Kaysville City Planning Commission Meeting Minutes
December 12, 2024

The Planning Commission meeting was held on Thursday, December 12, 2024 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Mike Packer, Commissioners Megan Sevy, Paul Allred, Debora Shepard, Erin Young, and Katie Ellis

Planning Commissioners Absent: Commissioner Sommerkorn

Staff Present: Melinda Greenwood, Anne McNamara and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt and Jason Largey

1- WELCOME AND MEETING ORDER

Chair Packer welcomed all in attendance to the Kaysville City Planning Commission meeting.

2- DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest from the Commissioners.

3- CONSIDERATION OF AMENDING TITLE 17-2 DEFINITIONS, 17- 19-4 GENERAL COMMERCIAL CONDITIONAL USES, 17-20-4 CENTRAL COMMERCIAL CONDITIONAL USES, 17-21-4 LIGHT INDUSTRIAL CONDITIONAL USES, AND 17-22-4 PUBLIC USES CONDITIONAL USES

Anne McNamara proposed a text amendment aimed at addressing a lack of clarity identified by city staff during the processing of a Conditional Use Application for a local church in the Light Industrial Zone. The amendment seeks to expand the allowable zones for religious uses to include non-residential areas. This change is intended to align the city's zoning code with the Religious Land Use and Institutionalized Persons Act (RLUIPA), ensuring compliance while reducing potential barriers for future applicants.

Melinda Greenwood provided additional context on the proposed text amendment recounting that earlier in the year, a situation arose where a religious use application was initially denied due to zoning restrictions. This led staff to re-examine the applicability of RLUIPA.

Upon review, it was determined that the city’s current zoning laws could unintentionally limit religious uses. Ms. Greenwood highlighted that under RLUIPA, if a zone permits congregations for activities like theater performances, it must also allow religious gatherings such as sermons. In Kaysville, the ordinance language is not discriminatory but as the regulation is applied, it limits opportunities for religious uses as they are currently restricted to residential zones. As a result, there was effectively no available land for churches in Kaysville, constituting a form of "default discrimination."

Following discussions with legal counsel, it was decided the most effective solution was to revise the ordinances to allow religious uses in commercial zones. This amendment aims to eliminate potential legal challenges and ensure compliance with RLUIPA moving forward.

Commissioner Ellis expressed her agreement with the overall intent of the proposed text amendment. However, she noted that some of the language in the amendment was confusing. Specifically, she pointed out inconsistencies between the examples listed in the definition of "public or quasi-public use" and those provided in the conditional use sections.

Commissioner Ellis suggested restructuring the definition of "public or quasi-public use" to make it easier to follow. She recommended breaking the definition into distinct categories, such as uses operated exclusively by a public body or by private nonprofit entities. Commissioner Ellis also questioned the necessity of including specific examples in the conditional use sections, as they were already addressed in the definition. She proposed simplifying the language to focus on public or quasi-public buildings of the religious type without additional examples.

Commissioner Allred raised concerns about the inclusion and exclusion of certain uses in the definition, particularly in relation to private schools, recreational facilities, and other uses not explicitly addressed in the definition. He sought clarification on whether these uses were intended to be permitted, excluded, or regulated differently. Ms. Greenwood explained that charter and public schools are governed by state code and cannot be regulated by local zoning, while private schools presented a more complex issue due to limited definitions in the city's code. The Commission discussed whether private schools would fall under quasi-public institutions or require a separate definition.

The discussion shifted to clarify the intended scope of the proposed text amendment. It was noted that the primary goal was to add religious uses as a conditional use specifically in the Light Industrial (LI), Central Commercial (CC), and General Commercial (GC) zones. There was no intention to expand this allowance to other zones, as churches are already permitted as a conditional use in Residential (R) zones.

The Commission reviewed the proposed text amendment further, focusing on refining its language and structure to ensure clarity and consistency. Ms. Greenwood reiterated that the amendment's primary intent is to add religious uses as a conditional use in the LI, CC,GC and Public Use (PU) zones. Ms. Greenwood proposed revising the ordinance to standardize the language across all relevant code sections and ensure that religious uses were explicitly allowed in the targeted zones without overcomplicating the text.

Commissioner Ellis suggested a restructuring of the definition for "public or quasi-public use" to improve readability. She recommended introducing subcategories (e.g., A and B) under a main category of "A use operated," eliminating repetitive language. Commissioner Ellis also pointed out minor formatting issues, such as the use of semicolons, that could streamline the text for easier interpretation.

