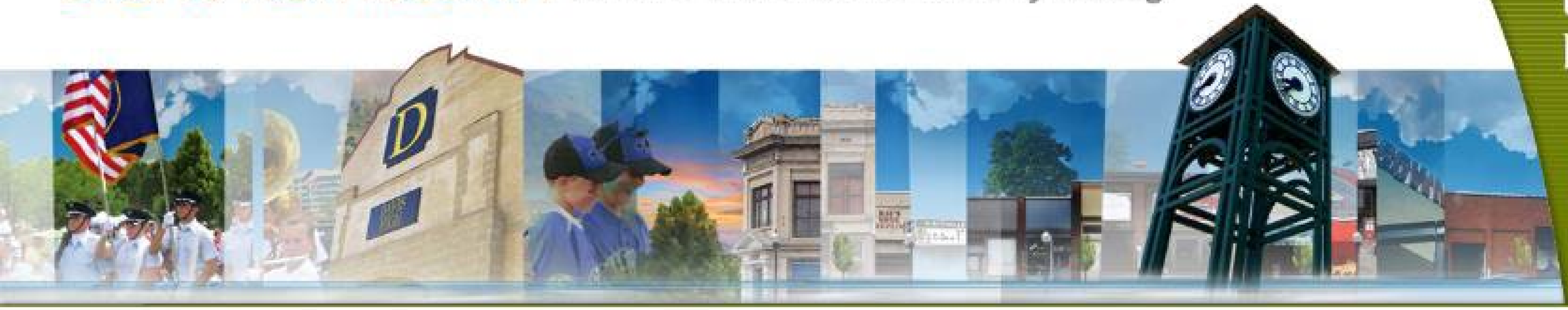


Meril Estates Subdivision- Final Plat



Recommendation:

