



Staff Report

To: Francis City Planning Commission
From: Mandy Crittenden
Report Date: March 26th, 2020
Meeting Date: April 30th, 2020
Title: Jean McNeil Acres Phase 3
Type of Item: Final Subdivision Plan

Executive Summary:

Jean McNeil Acres (JMA) Phase three was annexed into Francis City on July 12th, 2018. The parcel is five acres FT-2008-B and is zoned as residential half (RH). The applicant is asking for seven lots on the five acres which is consistent with the amount of lots allowed in this zoning and the annexation approval. During the annexation process a wetland delineation was done, per the report, "There are no wetlands on site. There are two perennial ditches. One on the north fence line and one on the West fence line."

Attached is the final subdivision plan showing seven lots with frontage off newly constructed public roads (see attached plan). The public road going south allows for connectivity planning for potential development to the south, and the road going west is part of the future roads map in the general plan. Temporary cul-de-sacs are found on the Southern and Western ends of the road that add turn around areas for emergency vehicles and snow plows. These cul-de-sacs will be removed upon expansion of the roads. There is also a trail going in front of the lots and the new road which is consistent with the trails plan in the General plan.

City Code:

18.35: Residential half zone requirements
17.35: Final Plat
17.25.310: Sidewalks, curbs, trails, and paths.

General Plan:

Community Vision: Pg. 11-12
Land Use: Pg. 17- Residential Half.
Future Road Map: Pg. 29
Trails: Pg. 46-50

Planning Commission Recommendations:

Staff Recommendation:

Staff recommends forwarding to the City Council, as they have completed all requirements on the preliminary plat.

Community Review:

A public hearing is required at this time. Francis City is inviting you to a scheduled Zoom meeting.

<https://zoom.us/j/96714148447?pwd=Vy8yVU0vbJFEM1NDOGsrS3hTQU53dz09>

Meeting ID: 967-1414-8447 Password: 158913

Call in number: 1-301-715-8592 or 1-253-215-8782

You can also comment by email to comments@francisutah.org



CITY OF FRANCIS
FINAL SUBDIVISION PLAN
APPLICATION

NOTE: Please read Chapter 17 and 18 of the Francis Codified Development Code as well as any other pertinent sections in detail before submitting any type of Subdivision Application. Applicant should realize there is no typical time frame for subdivision approval due to the complexity of the issues and preparedness of the applicant. Final Plat Review Fee is \$500.00/plat per Francis City Fee Schedule Ord. No. 2018-01.

SUBDIVISION NAME: JEAN MCNEEL ACRES PHASE 3

Name of Owner(s): MCNEEL FAMILY TRUST

Address: 7624 SOUTH 2420 WEST, WEST JORDAN, UT 84084

Mailing Address (if different): _____

Phone # (____) _____ Fax # (____) _____

Name of Applicant or Authorized Agent(s): RUSTY WEBSTER

Agent Address: PO BOX 1066 KAMAS, UT 84036

Agent Mailing Address (if different): _____

Phone # (801) 573-8963 Fax # (____) _____

Owners Signature of Authorization to file :(may attach)

Describe financial or ownership interest in property (must not be speculative in nature): _____

General Description of Project: 7 LOTS ON 5 ACRES FT-2008-B

If this Subdivision is to be submitted as a Phased Development, the Planning Commission may require the submission of a professionally prepared master plan. The Planning Commission may only approve master plans of developments which are harmonious with the City General Plan. Attach a Master Plan Development application if required.

List all other approvals given by the City on the property described in this application (re-zone, variance, past subdivision approval(s), building permits, demolition permits, or other):

List all approvals being sought from the City in conjunction with this application on the property described (re-zone, variance, subdivision approval(s), master planned development approval, building permits, demolition permits, or other):

Attach to the Final Subdivision Plat all necessary documentation and preliminary plat requirements as per the following Final Plat Review Process check list. See Chapter 6, Section 22 of the Francis City Development Code. Missing information may be cause for denial of application and/or Final Plat. Other information may be required in the Zoning Ordinance.

