



2267 N 1500 W
Clinton UT 84015

Planning Commission Members

Chair – Tony Thompson

Vice Chair – Mark Gregersen

Dereck Bauer

Jolene Cressall

Dan Evans

Ed Olson

Date of Meeting	February 7, 2023	Call to Order	7:01 p.m.
Staff Present	Community Development Director Peter Matson and Lisa Titensor recorded the minutes.		
Attendees	Marie Dougherty		
Prayer or Thought	Commissioner Thompson		
Pledge	Commissioner Bauer		
Roll Call/Attendance	Commissioners present were: Dereck Bauer, Jolene Cressall, Dan Evans attended electronically, Ed Olson and Tony Thompson Excused were: Commissioner Gregersen		
Declaration of Conflicts	There were none.		
<u>PUBLIC HEARING: REVIEW OF AND POSSIBLE ACTION TO AMEND THE HOUSING ELEMENT OF THE CLINTON CITY GENERAL PLAN BY ADOPTING AN UPDATED MODERATE INCOME HOUSING PLAN WITH ASSOCIATED IMPLEMENTATION STRATEGIES AS REQUIRED BY STATE LAW.</u>			
Petitioner	Peter Matson, Community Development		
Discussion	<p>In 2019, the Utah Legislature passed House Bill 34 which required municipalities to update their moderate- income housing plans as well as select three housing affordability strategies to implement in their community. During the 2022 legislative session, the legislature passed House Bill 462 which requires cities to update their moderate-income housing strategies and adopt implementation plans. In addition, the legislature is giving transportation fund priority to those communities that adopt two additional strategies beyond the required three.</p> <p>In September 2022, the Commission recommended and the City Council approved the updated Moderate Income Housing Plan based on the requirements of House Bill 462. The Plan was submitted to the State prior to the October 1st deadline. On November 18, 2022, the City received a Notice of Non-Compliance indicating the City’s submission did not fulfill the requirements of state law. The Notice outlined deficiencies and corrective actions needed to become compliant. City staff attended two training sessions and learned that 75% of the plans submitted to the state were deficient requiring updated plans to be submitted within 90 days from the date of the notice – February 16, 2023.</p> <p>The attached <i>Moderate Income Housing Plan Addendum 2023-1</i> reflects the requested changes from the State correcting the identified deficiencies. The Plan proposes a modification of the five strategies selected in September with strategies O and P replaced with strategies A and U. Strategies B, E and N remain the same with all selected strategies now including more detailed implementation actions and timelines.</p> <p>During the training provided by the State Division of Housing & Community Development, the Moderate Income Housing Program Manager offered to review and provide feedback on</p>		

each city's updated draft strategies. The State program manager reviewed this draft plan update and indicates the strategies and timelines address the deficiencies described in the Notice and that each strategy reflects the statute and is supported by appropriate benchmarks and timelines.

Commissioner Thompson opened the public hearing at 7:04 p.m.

Mr. Matson reviewed addendum 2023-1

- A. **Rezone for densities necessary to facilitate the production of moderate income housing**
- B. **Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing**
- C. Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing
- D. Identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county/municipality for the construction or rehabilitation of moderate income housing
- E. **Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones**
- F. **Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers**
- G. Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors
- H. Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities
- I. Amend land use regulations to allow for single room occupancy developments
- J. **Implement zoning incentives for moderate income units in new developments**
- K. Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund
- L. **Reduce, waive, or eliminate impact fees related to moderate income housing**
- M. Demonstrate creation of, or participation in, a community land trust program for moderate income housing
- N. **Implement a mortgage assistance program for employees of the county/municipality, an employer that provides contracted services for the county/to the municipality, or any other public employer that operates within the county/municipality**
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing
- P. **Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing**