Approval of the final plat subdivision for Meril Estates Subdivision

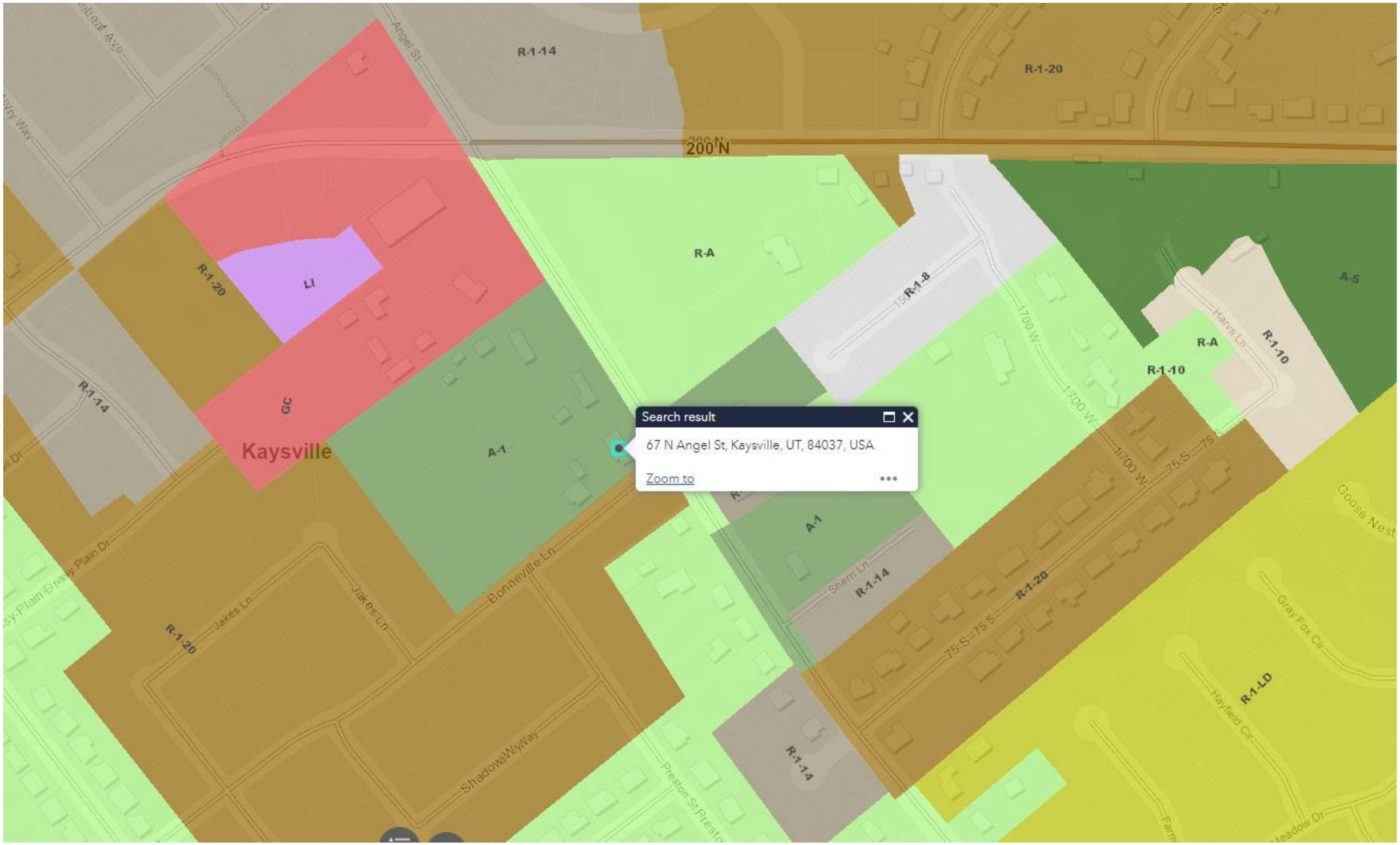


6. Public Hearing for a rezone application from the Holland Group Inc. for 67 North Angel Street from A-1 to R-1-14

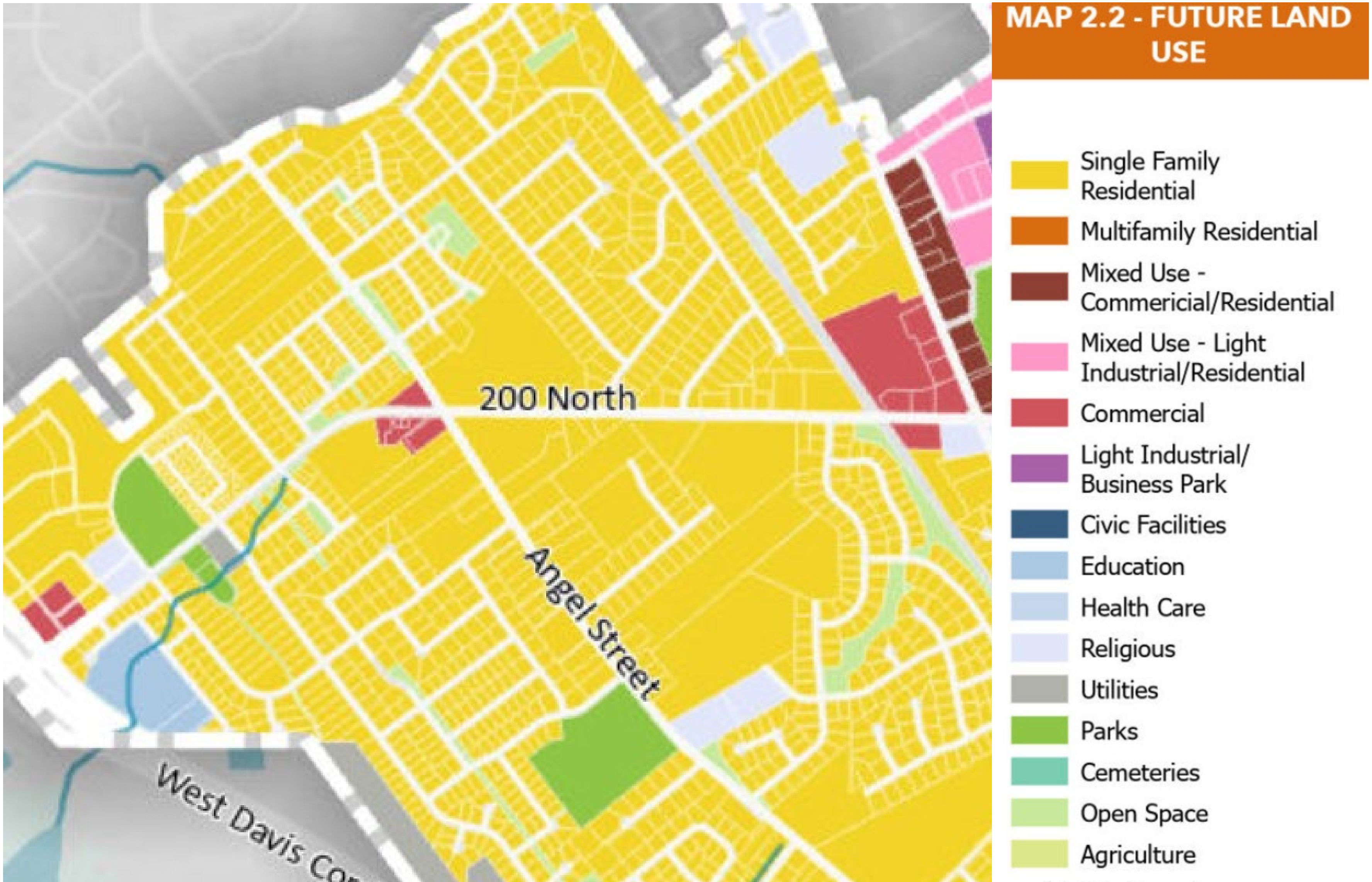
Applicant: The Holland Group
Address: 67 North Angel Street|11-109-0041
Lot size: 5.27| 229,561 ft^2
Current Use: One single family dwelling
Current Zoning: A1 Light Agricultural District
Density Entitlement: 5 single family dwellings (40,000 ft^2 minimum)
Requested Zoning: R-1-14
Density Entitlement: 16 single family dwellings (14,000 ft^2 minimum)