Initial by staff or Planning Commission if completed, cross out and sign by chairman of Planning Commission if waived or not applicable to approval process:

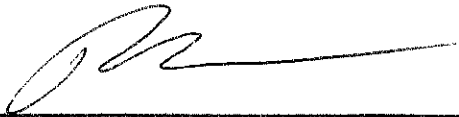
- (a) One (1) 24 x 36 copy and a pdf version of the Final Plat (drawn to scale not smaller than 1" equals 100') showing the following information. These requirements are the minimum, other information may be required by the Staff and/or Planning Commission as need dictates.
- (b) All requirements of Preliminary Plat (see section 17.25).
- (c) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight of the monuments.
- (d) Preliminary Title Report prepared within previous 30 days.
- (e) Construction Drawings, preliminary bids for the purpose of establishing the bond amount.
- (f) ^{BEFORE} ~~REPAIRS~~ Bond for infrastructure improvements (Chapter 17.35) ~~DEFERRED~~
- (g) Review Fee in accordance with the adopted Fee Schedule of \$500.00 per plat.

No approval shall be given unless all requirements of the Francis City Development Code have been meet.

Approvals: Planning Commission Approval Date: _____
City Council Approval Date: _____
Plat Expiration Date if Applicable: _____

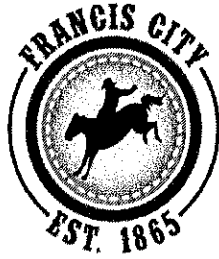
APPLICANT CERTIFICATION:

I certify under penalty of perjury that this application and all information submitted as part of this application is true, complete and accurate to the best of my knowledge. I also acknowledge that I have reviewed the Francis City Development Codes and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. I agree also to comply with any and all applicable Francis City Development Codes in effect at this time. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Francis City may rescind any approval, or take any other legal or appropriate action. I also agree to allow the Planning Commission, City Council or appointed agent(s) of Francis City to enter the subject property to make any necessary inspections thereof.

Signature: 

Date: 3/18/2020

PAID sm
3-18-2020



Staff Report

To: Francis City Planning Commission
From: Mandy Crittenden
Report Date: March 26th, 2020
Meeting Date: April 30th, 2020
Title: Code Text Amendment
Type of Item: Accessory Dwellings

Executive Summary:

Francis City has a place for accessory dwellings in our city code. Recently we've had a lot of conflicts with what our intent is verse what is allowed because of the gray areas in the code. I have made a list with some bullet points on what I feel needs more discussion for clarity. I have also asked our city attorney Brad to make a list as well. (attached)

City Code:

18.25.020: Ag-2 Permitted and conditional uses
18.30.020: Ag-1 Permitted and conditional uses
18.35.020: R-H Permitted and conditional uses

Accessory apartments

(Above a garage or in a basement, not a separate dwelling such as mobile home or manufactured home. Not to exceed 1,000 square feet. Requires additional water meter.) *CC&R Compliant

General Plan:

Land Use: Pg. 16-17
Public Facilities Element: Pg. 33-34

Planning Commission Recommendations:

Staff Recommendation:

Staff recommends spending as much time as needed to come to a good conclusion of what we want in Francis City. Remove all gray areas of the code and solidify verbiage based off the intent and purpose of having accessory dwellings.

Community Review:

A public hearing is required at this time. Francis City is inviting you to a scheduled Zoom meeting.

<https://zoom.us/j/96714148447?pwd=Vy8yVU0vbjFEM1ND0GsrS3hTQU53dz09>

Meeting ID: 967-1414-8447 Password:158913

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memo

Company name

To: Byron Ames, Mayor; Mandy Crittenden, Planner;
From: Brad Christopherson, City Attorney
Date: March 5, 2020
Re: Policy Discussion Points – Accessory Dwelling Units and Mother-in-law apartments

There has been an influx of building permit applications, inquiries regarding accessory apartments and accessory dwellings. This memo will address the current practices and potential future impacts to the City and its infrastructure.

Some concerns were raised regarding the impact on the City Water and Sewer Infrastructure.

ZONES: Each of the following zones, requires a Conditional Use Permit and a separate water meter.