Chair Packer and other Commissioners expressed agreement with these revisions, noting that the updated wording was cleaner and less prone to misinterpretation. The group agreed that bullet points or subsections might be a helpful approach, even if inconsistent with existing formatting.

The Commissioners concluded the discussion by confirming that the next step would be to finalize the recommended changes and forward the amendment to the City Council for consideration.

Commissioner Shepard made a motion to recommend approval of the proposed text amendment to the City Council. Commissioner Elis seconded the motion and the vote was unanimous in favor of the motion (6-0).

Commissioner Ellis: Yay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Allred: Yay
Commissioner Shepard: Yay
Commissioner Packer: Yay

4- CONSIDERATION OF A TEXT AMENDMENT FOR TITLE 17-33 SIGN REGULATIONS

Anne McNamara provided an overview of a proposed text amendment with two primary components related to signage regulations. The first part involved a change to Table 17-33-9 of the city code, which defines permissible signs by zone. The amendment would allow electronic message center (EMC) signs in Public Use zones, ensuring compliance for existing EMC signs in those zones and resolving current nonconformities.

The second part of the amendment addressed the inclusion of feather signs in the code. It proposed adding a definition for feather signs to Title 17-33-4 and establishing regulations for their size and placement. Visual examples of feather signs were presented to aid understanding. The motivation for this addition stemmed from frequent inquiries from business owners about the city’s regulations for such signs. By codifying these regulations, the amendment aims to provide clarity and streamline guidance for businesses operating within the city.

Commissioner Allred inquired if the feather signs are already allowed in the city on a permanent basis.

Ms. McNamara explained that feather signs are not currently mentioned or classified under the city’s sign code, which prompted the need for the proposed amendment. She noted that the issue arose after a specific inquiry about these signs, leading to discussions with staff, including Ms. Greenwood. They determined that trying to classify feather signs under existing categories, such as banner signs, would be a stretch. Instead, they proposed adding a separate definition for these signs to the code.

Ms. McNamara also mentioned that feather signs are referred to by various names, such as flutter flags, depending on regional context. The proposed amendment includes a definition and proposed regulations for feather signs, addressing their size, location, and use to provide clear guidance. This would ensure consistency in handling inquiries and establishing a standard for their use within the city. Commissioner Allred clarified that while the city currently has no policy for these signs, the amendment includes both the definition and proposed usage policy.

Commissioner Allred expressed strong opposition to feather signs, describing them as temporary, potentially unsightly, and prone to overuse. Drawing from his experience in other communities, he shared concerns that these signs, if permitted without strict limitations, could lead to a proliferation that diminishes the city's aesthetic appeal. He suggested allowing feather signs only for limited periods, such as grand openings, to mitigate their impact.

Ms. McNamara acknowledged that many municipalities ban feather signs outright or limit their use to temporary purposes. She noted that while drafting the amendment, she and Ms. Greenwood hesitated to propose a complete ban, opting instead to provide a definition and initial guidelines. Ms. Greenwood agreed that enforcement capacity was a challenge, highlighting the impracticality of dedicating significant resources to regulating signs. She suggested that the commission could propose a ban, temporary allowances, or other solutions.

Returning to electronic message center (EMC) signs, Commissioner Allred supported adding these to the Public Use Zone to address existing nonconformities. However, he cautioned against unintended consequences, such as commercial businesses demanding similar allowances, potentially leading to a proliferation of scrolling, illuminated signage. This, he argued, could compromise the city’s charm and aesthetic. He emphasized the importance of balancing public communication needs with maintaining the city’s character.

Commissioner Allred recommended allowing feather signs for a 45-day period for grand openings and an additional 30 days annually for other businesses, with flexibility on how those days could be allocated. He emphasized the importance of limiting the duration and condition of such signs to prevent long-term unsightly displays.

Commissioner Young like the idea of allowing the signs but with a time frame to remove them.

The Planning Commission discussed the regulation of feather signs and electronic message center (EMC) signs, with differing opinions on how to address each issue. For feather signs, Commissioner Allred voiced strong opposition to allowing them permanently, arguing that they could degrade the city's appearance and create enforcement challenges. He suggested they should only be allowed temporarily for events like grand openings, adding that prohibiting them entirely would be the simplest approach. Ms. Greenwood clarified that feather signs are not currently defined or permitted in the city code, making them technically prohibited. She expressed concerns about the city's capacity to enforce the removal of noncompliant signs but proposed adding regulations to ensure such signs are kept in good condition and limiting their use to temporary scenarios.