67 North Angel Street

67 North Angel Street Zoning



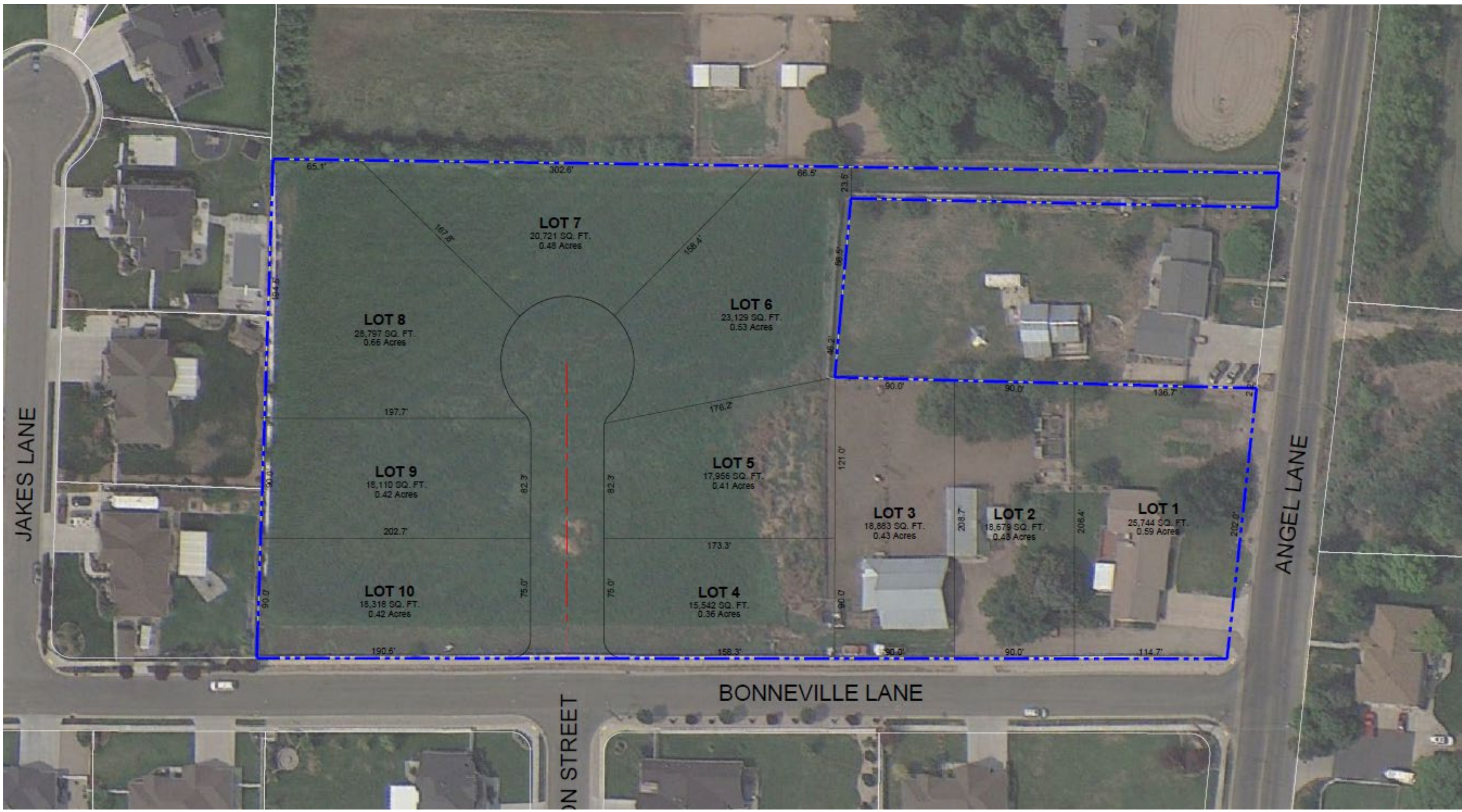
General Plan Future Land Use Map



A-1 vs R-1-14

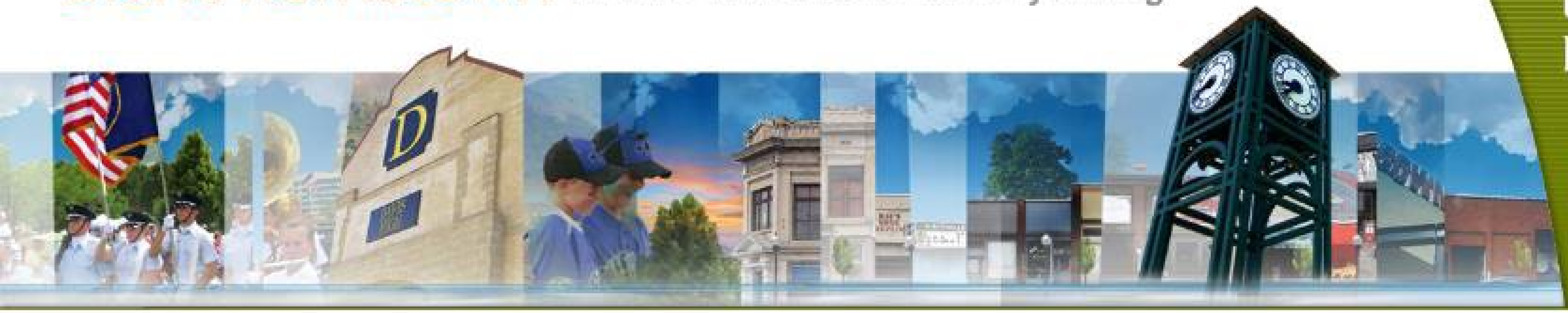
	A-1	R-1-14
Minimum Lot Size	40,000 ft^2	14,000 ft^2
Density (based on lot size)	5 single family dwellings	16 single family dwellings (14,000 ft^2 minimum)
Minimum Lot Width	100′	90′
Front Setback	30′	30′
Side Setback	≥ 10′	≥ 8′
Rear Setback	30′	15′
Maximum Building Height	30′	30′

Proposed Concept Site Plan



Recommendation:

Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the rezone of 67 North Angel Street to R-1-14.



7. Conditional Use Permit for Multiple Dwellings at 146 East 200 North for Weston Ridd

Application Type: Conditional Use Permit

Applicant: Weston Ridd

Address: 146 E. 200 N.