	<p>Q. Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act</p> <p>R. Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530</p> <p>S. Create a program to transfer development rights for moderate income housing</p> <p>T. Ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing</p> <p>U. Develop a moderate income housing project for residents who are disabled or 55 years old or older</p> <p>V. Develop and adopt a station area plan in accordance with Section 10-9a-403.1</p> <p>W. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones</p> <p>X. Demonstrate implementation of any other program or strategy to address the housing needs of residents of the county/municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.</p> <p>The report is included as ATTACHMENT A.</p> <p>With no public comment, Commissioner Thompson closed the public hearing at 7:47 p.m.</p>
CONCLUSION	<p><i>Commissioner Bauer moved to recommend approval to the City Council of Resolution 01-23 amending the Housing Element of the Clinton City General Plan by adopting an updated Moderate Income Housing Plan with associated implementation strategies as required by State law. Commissioner Olsen seconded the motion. Commissioners Bauer, Cressall, Evans, Olsen and Thompson voted in favor of the motion.</i></p>
	<p>a. Approval of November 15, 2022 Planning Commission Meeting Minutes. <i>Commissioner Cressall moved to approve the minutes of the December 15, 2022 Planning Commission Meeting. Commissioner Bauer seconded the motion. Commissioners Bauer, Cressall, Evans, Olsen and Thompson voted in favor of the motion.</i></p> <p>b. Discussion Items – Mr. Matson informed the Planning Commission that the following items will be coming forward:</p> <ul style="list-style-type: none"> • Review of proposed text amendment for residential side yard setbacks adjacent to main (arterial) streets. <p>Mr. Matson briefly reviewed text amendments that will need to be addressed.</p> <ul style="list-style-type: none"> • Review of Lexington Estates 1300 North landscape buffer and HOA. <p>c. Commission Reports</p> <ul style="list-style-type: none"> • Pre-application review update
ADJOURNMENT	<p><i>Commissioner Bauer moved to adjourn. Commissioner Olsen seconded the motion. Commissioners Bauer, Cressall, Evans, Olsen and Thompson voted in favor of the motion. The meeting adjourned at 8:59 p.m.</i></p>

ATTACHMENT A**Clinton City Housing Element
2022 Moderate Income Housing Plan Update
Addendum 2023-1****The Importance of Planning for Moderate Income Housing**

With proper planning and regulations, the city can pave the way for the private market to adequately address the housing needs and demand of residents - today and in the future. As defined by Utah Code, moderate income housing is "housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located." By planning for moderate income housing, the city will be able to influence housing development that will assist a segment of the population and help ease the cost burden our residents experience in owning a home.

Planning for moderate income housing by identifying key strategies and how the city will implement them within the general plan is an important component of this plan and annual report. For a greater impact and to ensure those strategies and implementations continue to work in the future, it's imperative to analyze and revise this planning document and related strategies regularly.

Compliance with Utah Code 10-9a-403 – HB 462

In 2019, the Utah Legislature passed House Bill 34 which required municipalities to update their moderate-income housing plans as well as select three housing affordability strategies to implement in their community. During the 2022 legislative session, the legislature passed House Bill 462 which requires cities to update their moderate-income housing strategies and adopt implementation plans. In addition, the legislature is giving transportation fund priority to those communities that adopt two additional strategies beyond the required three.

HB 462 included substantive changes to the strategies requiring the City to update the General Plan with new with the selection of new strategies outlined in Section 10-9a-403(2)(b)(iii) of the Utah Code. The City's 2019 Housing Element and included eight implementation strategies to address moderate income housing for the next five years. These strategies focused on a variety of direct and indirect goals and policies impacting the existing and future supply of moderate income housing. To meet the requirements for the 2022 Annual Report, the City must select implementation strategies from the updated list in HB 462.