Commissioner Young supported the idea of allowing feather signs for temporary use, particularly to aid new businesses, but acknowledged that the administrative burden of enforcement could make this unfeasible. Both Ms. Greenwood and Ms. McNamara shared professional insights, noting their general dislike for feather signs but expressing a willingness to explore regulatory options.

For EMC signs, Ms. Greenwood highlighted the need to address their use in public zones to bring existing signs into compliance and allow for new projects, such as a the sign for Barns Park. She acknowledged the lack of current standards for brightness and other technical details, suggesting these be addressed in future amendments.

Commissioner Allred supported allowing EMC signs in Public Use Zones for their utility in public communication, such as advertising community events, but cautioned against overuse. He warned that if commercial businesses were permitted similar allowances, the city could face a cluttered and unappealing visual environment.

The Commission discussed potential paths forward, including prohibiting feather signs outright and enforcing their removal, allowing them for temporary uses with strict limitations, or focusing on approving EMC signs in public zones while deferring more detailed regulations.

Ms. Greenwood encouraged commissioners to share further input to determine the best course of action for both sign types.

Commissioner Shepard expressed her perspective as a business owner, emphasizing the challenges of starting a business and the importance of early financial returns. She advocated for allowing temporary signs, such as feather signs, for limited durations—60 to 90 days for new businesses and 30 to 45 days for special promotions. However, she noted the negative impact of poorly maintained signs left up for extended periods, which she felt were not beneficial for businesses or the city's appearance.

Ms. McNamara highlighted an existing provision in the city code, section 17-33-7, requiring all signs to be maintained in safe and presentable conditions, including replacing defective parts and repainting. However, she acknowledged the challenge of enforcing this provision.

Commissioner Ellis supported a temporary sign compromise and suggested looking at Holladay City's code for ideas, particularly their temporary sign definitions and time limits. She also cautioned against including content-based regulations in the code, referencing legal precedents such as *Reed v. Town of Gilbert.*

Commissioner Shepard proposed separating the approval process for electronic message center (EMC) signs from the feather sign issue, suggesting that the EMC regulations move forward while the feather sign provisions are revisited.

Chair Packer agreed, noting the importance of progressing on the EMC signs while allowing more time to refine the feather sign regulations.

Ms. Greenwood summarized the discussion, suggesting the Commission make a motion to recommend adding EMC signs in Public Use Zones to the code and directing staff to rework and bring back feather sign provisions for future consideration. She noted that several Commissioners appeared to support allowing temporary feather signs with clear limitations rather than an outright ban. The Commission appeared to favor additional work on feather sign regulations to create a more balanced and thoughtful proposal.

Chair Packer said that before we have a motion there needs to be a public hearing. Staff then realized the previous agenda item required a public hearing which didn't take place. Ms. Greenwood recommended they finish the current agenda item and then go back to hold a public hearing on the previous item.

Chair Packer opened the public hearing and no comments were received so the public hearing was closed.

Commissioner Allred made the motion to approve section 17-33-9, signs permitted by zone, and recommend approval to the City Council as proposed.

Ms. Greenwood clarified that the motion was just for approval of the EMC sign in the PU zone.

Commissioner Allred said his motion was for the EMC signs and was withholding recommendation on the feather sign portion.

Commissioner Young seconded that motion and the vote was unanimous in favor of the motion (6-0).

Commissioner Packer: Yay
Commissioner Ellis: Yay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Allred: Yay
Commissioner Shepard: Yay

Commissioner Allred asked if he needed to make a motion on the other portion of the text amendment.

Ms. Greenwood said that the direction from the Commission is clear however, there can be a motion to bring back the other portion of the amendment.

Commissioner Allred made a motion to continue the discussion on 17-33-4 based on the Planning Commissioners discussion regarding time and place restrictions on the feather sign portion of the proposed change to the ordinance and Commissioner Young seconded the motion

Chair Packer asked for a group vote and the vote was unanimous in favor of the motion.

Commissioner Packer: Yay
Commissioner Ellis: Yay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Allred: Yay
Commissioner Shepard: Yay

Chair Packer returned to item number three to hold the public hearing that was overlooked and opened the Public Hearing.

Jason Largey expressed concerns about the revised definition and its potential implications. Drawing from his experience in federal government contracts, he questioned the necessity of altering the original definition and pointed out the risks of grouping certain categories—such as nonprofit, educational, recreational, cultural, and charitable organizations—together under a single classification. He argued that separating these categories individually would avoid legal ambiguities and ensure clarity in the code. He also emphasized the importance of clear formatting to prevent misinterpretation, particularly in sections referencing conditional uses.

