

**West Point City
Planning Commission
3200 West 300 North
August 9, 2018**

Present: Brian Vincent, Korey Kap, Jake Shepherd, Jeremy Strong, Brad Lee, Rob Ortega, Jeff Macfarlane, Boyd Davis – Community Development Director, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

Visitors: Blake Smithing, Delyn Yeates

WORK SESSION

1. Discussion regarding the Preliminary Plan for Sun Meadows Subdivision, located at 3600 West 800 North, Psion Homes, applicant.

Troy Moyes reviewed the application. Psion Homes is seeking Preliminary Plan approval from the Planning Commission regarding the Sun Meadows Subdivision, formerly known as the Manning property. On July 17, 2018, the City Council approved a Developer's Agreement with the applicant and a PVFD overlay option that would allow the base density to increase from 2.5 units per acre to 2.7 units per acre. The preliminary plan has now been provided for the Planning Commission's consideration. This is currently zoned R-2 Residential with a PVFD overlay option. They are proposing to have 27 lots with a minimum of 10,000 square foot lots. They have submitted a Developer's Agreement. It states that the applicant will provide street trees, they will fully landscape the front yards, they will have a higher brick standard, and they will provide an HOA to maintain the landscape on 800 North, and they will provide an easement for the future extension of 3500 West.

Staff has reviewed the plans and addressed things through an Engineer's letter. The applicant has received the letter, and they are working on the things needing to be addressed before receiving final approval. They will need approval letters from the required districts and agencies, a geotechnical report, water shares, clarification on the storm drain, and other minor corrections. Staff recommends preliminary plan approval.

The developer has gone back and forth with the Council as far as whether or not they were to expand 3500 West. There were issues with the property owner to the north regarding how much land to give up so they could do a full-width road. He wasn't willing to give up that much land. All that Staff has required the applicant to do is to leave an easement there for a future road with landscape along that as well. Boyd Davis added that the developer will only landscape along 800 North. In the Developer's Agreement, they agreed to give a financial guarantee that landscaping along 3500 West will be installed at a future date when the road is developed. Jeff Macfarlane asked how we enforce HOA duties if several years down the road the HOA disbands. Boyd Davis responded that there is a section in our Code which states that if the HOA fails to do their job, the City can come in and charge each resident of that subdivision a nominal fee and take it over. We have never had to do that though.

2. Discussion regarding the Final Plat approval for Bannock Subdivision, Phase 2, located at 4250 West 625 South, Delyn Yeates, applicant.

Boyd Davis explained the history behind this project. Delyn Yeates, the developer of the project, was present to answer questions if necessary. Fourteen years ago, in 2005, Phase 1 of the Bannock Subdivision was recorded. Boyd showed on a map where Phase 1 ends and where Phase 2 is located. The plat in front of the Commission is the original plat for Phase 2. There was going to be a large area of open space at the east end of the project. That was a requirement when they built Phase 1. This is a Cluster subdivision; they were able to get smaller lots and cluster them into a smaller area in exchange for the open space that was going to be dedicated to the City and the City was going to make it into a park. Phase 1 was completed; they did as much as they could. They did 28 lots and you can have a maximum of 30 lots on a single access. They haven't had a second access for Phase 2 so it sat for quite a while. The second access was blocked by the four acre parcel. Their second access is now being provided by the Cold Springs Road that was recently constructed as part of the Craythorn Homestead project. Jeff Macfarlane asked where the open space will be located now. Boyd Davis said this has been discussed for quite a while. Over the years, the developer has asked the City Council to consider several things; moving the open space to a different location, them buying it back from the City, seeing if there was a possibility to waive that requirement. Needless to say there has been some frustration over the issue. The City Council and the developer just recently came to an agreement that was approved in City Council on August 7, 2018, where the developer has agreed to pay the City a fee in lieu of that open space requirement. The City will use that money to purchase open space somewhere else. Or to purchase park space near one of our parks and expand it. That four acre requirement is no longer part of this subdivision. The City Council will take a fee in lieu of that four acre park, they also agreed to honor the original preliminary plat. At one time, the developer submitted a preliminary plat showing 24 lots and no open space. They agreed to 24 lots and a minimum square footage of 12,000 square feet. This is out of order for what the Commission is used to seeing. Because of this settlement agreement that the Council and the developer have come to, they are starting at Final approval.