Potential Strategies List from Utah Code Section 10-9a-403(2)(b)(iii):

- A. Rezone for densities necessary to facilitate the production of moderate income housing.
- B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing.
- C. Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing.
- D. Identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county/municipality for the construction or rehabilitation of moderate income housing.
- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.
- G. Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors.
- H. Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities.
- I. Amend land use regulations to allow for single room occupancy developments.
- J. Implement zoning incentives for moderate income units in new developments.
- K. Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund.
- L. Reduce, waive, or eliminate impact fees related to moderate income housing.
- M. Demonstrate creation of, or participation in, a community land trust program for moderate income housing.
- N. Implement a mortgage assistance program for employees of the county/municipality, an employer that provides contracted services for the county/to the municipality, or any other public employer that operates within the county/municipality.
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.
- P. Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing.
- Q. Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- R. Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530.
- S. Create a program to transfer development rights for moderate income housing.
- T. Ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing.
- U. Develop a moderate income housing project for residents who are disabled or 55 years old or older.
- V. Develop and adopt a station area plan in accordance with Section 10-9a-403.1.
- W. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in

walkable communities within residential or mixed-use zones.

- X. Demonstrate implementation of any other program or strategy to address the housing needs of residents of the county/municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

Selected Strategies to Meet Affordable Housing Needs

Of the 24 available strategies, Clinton City has selected five (5) strategies addressing moderate income housing that include the required three (3) for municipalities without a fixed guideway public transit station and two (2) additional strategies to receive priority consideration of specific funding for the following year after the annual report submission. The funding opportunities related to this requirement include:

- Transportation Project Funding from the Transportation Commission (Transportation Investment Fund) and
- COVID-19 Local Assistance Matching Grant Technical Assistance Program through the Governor's Office of Planning and Budget.

The five (5) selected strategies listed below replace the eight moderate income housing strategies identified in the city's 2019 Housing Element and the Moderate Income Housing Plan update and report submitted to the State in September 2022.

The strategies selected from the list in HB 462 include implementation actions with associated timelines to accomplish each strategy. The **letter** associated with the five selected strategy listed below matches the specific strategy listed in Utah State Code 10-9a-403(2) (b) (iii). Background information, implementation actions and timelines for each selected strategy are provided below starting on page 4.

- A.** Rezone for densities necessary to facilitate the production of moderate income housing.
- B.** Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing.
- E.** Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- N.** Implement a mortgage assistance program for employees of the county/municipality, an employer that provides contracted services for the county/to the municipality, or any other public employer that operates

within the county/municipality.

- U.** Develop a moderate income housing project for residents who are disabled or 55 years old or older.

STRATEGY 1	A. REZONE FOR DENSITIES NECESSARY TO FACILITATE THE PRODUCTION OF MODERATE INCOME HOUSING
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BACKGROUND	Clinton City is a community of predominantly single-family neighborhoods with some moderate-income neighborhoods comprised of townhomes and apartments. Several moderate-income neighborhoods were developed in the city’s main commercial zone at a time when the zone allowed residential uses. Presently, the city’s RM zoning district is the only zone where attached housing is allowed. The RM zone needs to be updated with regulations designed to allow moderate-income housing that is well designed and a benefit to the community.
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IMPLEMENTATION ACTIONS	TIMELINE/BENCHMARKS
Examine the possibility of medium density residential densities in the west Clinton annexation area.	Ongoing throughout 2023 with the intent to complete summary recommendations for planning commission and city council review by end of 3 rd quarter 2023.
Begin internal staff review of RM zone code and prepare alternatives for consideration by the planning commission and city council. RM zone updates should examine the need and desire for design guidelines.	Ongoing through 2023 with the goal to present ordinance amendment recommendations to decision makers by end of 4 th quarter 2023.
Examine areas of the city where transitional densities may be appropriate for twin homes and townhomes.	Ongoing throughout 2023/2024 with the intent to present findings to decision makers by end of 2 nd quarter 2024.
Prepare “draft” of proposed amendments to the General Plan future land use map and associated policies for the inclusion of medium density (missing middle) residential and development of moderate income housing.	Draft amendments ready for consideration by planning commission and city council by end of 2024.
General Plan and zoning map/ordinance updates addressing densities to facilitate moderate income housing finalized for review and consideration by the planning commission and city council.	Complete by 2 nd quarter 2025.