Mr. Largey further elaborated on his apprehension regarding conditional uses, noting that these have increasingly been treated as permitted uses. He highlighted the challenges in regulating them due to court rulings, which often limit a city's ability to impose conditions unless they are explicitly stated in the code. He suggested revisiting and refining the list of conditional uses to ensure they align with the city’s intentions and mitigate potential legal issues.

Commissioner Allred responded by acknowledging the complexities surrounding conditional uses. He explained that courts generally view conditional uses as permitted uses with mitigating conditions, which cities must list explicitly in their codes. Failure to include detailed mitigating conditions often leads to legal vulnerabilities. Commissioner Allred provided examples of conditions, such as hours of operation or noise regulations for auto shops that must be codified to be enforceable. He also noted the difficulty of applying conditions consistently across all users within a zone, as required by law.

Chair Packer closed the public hearing and asked if the Commissioners wanted to revisit agenda item three.

Ms. Greenwood suggested consulting the City Attorney, Nic Mills, to ensure the revised definition for religious uses was clear and legally sound before it reached the City Council agenda. She expressed confidence in the current separation of religious uses within the new language and saw no issue with its zoning determination.

Commissioner Ellis, however, cautioned that courts can interpret conditional uses unpredictably, acknowledging the validity of concerns raised about potential ambiguity.

Commissioner Allred highlighted the need for clarity around the term "quasi-public" in the city's definitions, explaining that religious buildings are often considered quasi-public in other municipal codes. He recommended either striking the term from the text or ensuring it was not conflated with religious uses. He also emphasized that the inconsistent placement of "quasi-public" alongside "public body" and "religious uses" might create confusion unless explicitly defined in the code.

Chair Packer referenced the possibility of a quasi-public agency definition existing elsewhere in the code, but Commissioner Allred cautioned that terms like this could blur distinctions between public, private, and religious entities.

Ms. Greenwood reviewed the current and proposed definitions, noting the changes in red and green text, and acknowledged the challenges in ensuring clarity.

Commissioner Ellis suggested revisiting the previous definition, questioning whether the proposed revisions provided any significant improvement.

Ms. Greenwood proposed collaborating with the City Attorney to refine the wording and ensure legal and functional clarity. Ms. Greenwood also checked the city's bylaws and found no specific guidance, noting that they referred back to *Robert's Rules of Order,* which allows for reconsidering decisions during the same meeting. Ultimately, the group concluded that more time and legal input were needed to finalize the definition, prioritizing clarity and consistency in the zoning code.

The Commissioners discussed the procedural steps necessary to address concerns over the previous decision due to the lack of a public hearing. Ms. Greenwood referenced the Commission's bylaws, which state that decisions are final after a vote and the completion of the relevant agenda item. However, she noted that because the proper procedure (i.e., holding a public hearing) was not followed initially, the item could be revisited. Ms. Greenwood emphasized the importance of correcting the process to avoid potential appeals or legal issues.

Commissioners Ellis and Shepard confirmed that, per *Robert's Rules of Order,* the Commission could reconsider the previous motion if the individual who made the initial motion agreed.

Ms. Greenwood clarified that the initial motion could effectively be treated as null due to the procedural error. To correct the issue, the Commission could make a motion to reconsider the earlier decision, proceed as though the original vote had not occurred, and revote following the proper process.

Commissioners Ellis and Shepard supported this approach, with Commissioner Shepard suggesting the revised motion should recommend revisiting the item once the verbiage had been appropriately revised.

Commissioner Ellis proposed returning to the original definition of terms rather than adopting the revised language.

Ms. Greenwood outlined a two-step process:

1. A motion to reconsider the previous motion, supported by a second and a vote.
2. A new motion, which could replicate the original motion but now reflects the conclusion of the public hearing process.

This approach would ensure procedural compliance and resolve any concerns about the initial decision-making process. The Commissioners expressed agreement on the necessity of this course of action.

The Commissioners discussed the definition of public and quasi-public uses in the zoning code.

Commissioner Ellis confirmed the motion to reconsider the original motion, which Commissioner Shepard made and was seconded, passing unanimously.

The discussion then focused on whether to revert to the original definition. Commissioner Ellis and Commissioner Shepard, and other commissioners expressed support for the original language, believing it was simpler, clearer, and sufficiently inclusive of religious uses, which was the intent of the revision.