Boyd Davis displayed the new plat. It shows 24 lots and all lots are 12,000 square feet or slightly over, connecting to the new Cold Springs Road. There are some requirements for the developer to meet. There is a two foot landscape strip required along Cold Springs Road. That is similar to what the Craythorn Homestead project did. They will have to cut into the Cold Springs Road to tie into some utilities there. It will have to be patched according to the requirements of the City when cutting into a new road. Staff has already received letters from the water company and the secondary water company agreeing to supply water, but they gave some things that need to be corrected on the plans. They are still waiting on a letter from the Fire District. The water shares for this subdivision were submitted with Phase 1, so they are taken care of. Their Geotechnical Report says their basements will be limited to four feet because there is no land drain in that area and the water table is high. They will need to show fencing between their subdivision and any agricultural property. Also, there was a condition in the letter sent to the developer stating that if there are any irrigation issues, they are responsible to either relocate ditches, pipe them or protect the homes from irrigation water. Staff recommends approval of the subdivision.

Brian Vincent asked Boyd about the two foot landscape strip. Boyd responded that it is typically eight feet wide. The reason it is only two feet is because on the west side of Cold Springs Road there is an eight foot park strip because the Hooper Irrigation canal is piped in that park strip. The agreement was that it didn't make sense to have an eight foot park strip and then another eight feet of landscaping. The agreement on the last subdivision was that that landscape strip will be two feet behind the sidewalk. There can't be any trees in that because it is so close to the pipeline so all they can plant will be shrubs. Korey Kap expressed concern with the way this looks when the developer offers money to the City and is then allowed to do something different than originally agreed upon. Boyd Davis said that is an issue that has been thought a lot about and discussed with the City Attorney. It is a settlement agreement between the Council and the developer. Jake Shepherd said he feels that is unfair to the residents in Phase 1 because they thought there would be a park there, but it is out of the Commission's hands at this point. Everyone agreed that this is a difficult thing and not an ideal situation. Jake Shepherd asked if there was a financial agreement made on the four acre portion. Delyn Yeates said it was \$228,000.00 and then there was some adjustment because of the ground they gave the City so it is \$213,000.00. Boyd Davis commented that the ground Mr. Yeates is referring to that he gave to the City was ground they dedicated, several years ago, for half of Cold Springs Road.

3. Discussion regarding Low and Moderate Income Housing Report.

Troy Moyes briefly introduced this item. The State and Federal Government specifically requires every city to have a Moderate Income Housing Plan in place. It is maintained and managed by the Department of Workforce Services Housing & Community Development Division. Basically what it is saying is that housing is affordable if a household spends no more than 30% of their gross monthly income on housing expenses, including utilities. West Point City does not have a plan in place, and they are required to have a plan in place within the next month. It should be incorporated into the General Plan. This report is to satisfy that requirement. The plan goes through some demographics and numbers provided by the American Fact Finder Association. They take the census data and project it into the future. Staff has taken those numbers and figured out how many of those numbers, based upon the average income, would fall under a need for affordable housing. This report is to address those issues and to come up with goals and strategies to meet this requirement. It will be readdressed with the General Plan.