STRATEGY 2	B. DEMONSTRATE INVESTMENT IN THE REHABILITATION OR EXPANSION OF INFRASTRUCTURE THAT FACILITATES THE CONSTRUCTION OF MODERATE INCOME HOUSING.
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BACKGROUND	Clinton City has a strong track record of quality community infrastructure through the continuous planning, funding and construction to upgrade aging utilities and streets throughout the community. This is particularly true for the older neighborhoods of the city with the intent to upgrade public infrastructure to the benefit of existing and future moderate income residents in these areas.
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IMPLEMENTATION ACTIONS	TIMELINE/BENCHMARKS
Continue to plan for, fund and complete CIPs (Capital Improvement Projects) in the aging neighborhoods of the community. This includes the upgrading of infrastructure for utilities, such as water, storm drains and sewers, sidewalks, road repair, and road maintenance.	Ongoing throughout the 2023-2027 reporting period. FY 2022/23 focus on improvements to 800 North, 690 West and 1000 West roadway projects; 2000 West water main project. 2023 and beyond – evaluate annually.
Apply for CDBG funds through Davis County’s administration of the program to improve neighborhood accessibility with a continuation of the previously awarded ADA sidewalk ramp projects.	Ongoing and applied for throughout the 2023-2027 reporting period.
Annual application for 2023 Davis County CDBG program funds for ADA corner ramp replacements. 2024 and beyond – continue annual application.	2023 awarded funds = \$65,000 + \$25,000 city matching funds.
Continue to administer and improve the efficiency of the Code Enforcement program to assist in improving the appearance and maintenance of neighborhoods.	Ongoing.
Allocate additional funds for part-time code enforcement specialist.	Completed 2022/2023 budget year. Ongoing with similar annual budget requests throughout the 2023-2027 reporting period.
Continue offering neighborhood clean-up programs and free green waste trailer use to residents and holding scheduled free city-wide clean up days.	Ongoing and evaluated annually throughout the 2023-2027 reporting period.
Monitor and report estimated number of moderate-income residents directly impacted by city clean-up programs	Ongoing and evaluated annually throughout the 2023-2027 reporting period.

STRATEGY 3	E. CREATE OR ALLOW FOR, AND REDUCE REGULATIONS RELATED TO, INTERNAL OR DETACHED ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES.
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BACKGROUND	<p>Since 2010, Clinton City has allowed internal accessory dwelling units (ADU) known as “immediate family dwelling units” with the requirement that occupants of the second unit be related to the owner occupying the main dwelling. This ordinance was amended in 2022 to meet the requirements of state law for internal ADUs to be rental units by removing the blood relative requirement.</p> <p>Interest in ADUs is growing, and city staff regularly responds to residents looking for information about ADU regulations both internal and detached.</p>
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IMPLEMENTATION ACTIONS	TIMELINE/BENCHMARKS
Ordinance adopted allowing Internal ADUs in single-family zones.	Complete - 2022
<p>As a follow up to the ordinance amendment for internal ADUs, the city will implement an online land use permit and building permit application review and approval process that will include:</p> <ul style="list-style-type: none"> · A public information handout and checklist for applicants; · Promote internal ADUs with city newsletter, webpage and social media articles; · Document and record a notice of all approved internal ADUs; and · Evaluate if there is any need for the legitimizing of any existing internal ADUs. 	<p>2nd Quarter 2023</p> <p>3rd Quarter 2023</p> <p>Ongoing and evaluated throughout the 2023-2027 reporting period.</p> <p>Ongoing and evaluated throughout the reporting period.</p>
<p>During the public hearing process for the internal ADU ordinance amendment, appointed and elected officials expressed a desire to examine the possibility of allowing “detached” ADUs.</p> <ul style="list-style-type: none"> · City staff will provide a summary and survey of best practices for review in city council work meetings. · Ordinance amendment proposal for detached ADUs to be prepared and presented for review and possible approval by planning commission and city council. 	<p>Complete by end of 4th quarter of 2023.</p> <p>Complete by end of 1st quarter 2024.</p>
<p>The city will evaluate how to account for existing internal ADUs to create a baseline inventory for tracking of new permits through resident surveys and other outreach opportunities.</p> <ul style="list-style-type: none"> · Begin inventory and survey activities. · Tracking of ADU permits. 	<p>By end of 2nd quarter 2023.</p> <p>Ongoing and reported annually throughout the 2023-2027 reporting period.</p>