Commissioner Allred pointed out inconsistencies in the proposed structure, where public and quasi-public uses were sometimes grouped together and sometimes separated. He recommended clearer delineation by defining public uses (e.g., parks, schools) in one section and quasi-public uses (e.g., churches, private nonprofits) in another.

Chair Packer raised the concern that while quasi-public uses were included, the term "quasi-public entity" lacked a definition, which could cause confusion. Despite this, Commissioner Ellis and Commissioner Shepard emphasized their preference for the original definition, arguing it was straightforward and included religious uses, which they felt captured the intent.

The Commissioners agreed to recommend the original definition to the City Council, with the understanding that legal counsel could further refine the language if necessary. Ultimately, the Commissioners decided that the original definition, which described uses that primarily serve the public, was sufficient for their purposes.

Commissioner Allred made a motion to not send a positive recommendation on the proposed language due to inconsistencies in how the language applied to public versus quasi-public uses and its overall structure. He stated the language needed further work before being moved forward to the City Council.

Chair Packer, however, disagreed with the motion, arguing that the real issue lay with the definition, and he felt they should continue including the conditional use in other sections while working on refining the definition.

Motion was seconded by Commissioner Ellis.

Ms. Greenwood sought clarification from Commissioner Allred, asking if the motion meant recommending denial, and Commissioner Allred confirmed it was a motion to deny the language as proposed.

After further discussion, Commissioner Ellis withdrew her second, agreeing with the concerns raised, and suggested that the recommendation be made for staff to work with legal counsel to refine the language before bringing it to the city council.

Commissioner Allred accepted the amendment to his motion to deny, with the added direction for staff to collaborate with legal counsel on the language revision.

Commissioner Ellis suggested that the Commission could rely on the City Attorney and City Council to resolve the issue without bringing the matter back to the Planning Commission.

Chair Packer proposed a motion to include the text amendments for the other sections while keeping the original definition, with the understanding that it could be revised later if necessary.

Ms. Greenwood clarified that there was no second to the previous motion, so a new motion could be made.

Commissioner Shepard agreed with Chair Packer and Commissioner Ellis, suggesting a motion to recommend the City Council approve the text amendments for conditional uses and review the definition with legal counsel.

Ms. Greenwood then confirmed that the motion would involve recommending approval of the changes, with the understanding that the definition would be reviewed and potentially modified by legal counsel before being forwarded to the City Council.

Chair Packer asked for second to the motion but expressed discomfort with the idea of leaving the decision too open-ended, as it could lead to ambiguity. He preferred a more concrete motion, either supporting the new or the original definition.

Commissioner Ellis disagreed, stating that a strong recommendation could still be made to keep the original definition, with legal counsel reviewing it further before submission to the City Council.

Ms. Greenwood added that there was no rush and that staff could work on the language further before bringing it back to the commission if necessary.

Commissioner Allred voiced his preference for a more definitive approach, saying he would rather not send something forward to the City Council with uncertainty. He suggested continuing the item, allowing staff to address concerns and return with a more refined proposal.

The vote was 5-1 not in favor of the motion so the motion failed.

Commissioner Packer: Nay
Commissioner Ellis: Yay
Commissioner Young: Nay
Commissioner Sevy: Nay
Commissioner Allred: Nay
Commissioner Shepard: Nay

Commissioner Allred made a motion to continue the discussion on the item given the complexity of the opinions express and the need for a more definitive decision. Commissioner Shepard seconded the motion.

Chair Packer gave the opportunity for comments and supports the motion, noting that while it might take more time, it would provide an opportunity to refine the issue and get it right.

Commissioner Packer: Yay
Commissioner Ellis: Nay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Allred: Yay
Commissioner Shepard: Yay

Ms. Greenwood clarified that this item would be re-noticed when ready to be brought back.

Chair Packer expressed satisfaction with the progress made, feeling that the time spent had not been wasted.

5- CONSIDERATION OF ENACTING TITLE 17-37 MODERATE INCOME HOUSING OVERLAY

Ms. Greenwood explained the need for a zoning incentive for moderate-income housing as part of the City's Moderate Income Housing Plan. She emphasized the goal of creating a simple and flexible code that would allow developers to bring forward concepts with moderate-income housing as part of a rezone or within existing zones. The development agreement would ensure the housing meets requirements for affordability, and the incentives would be flexible to accommodate each project and site-specific needs, including utility availability.