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Jeremy Strong
4. **Approval of Minutes from July 26, 2018.**

Korey Kap made a motion to approve the minutes from the meeting held on July 26, 2018, as written. Jeff Macfarlane seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Preliminary Plan Approval for Sun Meadows Subdivision, located at 3600 West 800 North, Psion Homes, applicant.**

Troy Moyes reviewed the application. Psion Homes is seeking Preliminary Plan Approval regarding the Sun Meadows Subdivision. On July 17, 2018, the City Council approved a Developer's Agreement with the applicant and a PVFD overlay option that would allow the base density to increase from 2.5 units per acre to 2.7 units per acre. As per the Developer's Agreement, the developer will be providing street trees for the development, they will fully landscape the front yards, they will have a 50% brick standard required on all of the homes, and an HOA to maintain the common area. They will need to provide a landscape plan for their Final Plat Approval. Staff has reviewed this and sent comments to the developer. Staff recommends approval. Brian Vincent asked if the developer will submit a landscape plan showing what they will do in the front yards. Troy Moyes said it was provided with the overlay option, so Troy will make sure the Commission has a copy of that, as well as the plan for the street trees, when they review it for Final.

Jeff Macfarlane made a motion to approve the Preliminary Plan for Sun Meadows Subdivision, located at 3600 West 800 North, Psion Homes, applicant. Rob Ortega seconded the motion. All voted aye.

7. **Final Plat approval for Bannock Subdivision, Phase 2, located at 4250 West 625 South, Delyn Yeates, applicant.**

Boyd Davis said the first phase of the Bannock Subdivision was approved in 2005. They have been waiting since that time to move on to Phase 2. The biggest obstacle has been waiting for a second access. Cold Springs Road was recently constructed providing a second access for this subdivision. The other issue was four acres of open space that was required as part of Phase 1, since it was approved as a Cluster Subdivision. The developer and the City Council have recently come to an agreement to eliminate that four acres of open space in exchange for a fee that the developer is willing to pay. The City will then use that money to buy open space elsewhere. With that, they are able to move forward on

Phase 2. There are 24 lots proposed and the square footage is 12,000 square feet per lot. Staff recommends final approval. As part of the Settlement Agreement, the Council agreed that they would consider their preliminary plan approved. This is the same preliminary plan that was submitted several years ago.

Brad Lee made a motion to approve the Final Plat for Bannock Subdivision, Phase 2, located at 4250 West 625 South, Delyn Yeates, applicant. Korey Kap seconded the motion. Brian Vincent, Rob Ortega, Jeff Macfarlane, Korey Kap, Jake Shepherd, and Brad Lee voted aye. Jeremy Strong voted nay.

8. Approval of the Low and Moderate Income Housing Report.

Troy Moyes reviewed the Staff Report dated August 9, 2018, pertaining to the Moderate Housing Plan. In 1996, the Utah Legislature passed House Bill 295 requiring cities and counties to include an affordable housing element as part of the General Plan. Housing is considered affordable if a household spends no more than 30% of their gross monthly income on housing expenses, including utilities. In this plan presented, housing needs are considered for moderate income households within the following income brackets:

1. Low income 50-80% AMI
 2. Very low income 30-50% AMI
 3. Extremely low income \leq 30% AMI
- AMI stands for "Area Median Income"

The intent of this affordable housing plan is to ensure that West Point City provides a reasonable opportunity for a variety of housing to meet the needs of the population desiring to live in the City. A variety of housing should be encouraged to allow people earning a moderate income or less to fully participate in and benefit from all aspects of neighborhood and community life.

This plan is intended to satisfy the requirements found in State Code 10-9a-103, 10-9a-401, 10-9a-403 and 10-9a-408 that is administered by the Workforce Services Housing & Community Development Division. State Code requires this plan first be adopted by resolution (and incorporated in the General Plan document) and then starting in 2020 a bi-annual reporting that is required and passed by resolution from the City Council.

This plan is divided into two major categories:

1. **Community Data:** This category presents the community profile and demographics of West Point City while addressing the housing demands and supply and current zoning environment that would hinder or create opportunities for affordable housing within the City.
2. **Goal & Strategies:** As the City moves forward in growing this section, we will address some of the goals and strategies that might affect housing demands and housing costs within the City.