Zoning: R-D Diverse Residential

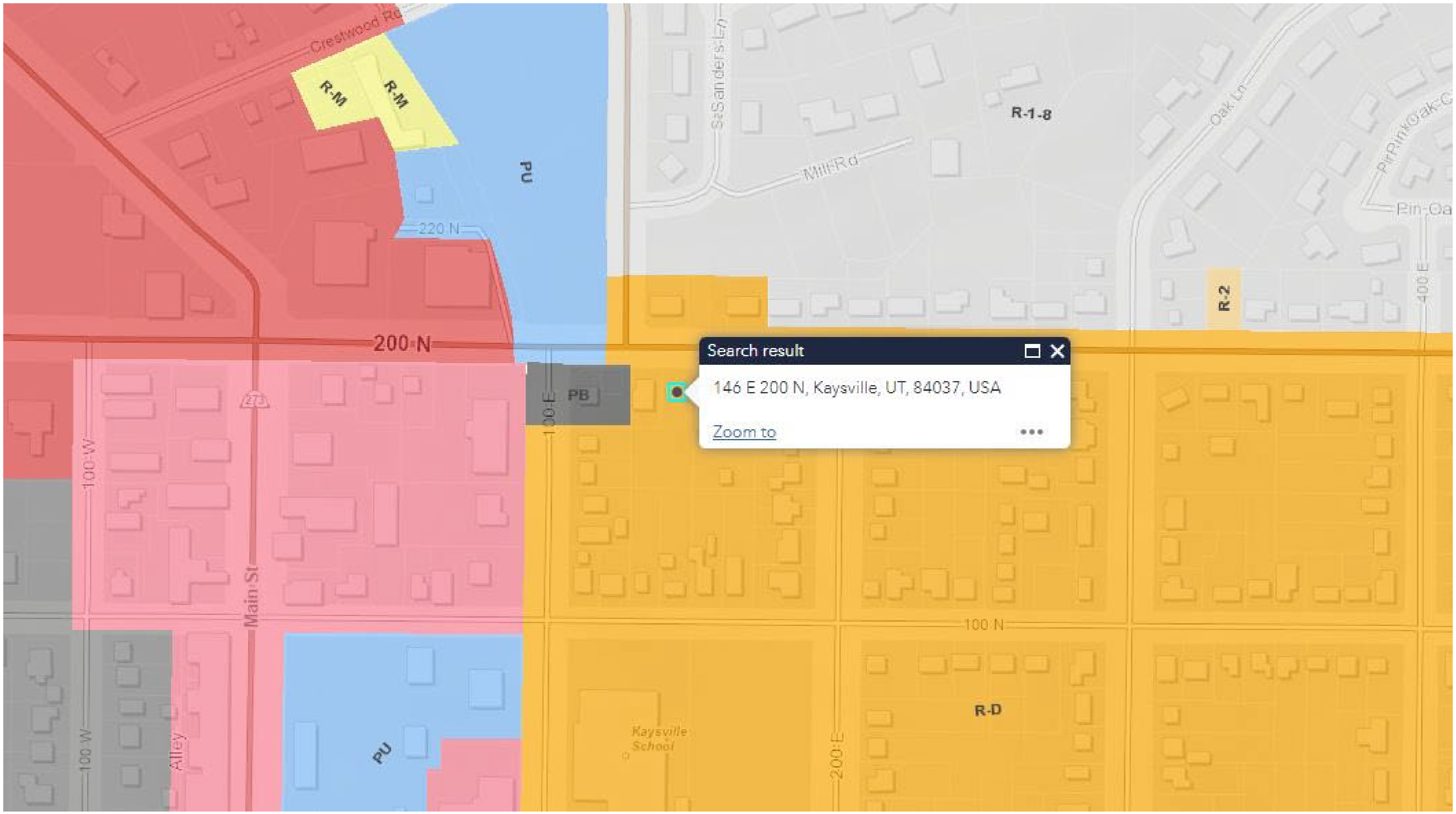
Lot Size: .59 acres | 25,7000 ft^2

Current Use: One single family dwelling

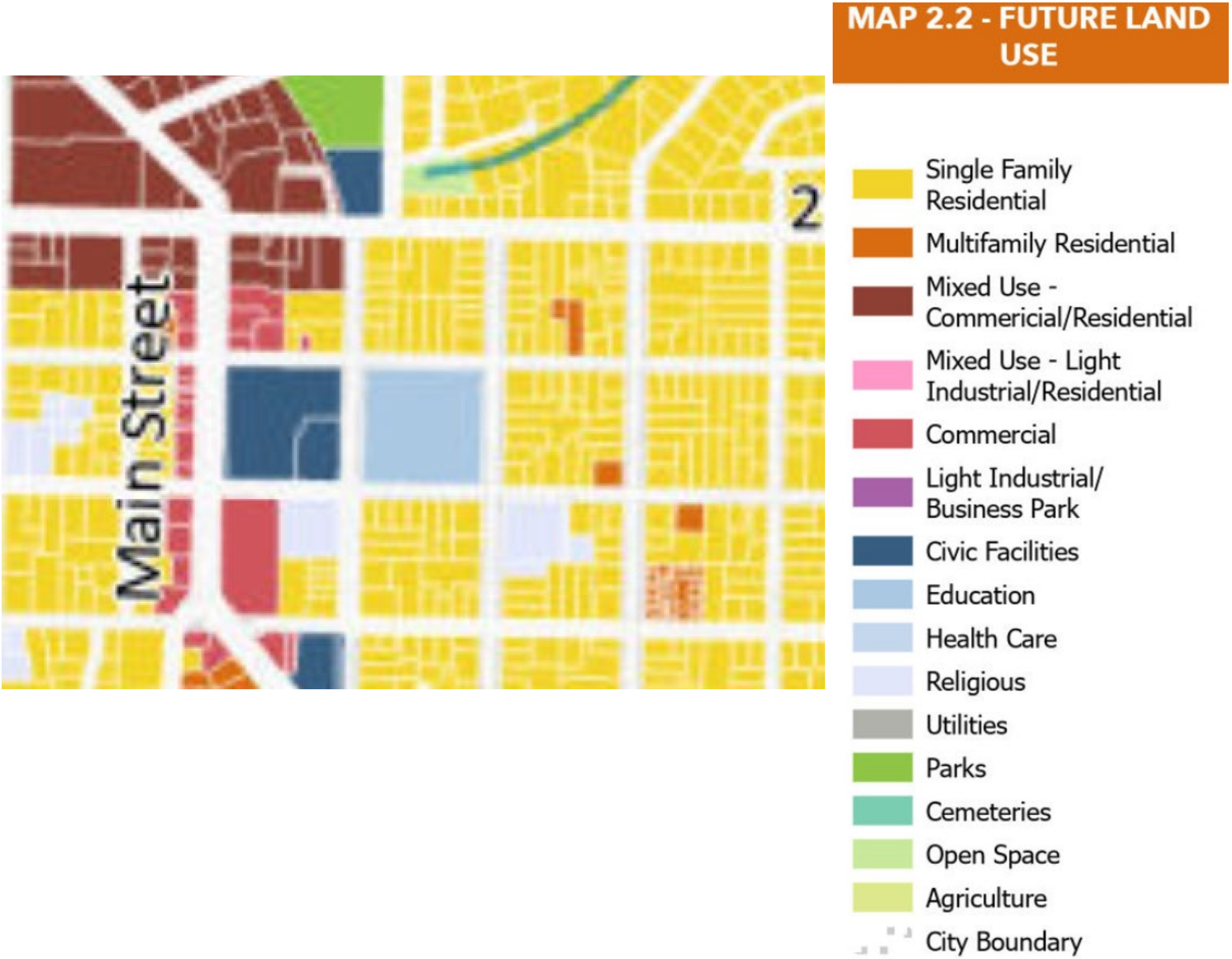
Density Entitlement: 6 Multiple family dwellings