As proposed, the code would apply to residential zones and possibly the mixed-use overlay zone. Ms. Greenwood outlined that the city would not track income qualifications for buyers, but developers would be responsible for ensuring homes meet the affordability criteria. She also discussed mechanisms such as deed restrictions, HOA regulations, and land trusts to maintain affordability over time. Developers would be incentivized to provide at least 10% of the units as moderate-income housing, with flexibility in lot sizes, setbacks, and density in exchange for these zoning incentives. The goal is to have a simple, flexible zoning tool that would not over-regulate, ensuring developers could bring moderate-income housing projects forward while maintaining quality construction standards.

Ms. Greenwood provided an update on a comment from Matt Loveland of Symphony Homes regarding the potential legality of limiting HOA fees for moderate-income housing. Ms. Greenwood mentioned that she had asked the City’s legal counsel, Nic Mills, to review the matter, though she didn't foresee any issues with regulating fees, as excessive fees could make housing unaffordable. She pointed out that different groups, like seniors or children, often have different rates for services, which she believes could apply to moderate-income housing as well. Ms. Greenwood assured the Commissioners that the issue would be addressed before it went to the City Council. She then invited Commissioners to ask questions and discuss the matter further before proceeding with the public hearing.

Commissioner Sevy sought clarification on the HOA fee discussion, asking if the proposal would mean limiting fees specifically for the moderate-income homes within the overlay, effectively giving them a discount compared to their neighbors, particularly due to differences in lot size.

Ms. Greenwood responded that limiting HOA fees could be addressed in a variety of ways, such as basing fees on the size of the lot, the home, or specifying in the development agreement that HOA fees for moderate-income units must be restricted to a certain amount. She suggested an alternative approach where fees could be set as a percentage of the value of the home. Ms. Greenwood emphasized that high HOA fees could undermine the affordability of units intended for moderate-income households, making it crucial to address this issue in developments that include HOAs. She acknowledged that developments without HOAs wouldn’t have this concern but noted that many developments typically include them.

The discussion shifted to the relationship between development agreements, HOA fees, and land trusts. Commissioner Sevy asked whether HOA fees would depend on the development agreement and what amenities the HOA offered.

Ms. Greenwood clarified that HOAs are required when roads are privately owned within developments. These fees cover maintenance, such as road and asphalt repairs, which can lead to unexpected assessments if underfunded.

Commissioner Sevy expressed concern about potential inequities in HOA fee distribution based on lot sizes or amenities, while Ms. Greenwood pointed out that many developments, such as Daybreak, already feature varying HOA fees depending on home types.

Ms. Greenwood remarked that while some might find these differences unfair, affordability is the primary focus, and potential buyers could choose not to purchase in such communities.

The conversation transitioned to land trusts, with Commissioner Sevy asking for more details.

Ms. Greenwood explained that land trusts involve separating land ownership from home ownership, often with land held by a trust for a specified duration, such as 100 years. This reduces housing costs by removing land costs from the equation. Land trusts could be managed by developers or governments, utilizing unused public land. While Ms. Greenwood noted limited use of land trusts in Utah—citing Moab as an example—she expressed skepticism about developers willingly adopting the model, given the financial implications. However, she acknowledged its potential as an affordability tool, though further education and adaptation would be necessary.

Commissioner Young shared her support for the diversity introduced by these initiatives, stating that while it wasn't a question, she viewed the ability to encourage diversity in housing projects as a positive step forward.

Chair Packer opened up the Public Hearing.

Jason Largey expressed strong opposition to the city's involvement in moderate-income housing initiatives. He argued that regulating housing based on income without subsidies is unrealistic and incompatible with a capitalist economy. He believes housing prices are dictated by market forces, and any attempt to legislate or enforce income qualifications is impractical.

Mr. Largey raised concerns about the feasibility of maintaining income-based housing designations over time, particularly questioning how income levels would be monitored and enforced for future buyers. He viewed such measures as impractical and burdensome, noting that once an individual's income exceeds the threshold, it would be unreasonable to require them to sell or ensure the next buyer meets the income criteria.

He also criticized the broader concept of moderate-income housing, likening it to socialist or communist principles. Mr. Largey suggested that incentivizing developers to build smaller or differently zoned homes could be a better approach, but reiterated his skepticism about maintaining affordability over time due to market fluctuations.

Additionally, he expressed concerns about how such initiatives could impact existing neighborhoods, citing the potential for higher-density housing developments in areas like his neighborhood, which could alter the character and desirability of those neighborhoods. He said his neighbor was recently approached by a developer who wanted to put town homes in and directly attributed that to the City's efforts to create a Community Reinvestment Area near his property, highlighting worries about developers buying lots and changing the community's structure.