As far as the Goals and Strategies category goes, we have already passed several items or are considering working on them. For example, regarding the General Plan, we are looking at more affordable housing by providing smaller lots in the west portion of the

City. Also, in the last year, we adopted into Code the ability to have an apartment in an accessory building.

Jake Shepherd asked about the table shown under the section Housing Affordability. It says we are deficient 151 units for low income. Troy Moyes responded that those numbers are based off of projection. We should know more when more concrete census data comes out in 2020. These are just projections based on the median income in the City. We definitely have a deficit that we need to address in these categories. Jake Shepherd asked how that works if someone has their house paid off. Boyd Davis responded that it isn't whether they have paid off their house or not, it is more about what the mortgage would be on that house if someone else bought that home; would it be affordable? Just because the house is paid off, it wouldn't fall under low income housing.

Korey Kap said this is great information, but what do we do with it? Troy Moyes responded that ultimately it comes down to our strategies. Are we focused only on large lots and big homes? How will we address the citizens in our City that fall in these brackets? Korey Kap mentioned that we just approved a development of apartments, but they really aren't considered low income housing. Jeremy Strong commented that we just approved the ability to use accessory buildings for apartments, but the Code says they can only be rented to clergy or family so how does that help? Troy Moyes said that may be something we need to address in the General Plan and the Code. The intent of these reports is to show that we are proactive in thinking about more than the high income residents of the City.

Rob Ortega said he is still confused at what our plan is addressing. What are we looking at, the number of households that will fit within a certain value that would be rented/mortgaged at a certain amount? Troy Moyes said this is more of a general view. We are looking at what we will do as a City. Our goal is to provide more homes that will fall under a certain value which is considered affordable.

Boyd Davis said this is a plan to overcome the deficit of 400 homes. In other words, we need to have 400 homes in this town that are affordable. The end of the report says this is our plan to try to bring in affordable housing. The plan is to try and reduce the lots sizes, make some changes to the Codes to make it easier to build affordable housing etc. That's why it's called a plan, because we have a plan to allow more affordable housing. The Goals and Strategies section is the nuts and bolts of the plan. Boyd pointed out that the affordable housing is not based on everyone's income, it's the value of the homes that are built in the City. Is that house affordable? If someone making a certain level of income moved into that house, could they afford it? Every city has the same criteria. It is important to know the income level of your residents because if you have a huge portion of your population that is in the extremely low income range, then you're going to have to have more houses that are at that low of a level that they can afford. It's based on the income level of the city. This is an effort of the State to force every city to have lower income housing. We don't know what the penalty is if we do not meet those requirements.

Jeremy Strong made a motion to approve the Low and Moderate Income Housing Report as proposed. Brad Lee seconded the motion. All voted aye.

9. Planning Commission Comments

Jake Shepherd had no comments.

Brad Lee had no comments.

Jeremy Strong commented regarding his opposing vote on the Bannock Subdivision. He said he thinks it's a slippery slope no matter what they do. He felt like what was agreed upon was how things should have remained no matter what we think is appropriate later on down the road.

Korey Kap had no comments.

Jeff Macfarlane had no comments.

Rob Ortega thanked Jeremy for opposing that item that he felt strongly about.

Brian Vincent thanked Staff for the hard work they do.


10. Staff Update

Boyd Davis recapped the most recent City Council meeting. The Council approved the new tax rate for the coming year. It was a slight increase and had much discussion and lots of public comment. It actually decreased taxes because property values went up but the rate went down. Troy Moyes proposed the same Low and Moderate Income Housing Report and the Council will be taking action on it at their next meeting. Staff presented the new PRUD Code proposal. It wasn't discussed much, but will be discussed further in the next meeting. Also, the Bannock Subdivision agreement was approved.

11. Adjournment

Jeff Macfarlane made a motion to adjourn at 7:40 p.m. Brad Lee seconded the motion. All voted aye.


Chairperson – Brian Vincent


Secretary – Michelle Bailey