R-H (Residential Half-acre)

Accessory apartments (Above a garage or in a basement, not a separate dwelling such as mobile home or manufactured home. Not to exceed 1,000 square feet. Requires additional water meter & sewer meter) *CC&R Compliant

AG-1

Accessory apartments (Above a garage or in a basement, not a separate dwelling such as mobile home or manufactured home. Not to exceed 1,000 square feet. Requires additional water meter and sewer meter)

AG-2

Accessory apartments (Above a garage or in a basement, not a separate dwelling such as mobile home or manufactured home. Not to exceed 1,000 square feet. Requires additional water meter & sewer connection)

Mother-in-law apartments:

The City doesn't currently does not make a distinction with an accessory apartment on the same floor. When a City doesn't regulate something (ie. A Mother-In-Law Apartment on the same floor, above grade) then the City must make decisions in favor of the resident. No additional impact fees are being assessed for any of these above grade mother-in-law apartments. The City is aware of several that have been built without impact fees or CUP's being issued.

Concerns:

Impact Fees not keeping up or not being captured. Impact fees exist to offset the costs of previous expansions done to the sewer ponds as well as the necessary future expansion of the City's culinary water infrastructure. The City currently charges:

Sewer: \$2,223

Culinary Water: \$5,209 per Equivalent Residential Unit (ERU)

Residential:

1" Service: 1.67 ERU's \$8,699.03

¾" Service: 1 ERU \$5,209

Sewer Impact Fees:

Presently, we only require one sewer connection and impact fee per dwelling. As part of the conditional use process, we require a separate sewer connection including an impact fee and monthly fee for the accessory dwelling in the RH zone.

Sewer ERU is calculated using 2.9 people per dwelling based on the 2010 US Census Bureau Data for Francis City.

Although there is sufficient capacity to handle the projected growth thru 2035, the potential impact of so many accessory dwelling may create additional, unplanned for burdens that could result in a shortfall down the road if the capacity is used up at a much faster clip than the current Capital Facility Plan addresses.

Water Impact Fees:

The Impact fees were calculated based on the average home size in Francis of 3.13 people per ERU. Water impact fees are charged based on the size of meter that is installed. Commercial properties water impact fees are also based on the size of meter that is installed. One of the concerns here is related to the undocumented and potentially uncollected or unassessed impact fees. If the planned capacity in the water system is used up by undocumented accessory apartment or accessory dwellings, we are not collecting the impact fees need to pay for the additional capacity.

Recommendations:

1. Have the City Engineer prepare an analysis to address the potential impact of the rapid growth of accessory dwellings. Additionally take a look at the impact to current and future capacity of unregulated mother-in-law apartments.
2. Based on the data, prepare some updated regulations addressing Mother-In-Law Apartments.

A few bullet points from the Planner, on issues I see we are running into with code conflicts.

The General Plan and the City Code say the zone is intended for single family residential lots. In my opinion allowing the secondary dwellings with apartments above are defeating that purpose. Unless, it is occupied by immediate family (would need to be defined). But if it is for rental purposes then it becomes a multifamily property.

The RH Zone Code says that apartments are an allowed use, whether in a basement or above a garage with a Conditional Use Permit. Currently we are not enforcing basement apartments to have the CUP? This still comes back to the conflict of code, if it's rented out, it is a multifamily home.

We are requiring all accessory apartments to have 2 connections, be less than 1000 sq. ft., and be above a garage. What are the reasonings? An average basement size apartment would be about 2000 sq. ft., so why are we charging impact fees and second connection for 1000 sq. ft. (more money, less impact). If our intent is to have these accessory apartments for immediate family purposes, which would be either in-laws or kids with a new family (little kids), why does it need to be above a garage? Stairs don't make sense for older people or young kids.

If we allow secondary dwellings in RH, we're essentially doubling our density. So, why even have a half acre zone? Why not have 1/4 acre lots? By doubling the density we're cutting our projected capacity in half. Meaning with our sewer upgrade being 20 years projected growth, now we've hit projected growth at 10 years and need to upgrade again. If we haven't charged the adequate impact fees for all the apartments, now we will have to go to the current and existing residents and charge them a higher water and sewer bill to cover expansion cost. How is that fair?

Where do we start? Is this something we go forward with in already developed subdivisions with making them pay impact fees and recurring monthly bills, but not requiring second connection? And new subdivision developments require A- No secondary dwellings, or B- developers to run a second lateral to all houses for potential secondary, to prevent cutting roads and ruining infrastructure.