While acknowledging that the city may be required by the State to draft such plans, Mr. Largey underscored his belief that they are flawed and could harm existing residents who have invested in their homes and chosen their locations for specific reasons. He concluded by reiterating his view that without subsidies, moderate-income housing policies are unlikely to achieve their goals or persist in the long term.

Chair Packer closed the public hearing and initiated a discussion among the Planning Commission members. He acknowledged that moderate-income housing is a "moving target" with many changing variables. He expressed uncertainty about finding a perfect or permanent solution but commended the effort and work that had gone into the plan thus far. Chair Packer noted the importance of adhering to state requirements while exploring plans, incentives, and ideas.

Commissioner Young added that the goal seemed to be providing flexibility in housing options, such as varying housing types and lot sizes, to create opportunities for moderate-income housing. She suggested that this approach might help meet the state's objectives without rigidly tying the initiative to specific income levels. However, she expressed some uncertainty about whether the state's requirements necessitate more specificity related to income or if broader flexibility would suffice.

Commissioner Shepard asked if this was specific to new developments.

Ms. Greenwood clarified that the state mandates zoning incentives for moderate-income housing in new developments, though the current code could theoretically apply to existing developments. However, implementing it in existing neighborhoods would be challenging, particularly when dealing with multiple property owners. She noted the possibility of individuals proposing overlay zones for their properties, such as adding homes on a half-acre lot, but emphasized that the city council retains legislative discretion to approve or deny such proposals.

Ms. Greenwood expressed skepticism about the feasibility of creating genuinely affordable housing under these mandates, citing examples such as Weber County's project by Nielsen Homes, which reduces costs by offering small, detached homes with no garages or finished basements. Despite these efforts, achieving affordability at 80% of the area median income remains a significant challenge.

Ms. Greenwood explained that the proposed ordinance is primarily designed to meet state requirements and provide flexibility to evaluate projects as they arise, rather than crafting an overly complex or restrictive regulation. Ms. Greenwood acknowledged the difficulty of incentivizing developers to pursue moderate-income housing, as developers often leverage the topic for other purposes but rarely express genuine interest in such projects.

While acknowledging the ordinance's imperfections, she described it as a practical first attempt to address state directives without imposing excessive costs or regulations. She also suggested a timeline for moving the proposal forward, with the option to amend the General Plan's timeline if more time is needed.

Chair Packer shared his perspective on the proposed ordinance, highlighting its ability to meet state compliance requirements while providing flexibility and maintaining high standards. He appreciated that the ordinance allows for adjustments within existing zoning without opening the door to significant, potentially disruptive changes. He emphasized the importance of Council oversight, noting that proposals must be well-developed to gain approval, and community voices would remain influential in the process.

Chair Packer expressed skepticism about developers' willingness to pursue moderate-income housing projects, as they often prefer straightforward projects with fewer hurdles. However, he felt that this reluctance should not deter the city from adopting the ordinance. He acknowledged that while the ordinance may not solve all issues, it represents a strong initial effort and a step in the right direction.

Ms. Greenwood provided feedback on concerns raised, including suggestions for potential amendments to the proposed ordinance. She acknowledged a suggestion to establish a maximum percentage for density increases, agreeing it could be feasible to include such a provision. Additionally, she addressed the possibility of explicitly listing housing types eligible for moderate-income designation, such as single-family detached homes, duplexes, triplexes, four-plexes, townhomes, apartments, and condos. While noting that housing types are inherently tied to the zoning in which overlays are applied, she expressed support for specifying these options in the ordinance for clarity.

She also discussed the absence of a minimum size requirement for overlay zones, confirming that individual lots could apply for overlays and potentially build structures like four-plexes. She explained that decisions would ultimately rest with the City Council, which would assess whether proposals align with the community's goals and merit approval. Finally, she touched on opportunities for larger lots, noting their potential suitability for moderate-income housing under the proposed framework.

Commissioner Shepard asked if you were doing a four-plex would it have to be in an R-4 zone?

Ms. Greenwood said that the way it was written there is flexibility and reminded the Commissioners that would be an overlay to an existing zone. She explained that rezoning applications would follow standard procedures, including notifying properties within a 500-foot radius at least 10 days before meetings and posting information on multiple platforms. This ensures that any proposed rezones, such as overlays for moderate-income housing, would not come as a surprise to neighbors.

