

**Bountiful City**  
**Planning Commission Minutes**  
**October 29, 2019**

Present: Chair – Sean Monson; Planning Commission Members – Sam Bawden, Jesse Bell, Jim Clark and Sharon Spratley; City Council Representation – Richard Higginson; City Attorney – Clint Drake; City Planner – Francisco Astorga; City Engineer – Lloyd Cheney; and Recording Secretary – Darlene Baetz

Excused: Vice Chair – Von Hill

**1. Welcome and Introductions.**

Chair Monson opened the meeting at 6:30 pm and welcomed all those present.

**2. Approval of the minutes for October 15, 2019.**

Sharon Spratley made a motion to approve the minutes for October 15, 2019 as written. Richard Higginson seconded the motion. Voting passed 6-0 with Commission members Bawden, Bell, Clark, Higginson, Monson, and Spratley voting aye.

**3. Continuations to a date uncertain:**

- 1. PUBLIC HEARING – Conditional Use Permit for a Private Recreation Facility (Existing Swimming Pool) located at 2422 Claremont Dr, Ryan and Leslie Nakaya and Nathan Felix, applicants.**
- 2. PUBLIC HEARING – Subdivision Plat Amendment for Oakridge Manor Subdivision, Ryan and Leslie Nakaya and Nathan Felix, applicants.**

Francisco Astorga stated that the applicants pulled the above two items off the agenda.

**4. PUBLIC HEARING - Consider approval of General Plan update of the Moderate Income Housing Plan as required by Senate Bill 34.**

Francisco Astorga presented the staff report.

In March 2019, the Utah State Legislature adopted SB 34, which encourages local government to plan for housing for residents of all income levels, and coordinate that housing with transportation. SB 34 requires municipalities to develop a Moderate Income Housing (MIH) plan as part of the community's General Plan, including a recommendation to implement three (3) or more of the following MIH planning strategies:

- a. rezone for densities necessary to assure the production of MIH
- b. facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH
- c. facilitate the rehabilitation of existing uninhabitable housing stock into MIH
- d. consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city
- e. **create or allow for, and reduce regulations related to, accessory dwelling units in residential zones**
- f. **allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers**
- g. **encourage higher density or moderate income residential development near major transit investment corridors**

- h. eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities
- i. allow for single room occupancy developments
- j. implement zoning incentives for low to moderate income units in new developments
- k. utilize strategies that preserve subsidized low to moderate income units on a long-term basis
- l. **preserve existing MIH**
- m. reduce impact fees, as defined in Section 11-36a-102, related to low and MIH
- n. participate in a community land trust program for low or MIH
- o. implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality
- p. apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH
- q. apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity
- r. apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services
- s. apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act [not in county list of recommendations]
- t. apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
- u. apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance
- v. utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency
- w. any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income

Bountiful City has actively worked on MIH as first incorporated on the City's General Plan in 2000, as well as by preparing subsequent reports which have analyzed the City's efforts. See timeline below of relevant documentation:

- 2000 First Adopted Moderate Income Housing Plan adopted via Res. 2000-05
- 2007 Biennial MIH Report approved by Council on 05.22.2007
- 2010 Biennial MIH Report approved by Council on 09.14.2010
- 2012 Biennial MIH Report approved by Council on 10.23.2012
- 2014 Biennial MIH Report approved by Council on 01.13.2015
- 2016 Biennial MIH Report approved by Council on 12.13.2016
- 2018 Biennial MIH Report approved by Council on 12.11.2018
- 2019 *Proposed MIH Plan Update to be reviewed by Council on 11.12.2019*

Goals of the 2000 MIH Plan include:

- a. *Meet the needs of as many people as possible who desire to live in Bountiful.*
- b. *Allow all persons to benefit from and to fully participate in all aspects of neighborhood and community life.*
- c. *Preserve areas/neighborhoods where affordable housing already exists, in order to provide for low- and moderate-income housing to meet existing and anticipated future needs.*
- d. *Provide for a full range of housing choices, conveniently located in a suitable living environment, for all incomes, ages and family sizes.*
- e. *Encourage and maintain a positive neighborhood identity and image.*

- f. *Encourage neighborhood conservation by giving preference to the renovation and rehabilitation of existing dwelling units, particularly single family units, over the infill construction of new buildings.*
- g. *Maintain safe levels of traffic flow conducive to residential character.*
- h. *Encourage the development of vacant lots and the redevelopment of non-contributing buildings with structures of compatible design and character.*
- i. *Encourage the replacement of or adaptive reuse of vacant structures in multiple-family and mixed use zones.*

As identified on the 2018 Biennial MIH Report, the City has actively worked on the following (consistency with SB 34 strategies is underlined) :

- *Taken measures to increase allowed densities in the Downtown Mixed Use Zone by adopting increased building heights and decreased minimum lot sizes, which allows for development of high density multi-family housing on properties where that previously would have not been possible. Several mixed use and multifamily developments have occurred in the area since the adoption of the zone.*  
Aligns with strategy f – allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers; and strategy g - encourage higher density or moderate income residential development near major transit investment corridors.
- *The City continues to plan for multi-family residential along transit corridors including the South Davis Bus Rapid Transit corridor. Zone changes along this corridor have been approved allowing high density residential development and projects incorporating high density housing have recently received approval in these areas. The City has provided low interest loans to developers in order to support these projects.*  
Aligns with strategy f – allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers; and strategy g - encourage higher density or moderate income residential development near major transit investment corridors.
- *The City recently [removed certain] restrictions on accessory dwelling units allowing for additional opportunities for these affordable housing units throughout all single family zones in the City.*  
Aligns with strategy e - create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.
- *Bountiful City ordinances allow flexibility in remodeling and upgrading homes built prior to 1965 that did not meet current setback requirements and/or that did not have an attached two car garage. Over 65 percent of single family homes in Bountiful were constructed before 1980. The goal of these criteria was primarily the preservation of these existing, affordable housing areas. The City also recently adopted changes to parking and driveway standards in order to help these older affordable units to respond to changes in automobile ownership in the past decades. The City also allows for legal non-conforming duplexes in single family zones as a permitted use, thus allowing the preservation, upgrading, and refinancing of these units.*  
Aligns with strategy l. preserve existing MIH.