146 East 200 North

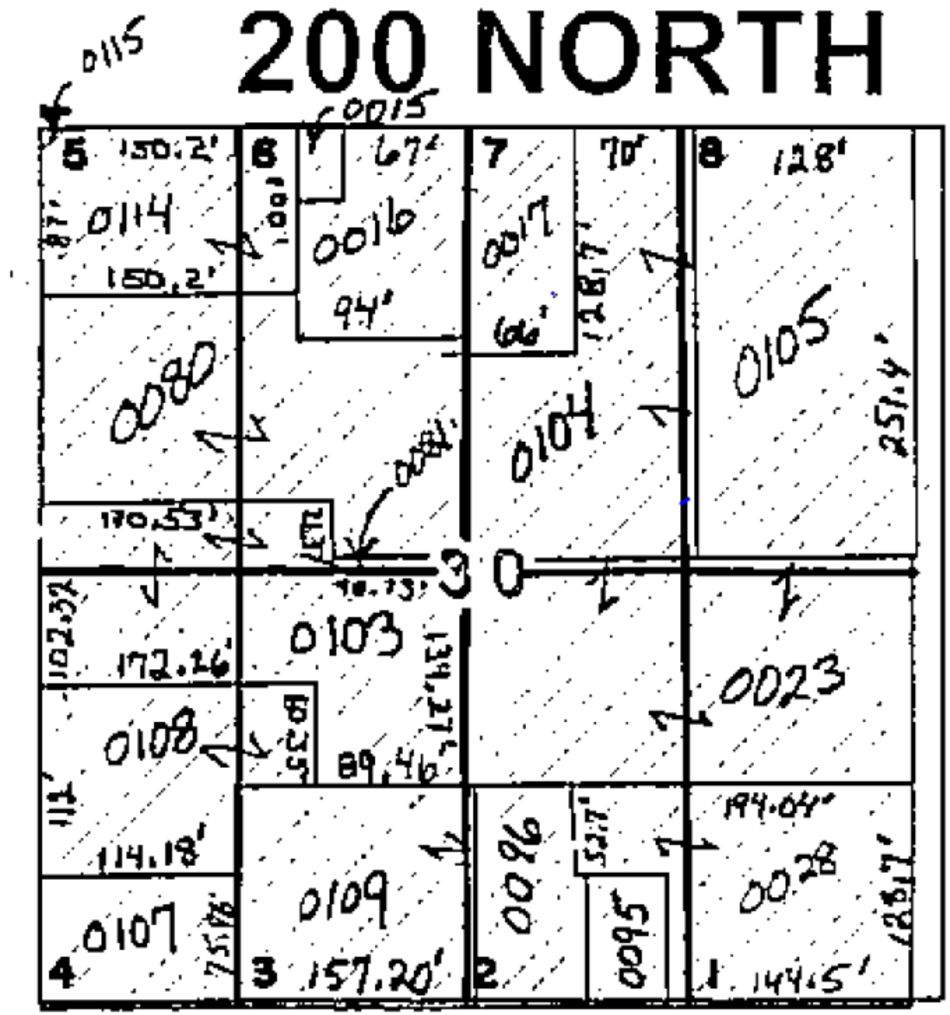
146 East 200 North Zoning



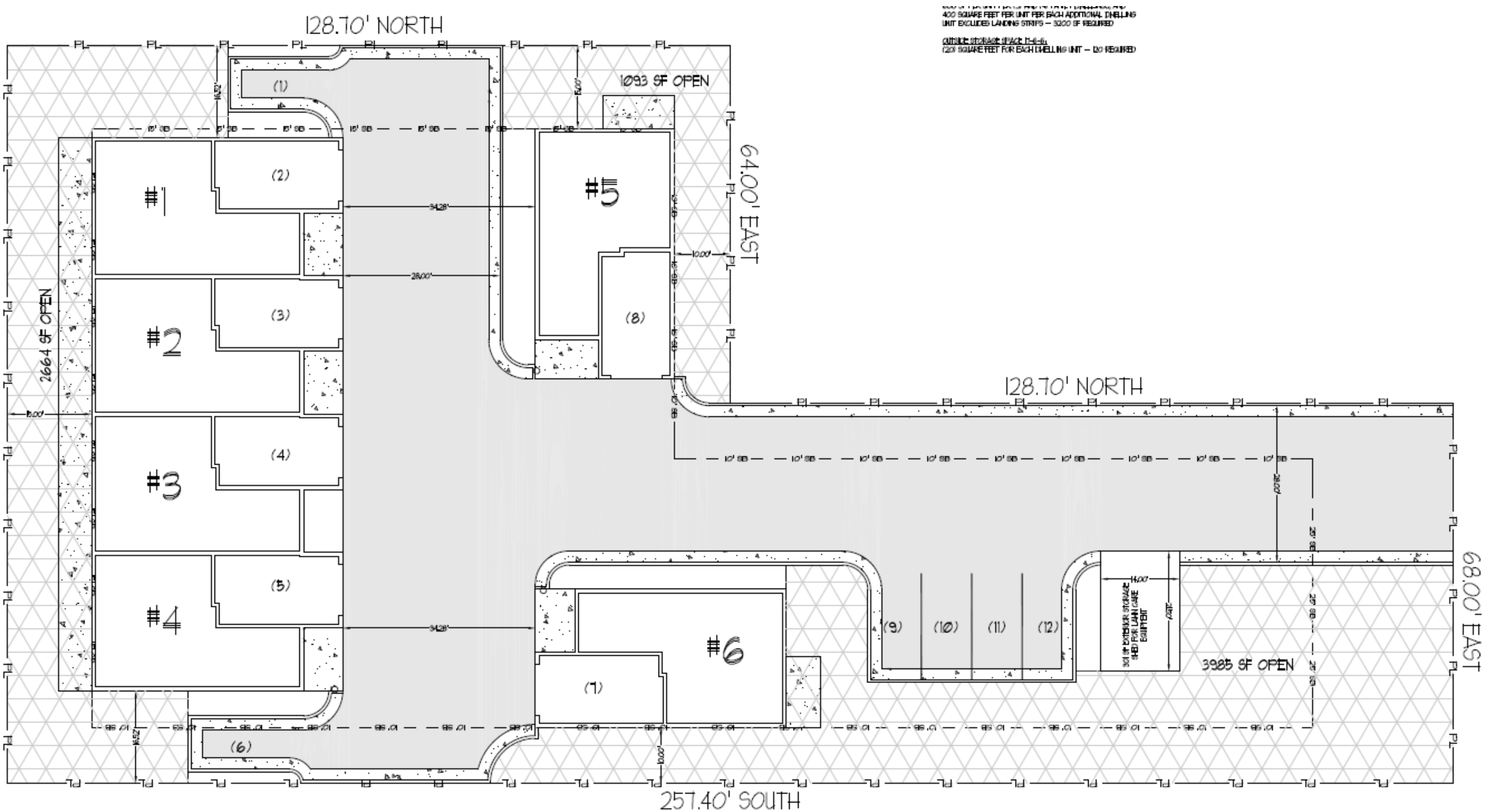
Future Land Use Map



1981 Plat

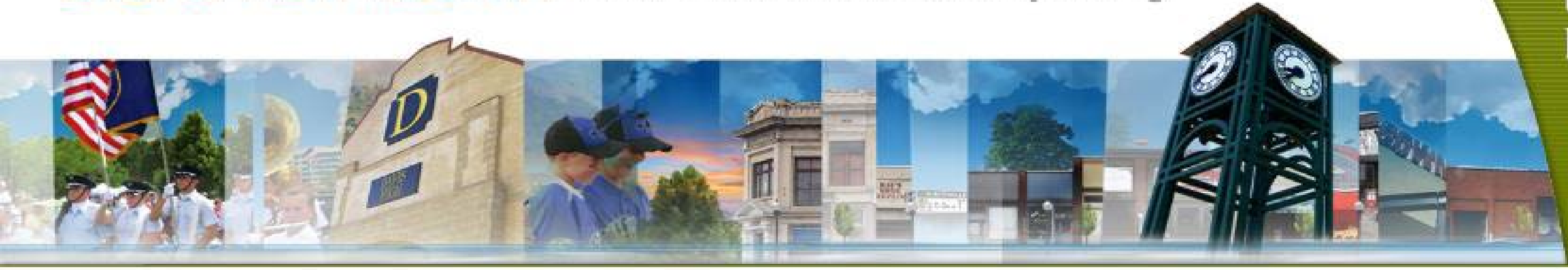

200 NORTH
0115
0015
5
150.2'
87'
0114
150.2'
6
100'
67'
0016
94'
7
70'
0017
128.7'
66'
8
128'
0105
251.4'
0080
0081
0104
170.53'
30
40.73'
102.32
172.26'
0103
134.27'
0023
0108
89.46'
111'
114.18'
194.04'
52.7'
0109
0096
0028
128.7'
0107
75.96
0095
4
3
157.20'
2
1
144.5'

Proposed Six-Unit Development



Recommendation:

Staff recommends the Planning Commission approve the conditional use permit subject to the conditions in the staff report and any other conditions they feel are appropriate.