Addressing concerns about minimum size requirements, Ms. Greenwood noted that while the ordinance allows overlays on single lots, smaller-scale developments might not yield significant benefits. She suggested that these smaller applications would still need to meet all requirements, such as development agreements and deed restrictions, to ensure they align with moderate-income housing goals.

Finally, Ms. Greenwood responded to comments about applying overlays in commercial zones. She clarified that mixed-use overlays can already apply to commercial and light industrial areas, but she recommended not expanding this particular overlay to commercial zones. She highlighted the city's limited commercial space and the importance of preserving it. Ms. Greenwood expressed openness to considering moderate-income housing as part of mixed-use projects in commercial zones, but she cautioned against broadly converting commercial land to residential uses.

Commissioner Shepard inquired about the next steps, and Ms. Greenwood explained that if the Planning Commission provides a recommendation for approval, the proposal will be added to the City Council's agenda for their meeting on the 19th of December, with the goal of meeting the state's moderate-income housing requirements. If the recommendation is not ready, the City would would need to amend the timeline outlined in the City's General Plan, which the state requires for compliance.

Chair Packer expressed support for moving the proposal forward, highlighting that further refinement could delay progress due to an ever-changing landscape. He felt the current proposal provides a broad enough framework and that the necessary checks and balances are in place to prevent undesirable outcomes.

Commissioner Sevy asked for clarification on the recommendation, and Ms. Greenwood confirmed that it would be for approval to enact the ordinance, with the intention to begin implementing the framework. She acknowledged that, while writing code is complex and could have flaws that only emerge when processing applications, she believed the ordinance provides sufficient flexibility without introducing major risks.

Commissioner Ellis made the motion to recommend Title 17-37 Moderate Income Housing Overlay to the City Council. Commissioner Allred seconded the motion.

Chair Packer asked if any discussion on the motion was needed.

Commissioner Sevy asked for clarification on the ordinance's flexibility.

Ms. Greenwood explained that the ordinance, as written, does not limit the overlay to new developments, meaning it could apply to existing developments as well. The overlay essentially acts as a rezone, applying a different set of standards to the existing zone, such as flexibility with lot sizes and setbacks. The public process would remain the same, involving a public hearing, notifications, and negotiation of a development agreement.

Commissioner Sevy expressed that this was a tough decision for her, as she saw both sides of the issue.

The Commissioner's vote was unanimous in favor of the motion (6-0).

Commissioner Packer: Yay
Commissioner Ellis: Yay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Allred: Yay
Commissioner Shepard: Yay

6- PUBLIC HEARING FOR ENACTING TITLE 17-36 MASTER PLANNED COMMUNITY

This item was postponed for another meeting.

7- APPROVAL OF THE MINUTES FROM THE NOVEMBER 14, 2024 PLANNING COMMISSION MEETING

There were not enough Commissioner's in attendance from the last meeting to vote on the minutes so they will be on the next Planning Commission meeting agenda in January.

8- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

- Ms. Edstrom gave the Commissioners an update on the 2024 Kaysville GIVES event.
- Ms. Greenwood reminded everyone that this was the final meeting of the year and there would be no meeting on December 26.
- Ms. Greenwood said the alternate Planning Commission interviews had concluded. Paul Toller was recommended for appointment as an alternate, and his swearing-in was scheduled for January 9. Paul has prior experience serving on the West Bountiful City Council, bringing valuable knowledge to the commission.
- Ms. Greenwood said that in January, the Planning Commission would review at least one citizen-led text amendment. This included a proposed amendment to differentiate between miniature horses and regular horses, requiring additional research.
- Ms. Greenwood said that the County Commission approved the interlocal agreement for the CRA on November 19. A public hearing is scheduled for January 2, in compliance with the state's 30-day public notice requirement. FAQs addressing public questions about the CRA will be posted soon. If adopted by the council and Redevelopment Agency, the city will approach the school district for approval of another interlocal agreement.
- Ms. Greenwood said the city received five proposals for the small area plan. A meeting is scheduled with Wasatch Front Regional Council to review and score these proposals. Contracts for the selected consultant will be handled through Wasatch Front, not

requiring further action from the Planning Commission or City Council.

- Ms. Greenwood expressed excitement about the opportunities to revitalize key areas of the city, such as the downtown core and 200 North and Main Street, through the CRA and small area planning.

9- ADJOURNMENT

Commissioner Young motioned to adjourn the meeting at 9:55 pm and it was seconded by Commissioner Shepard.