Bountiful City approved 4 ADUs in 2017, 8 in 2018, and 13 in 2019 (as the date of this report). As reported by the Bountiful City Engineering Office which oversees building permits, in 2019 (as the date of this report) the City added 23 single-family units and 42 multi-family units.

Staff recommends that the Planning Commission consider the following four (4) strategies to be incorporated as an Update to the City's MIH Plan:

- e. **create or allow for, and reduce regulations related to, accessory dwelling units in residential zones**
- f. **allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers**
- g. **encourage higher density or moderate income residential development near major transit investment corridors**
- l. **preserve existing MIH**

The Planning Commission may recommend consideration of other strategies listed on the “menu” provided by the Legislature listed on SB 34 as a recommendation to the City Council.

In 2018 the City conducted an analysis using the tools provided by the Utah Department of Workforce Services (DWS) as part of the 2018 MIH biennial report. This analysis showed that the City made progress in the provision of MIH over the past two (2) years for targeted populations. It is expected that the recent changes to the Downtown Mixed Use Zone standards, particularly those allowing for the development of smaller lot multi-family residential will have a positive impact on provision of housing for this demographic.

The City does not currently have any municipally sponsored programs subsidizing affordable housing, but there are a number of state and federally subsidized units in Bountiful City. The City currently has a total of 17 units subsidized by the Olene Walker Housing Loan Fund and an additional 167 units subsidized by the Low Income Housing Tax Credit program. In 2018 the City reported 87 units which received Section 8 vouchers. The Bountiful City Redevelopment Area (RDA) does not include a housing set-aside because the RDA was approved prior to this requirement being adopted into State law. The City has not waived development fees for MIH in the past, but has provided assistance in the form of low interest loans to mixed use developments containing multi-family residential units.

The City is required to comply with the SB 34 MIH planning element of our General Plan, post it on the City’s website and report it to the Utah Department of Workforce Services (DWS) by December 1, 2019. The City is required to report on the implementation (including successes and impediments) of the strategies identified in the MIH plan update by December 1, 2020 and annually thereafter. The City will use the DWS reporting form. By no specific deadline, but when the City updates the Land Use and Transportation/Traffic Circulation Elements of the General Plan, the City would also need to comply the new specifications mandated by SB 34 for these elements.

Chair Sean Monson opened the **PUBLIC HEARING** at 6:47 p.m.

Kathleen Bailey wanted to understand how the City is defining Moderate Income Housing and does it include multi-family? Does the home stay as moderate income if an addition is built for the home? Ms. Bailey would like to propose to the City Council that an Accessory Dwelling Unit (ADU) in the Bountiful have a set square footage and is not be based on a percentage and also set a maximum number of ADU’s in the City. She shared the research that she has discovered about ADU regulations in other cities. Ms. Bailey discussed the loans that are made available to mixed use developments from the City. She wants to see the moderate income housing as owned instead of rentals. She discussed her concerns about the approval of the Bountiful City ADU Code and short term rentals including Airbnb.

Chair Sean Monson closed the **PUBLIC HEARING** at 6:55 p.m.

Mr. Astorga stated that Bountiful City does not have a specific definition for Moderate Income Housing but did share LUDMA’s definition in which we get the authority “Housing occupied or reserved for occupancy by households with the gross household income equal to or less than 80% of the medium gross income for

households of the same size in the County in which the City is located.” The state does say that the City’s definition could be used. Most municipalities have a cap on the maximum size of the ADU which is something that the City could look at. The Bountiful City code is silent on short term rentals. Bountiful City Code defines family as “An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities and entrances.” Redevelopment Agency (RDA) loan program for Bountiful was set up in 1981. There are no loan provisions for residential moderate income housing.

Mr. Higginson asked staff if the City should be taking active steps to preserve our number of existing moderate income housing stock. The City recently made changes in the Code to allow for reductions to the requirements for home additions to older lots but wonder if we should be looking at increasing restrictions for additions to older homes and narrow lots. Upon choosing the three strategies, will the City be asked to come up with a yearly review process and come up with ideas to preserve the housing stock for the next year? Mr. Astorga stated that there may be a need to have stricter codes so that the stock would remain. Ms. Spratley stated a concern about infringing on a home owner’s property rights.

Commission members stated concern about the City’s accountability to the State’s requirements and report details and City and Community midterm markers. Mr. Astorga discussed the City’s accountability to the State’s requirements and will have more details available in the next year’s report.

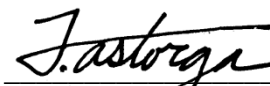
Mr. Higginson appreciated the information that Ms. Bailey brought to this meeting. He stated that City Council is not opposed to make changes to existing codes.

Sharon Spratley made a motion to forward a recommendation of approval to the City Council for the approval of the General Plan update of the Moderate Income Housing Plan as required by Senate Bill 34. Sam Bawden seconded the motion. Voting passed 6-0 with Commission members Bawden, Bell, Clark, Higginson, Monson and Spratley voting aye.

**5. Planning Director’s report, review of pending applications and miscellaneous business.**

- a. No Planning Commission meeting on November 5 due to Elections.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:28 p.m.

  
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Francisco Astorga, Planning Director