Conditions:

A. Meet the conditions of zoning code for 17-13 R-D Diverse Residential District.

B. Meet the minimum parking requirements per 17-32.

C. No more than 6 dwellings will be permitted.

D. Provide 3,600 ft^2 usable functional open space as per 17-16-6-1.

E. Provide a minimum of 20 ft^2 of enclosed outside storage space for each dwelling unit.

8. Discussion of State Code 17-27a-403(2) Moderate Income Housing Element and Incorporating Strategies into the 2022 General Plan

Moderate Income Housing

2019 General Plan	2022 MIH Elements
9. Rezone for densities necessary to assure the production of moderate income housing.	(A) rezone for densities necessary to facilitate the production of moderate income housing;
5. Facilitating the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.	(B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
	(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
	(D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;
6. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.	(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
7. Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers.	(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;
	~~(G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;~~
	~~(H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;~~
	(I) amend land use regulations to allow for single room occupancy developments;
	(J) implement zoning incentives for moderate income units in new developments;
8. Preserve existing moderate income housing.	~~(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;~~
	(L) reduce, waive, or eliminate impact fees related to moderate income housing;
	(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
	(N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
	(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing, Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
	(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community subsidize moderate income housing;
	~~(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;~~
	(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
	(S) create a program to transfer development rights for moderate income housing;
	(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
	(U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
	~~(V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;~~
	(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; and
	(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.

2019 General Plan - MIH

1. Zoning properties townsite (R-T), single family (R-1), diverse (R-D), two-family (R-2), one to four family (R-4), and multiple family (R-M) residential and central commercial (CC) which allows housing.

2. Clustering in residential areas.

3. Permitting multiple unit structures in single family residential zones.

4. Permitting less costly size, design, materials and construction of housing.

5. Facilitating the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.

6. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.

7. Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers.

8. Preserve existing moderate income housing.

9. Rezone for densities necessary to assure the production of moderate income housing.

Moderate Income Housing Strategies

(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;

(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;

(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

(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;

Moderate Income Housing Strategies

(G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;

(H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;

(I) amend land use regulations to allow for single room occupancy developments;

(J) implement zoning incentives for moderate income units in new developments;

(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;

Moderate Income Housing Strategies

(L) reduce, waive, or eliminate impact fees related to moderate income housing;

(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;

(N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;

(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public

Moderate Income Housing Strategies

(O) cont. housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;

(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;

(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

(S) create a program to transfer development rights for moderate income housing;

(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;

Moderate Income Housing Strategies

(U) develop a moderate income housing project for residents who are disabled or 55 years old or older;

(V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

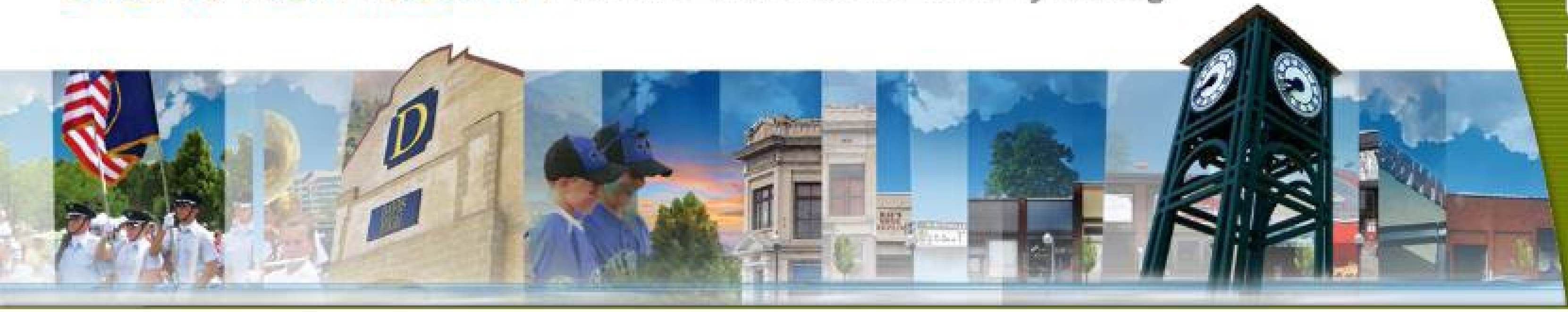
(W) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and

(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;

9. Call to the Public

10. Other matters that properly come before the Planning Commission:

- Reports
- Correspondence
- Calendar



11. Adjournment

Kaysville City

Utah's Hometown

In the middle of everything