We have plans coming in with unfinished basement apartments. After the final is given they are finishing the apartments with no permits and selling them listed with a completed basement apartment. This is why I believe this needs to be addressed now, in the past this hasn't been a pressing issue. Recently, the majority of new plats coming in have some sort of an apartment in the plans. I see this being a new normal. So, we just need to decide if that's what we want in Francis, and what guidelines everyone will follow if so.



Staff Report

To: Francis Planning Commission
From: Mandy Crittenden
Report Date: March 2nd, 2020
Meeting Date: April 30th, 2020
Title: Moderate Income Housing Ordinance
Type of Item: Code Text Amendment

Executive Summary:

Francis City is seeing the need for housing that is affordable within the limits of the residents with a Moderate Income Salary.

City Code:

Moderate Income Housing Requirements, 17.55.010 Generally

General Plan:

Moderate Income Housing Pg. 30-32

Planning Commission Recommendations:

Staff Recommendation: Review purposed code, modify and make changes where needed. Forward to City Council for approval.

Community Review:

A public hearing is required at this time. Francis City is inviting you to a scheduled Zoom meeting.

<https://zoom.us/j/96714148447?pwd=Vy8yVU0vbjFEM1NDOGsrS3hTQU53dz09>

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17.55 Moderate Incoming Housing

17.55.010 Purpose

17.55.020 Definitions

17.55.030 Standards

17.55.040 Residential Developments

17.55.050 Process

17.55.010 Purpose

To provide affordable housing to the citizens of Francis City and to accomplish the goals of the Moderate Income Housing element of the Francis City General Plan.

17.55.020 Definitions

Area Median Income (AMI) is defined as the median household income for a household in Eastern Summit County.

Affordable is defined as the ability of a household to occupy a dwelling unit paying no more than 30% of the household's gross income for housing costs, including utilities.

Moderate Income Housing is defined as owner-occupied dwelling units that are offered for sale at a rate that is affordable to those households having incomes that are 81% - 120% of the AMI.

17.55.030 Standards

1. The provisions of this Section may apply to (each a "Development"):
 - a. Large Single-family subdivisions (50 lots or more);
 - b. Multiple-family developments (25 units or more);
 - c. Conservation Subdivision developments; and
 - d. Mixed-use developments.
2. A Development meeting the criteria in paragraph (1), as an incentive to provide Moderate Income Housing as part of the Development, may exceed what would otherwise be the maximum allowed number of dwelling units with one bonus market rate unit for each Moderate Income Housing dwelling unit included in the project, up to five bonus units.

17.55.040 Residential Developments

New residential Developments in the R-H (Half Acre Residential), R-C (Residential Cottage Zone) C-C (City Center Zone) or R-M (Multi-Family Residential) zoning districts are encouraged to provide Moderate Income Housing units as part of the project. Projects including Moderate Income Housing units may apply for the following density bonuses:

1. Those lots in a new single-family conventional subdivision which are proposed to contain Moderate Income Housing dwelling units may be reduced in area by up to 20 percent of the minimum lot size and frontage of the underlying zoning district. Reduced lot size and frontage applies only to lots on which Moderate Income Housing dwelling units will be

built.

2. The density bonus shall be used to include Moderate Income Housing dwelling units as a part of a larger Development, as a means of avoiding concentrating such housing in any given area of the subdivision and/or the City.
 - a. The Moderate Income Housing dwelling units shall be of a similar size and scale as the rest of the development's units.
 - b. The Moderate Income Housing dwelling units or lots shall be built in conjunction with the rest of the project and built before 80% of the Development is completed.
 - c. The Moderate Income Housing dwelling units shall be dispersed throughout the Development without being built on adjacent lots or clustered in one part of the Development.

17.55.050 Process

1. Prior to approval of the final plat for any dwelling unit in a Development for which density bonus units have been awarded, the developer shall enter into a Moderate Income Housing development agreement with Francis City that identifies which lots are intended to be the Moderate Income Housing units; identifies the builder of each Moderate Income Housing dwelling unit; and guarantees for thirty (30) years their continued use and availability to households that qualify for Moderate Income Housing by means of a deed restriction or other means.
2. The terms and conditions of the agreement shall run with the land, be noticed to title, shall be binding upon the successor in interest of the developer, and shall be recorded in the office of the Summit County Recorder.
3. The deeds to the designated units shall state that the developer or his/her successor in interest shall confirm the continued use of the designated units for households that qualify for Moderate Income Housing.