STRATEGY 4	N. IMPLEMENT A MORTGAGE ASSISTANCE PROGRAM FOR EMPLOYEES OF THE
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	COUNTY/MUNICIPALITY, AN EMPLOYER THAT PROVIDES CONTRACTED SERVICES FOR THE COUNTY/TO THE MUNICIPALITY, OR ANY OTHER PUBLIC EMPLOYER THAT OPERATES WITHIN THE COUNTY/MUNICIPALITY.
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BACKGROUND	This strategy was identified in the City’s 2019 Moderate Income Housing Plan; however, no specific implementation plan was identified. In general, mortgage assistance programs are employer provided benefits with the intent of assisting employees to become homeowners by helping with the cost of owning or renting a home in neighborhoods close to the workplace. Assistance may be provided through down payment grants, low interest loans, credit counseling, homebuyer education or rental subsidies.
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IMPLEMENTATION ACTIONS	TIMELINE/BENCHMARKS
The City will study the feasibility of implementing an employee mortgage assistance program as an available option of the employee benefit package. Research best practices to draft policies and qualification criteria.	Start in 2024 with goal to present findings to city council by end of 2024.
Examine working with a community partner such as the county housing authority or similar organization to help administer possible programs such as Down Payment Assistance and Home Repair Loan/Grant Program.	Explore feasibility of partner and program options with findings reported to city council by end of 3 rd quarter 2024.
Consider potential use of CDBG or similar grant funds to support a variety of mortgage assistance programs.	Explore grant funding options in 2023 with findings reported to city council by end of 2024.
If it is determined that this program is not feasible, the City will replace this strategy with another from the list provided in the most recently adopted State law. If this program is implemented in 2025, annual evaluation will be part of the city’s budgetary review process.	If it is determined a viable employee assistance programs is not feasible, replace this strategy by end of 1 st quarter 2025. Ongoing from 2025 to 2027.

STRATEGY 5	U. DEVELOP A MODERATE INCOME HOUSING PROJECT FOR RESIDENTS WHO ARE DISABLED OR 55 YEARS OLD OR OLDER.
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BACKGROUND	Clinton City will work with landowners, developers and builders to develop and/or redevelop property for a senior-oriented community and/or a housing project for the disabled that qualifies as moderate-income housing. Clinton City officials will identify specific areas for consideration and will proactively contact property owners to explore opportunities
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IMPLEMENTATION ACTIONS	TIMELINE/BENCHMARKS
The city will identify strategic areas of the city appropriate for development of a moderate-income housing project to serve residents who over 55 years old.	Ongoing through 2023/2024 with initial analysis for decision makers by end of 1 st quarter 2024.
The city will identify strategic areas of the city appropriate for development of a moderate-income housing project to serve disabled residents.	Ongoing through 2023/2024 with initial report for decision makers by end of 2 nd quarter 2024.
Review the provisions of the city’s zoning ordinance to identify potential barriers to the development of a moderate-income housing project for residents over 55 years old.	Ongoing through 2023/2024 and report findings to decision makers by end of 3 rd quarter 2024.
Review the city’s zoning ordinance to identify potential barriers to the development of a moderate-income housing project for disabled residents.	Ongoing through 2023/2024 and report findings to decision makers by end of 4 th quarter 2024.
Prepare zoning ordinance amendments for senior housing	Draft ordinance amendments for review by decision makers by end of 1 st quarter 2025.
Prepare zoning ordinance amendments for disabled housing	Draft ordinance amendments for review by decision makers by end of 2 nd quarter 2025.