

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES**

October 24, 2019

The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City Municipal Building, 12830 South 1700 West, Riverton, Utah.

Planning Commission Members:

**Brian Russell, Chair
Dir.
Gary Cannon
Dennis Hansen
Ed James
Grant Lefgren
Troy Rushton**

Staff:

**Jason Lethbridge, Development Ser.
Craig Bott, City Attorney**

Chair Brian Russell called the meeting to order. Commissioner James led the Pledge of Allegiance.

• **PUBLIC HEARINGS**

- 1. CONDITIONAL USE, DEVAN NILSSON IS SEEKING A CONDITIONAL USE FOR A HOME-BASED BUSINESS, NILSSON ENTERPRISES, LLC, A WINDOW TINTING BUSINESS TO BE LOCATED AT 2090 WEST 13520 SOUTH.**

Development Services Director, Jason Lethbridge identified the subject property on a map displayed and stated that it is in the southern portion of the City. The request is for a home-based business involving window tinting. There are no additional employees with most of the business being conducted off-site. Five to 10 customers were anticipated per week. The ordinance prohibits auto-related home-based businesses; however, window tinting does not fall into those categories. Mr. Lethbridge stated that the Commission should make a determination as to whether auto window tinting falls within the list of prohibited uses.

The applicants are proposing that the work be done in a garage. Issues to be considered should be space within the garage, hours of operation, work being done outside, and overnight vehicle storage. Mr. Lethbridge commented that the situation came to the attention of staff as a result of a complaint of the applicant performing work on the property without a conditional use permit or business license. Once it was brought to the City's attention, they contacted the property owner who is seeking to rectify the situation through this application. Should the Commission find that this type of home-based business can be permitted, staff recommended the imposition of conditions set forth in the staff report. The conditions were reviewed with the applicant who had no objections.

In response to a question raised by Commissioner Rushton about the nature of the complaint, Mr. Lethbridge stated that it pertained primarily to the number of cars and customers on the site as well as the time the work was taking place. Allegedly, work was being done well into the night. Mr. Lethbridge stated that he did not visit the site or conduct any of the inspections.

Commissioner James commented that there seems to be a conflict regarding storage since it is prohibited yet one of the proposed conditions allows for overnight vehicle storage. Mr. Lethbridge explained that the prohibited uses pertain to the business itself. For example, RV storage or impound yards are not allowed as home-based businesses. The intent of the language pertains to someone operating a vehicle storage business. Staff would interpret that to mean vehicles being held while the work is being done and not being stored as part of the business.

Commissioner Cannon asked about the law relative to window tinting. The applicant, Devan Nilsson explained that the windows there is no law governing the tint on the back half of the vehicle. The front, however, has to meet a certain standard.

Commissioner James asked Mr. Nilsson if he would ever be dealing with broken glass. Mr. Nilsson clarified that with older cars, it is better for the windows to be taken out during the tinting process to ensure a better result. There would, however, never be loose glass outside of the garage.

Chair Russell opened the public hearing.

Devan Nilsson commented that he will never perform work in the driveway and it will always take place in the garage. No noise will be emitted and no power tools are used.

Commissioner Hansen asked Mr. Nilsson to address the concerns set forth in the complaint that was received. Mr. Nilsson stated that he personally has four cars so he suspected that the complaint stemmed a night when he had a friend over. They had loud music playing and when he started his car's engine his phone's Bluetooth connected to the stereo and music blared out very loudly before he was able to turn it off. The complaint was received the next day. Mr. Nilsson stated that he tries to be considerate and not work late. Going forward he will make sure that a similar situation does not occur. He did not object to the proposed hours of operation.

There were no further public comments. The public hearing was closed.

Commissioner James expressed concern with condition number nine. He commented that with all of the home-based businesses the Commission has reviewed, they have never allowed any to take place outside. He would support moving forward with the elimination of condition number nine and instead require all work to be done in the garage.

Commissioner James moved to approve Application #PLZ 19-2040 Nilsson Window Tinting, to be located at 2090 West 13520 South subject to the following:

Conditions:

- 1. The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, specifically the City's Home Occupation Ordinance (18.190) and applicable Building and Fire Codes.**
- 2. The applicant must obtain and maintain a Riverton City business license.**
- 3. Loose glass must be stored in the garage or in the work vehicle. No outside storage of glass.**
- 4. No more than 50% of the garage space may be used for the home occupation.**
- 5. Maximum of two customers/clients per day. No more than two customers/clients at a time.**
- 6. Customer/client vehicles must be parked in the driveway or garage.**
- 7. Only one customer/client vehicle may be stored overnight and must be parked off-street.**
- 8. Hours of operation between 7:00 a.m. and 7:00 p.m. for customers/clients visiting the home.**
- 9. All work to be performed within the garage.**

Findings of Fact:

- 1. The use is compatible with the neighborhood.**
- 2. No objections have been received from the neighbors.**
- 3. The use conforms to the ordinances of the City.**
- 4. This operation is not specifically spelled out in the ordinance in terms of auto repair.**

Commissioner Hansen seconded the motion. The motion passed with the unanimous consent of the Commission.

2. GENERAL PLAN, RIVERTON CITY IS CONSIDERING AMENDMENTS OT THE MODERATE-INCOME HOUSING PLAN AS PART OF THE CITY'S GENERAL PLAN.

Mr. Lethbridge reminded the Commission that the City is undergoing amendments to the General Plan. The Moderate-Income Housing Plan is one element of the General Plan. It is slightly different than some of the other work that has been done and is a part of the General Plan for which the State Legislature has mandated that both elements be included. He noted that this is one of the more specific parts of the General Plan that the State has addressed and they have provided criteria that must be met.

Mr. Lethbridge explained that the plan is more data-driven and as a result, most cities have retained consultants to compile the data. Riverton City has retained Zions Public Finance who is very reputable and has spent a significant amount of time on the housing elements for cities throughout the State.

Aaron Montgomery from Zions Public Finance presented the findings and described the process. He reported that Riverton City has a median household income of \$92,154, which is comparable to surrounding cities. It is \$25,000 higher than the Salt Lake County household median income, which is notable. Population characteristics that are significant with respect to housing include the fact that 57.8% of Riverton households have children under 18 years of age. The population of the City includes 40% of people being 19 years of age and younger. Both figures are higher than the Salt Lake County median percentage. The median age is 30.7, which is 1.7 years younger than the County average.

The building data shows that approximately every other year there is a significant amount of building taken place followed by a drop-off. Information for this year was still pending. The median home sale price data was from 2012 through 2018 and there has been 58% growth. That is important when discussing affordable housing since home prices are increasing in value. A map was displayed showing the market value per acre and takes smaller parcels into account. Affordability data was also shown comparing Riverton City to the state and counties. Mr. Montgomery commented that the median house price equals 3½ years of salary.

It was reported that there are 707 apartment units in Riverton City. Rental rates were taken into account with respect to affordability. In terms of duplex units, there are 16 buildings and 32 total units in Riverton City. There are 41 manufactured homes, 1,039 Planned Unit Development units, and 9,755 single-family residences for a total of 11,574 housing units. The affordable housing calculation was described. The maximum price for a mortgage is \$262,737, with a maximum monthly rental after utilities of \$1,354. When compared to what the Assessor's Office has valued the housing in the City's limits, the total affordable units in Riverton at 30% of the area median income is one, 177 at 30% to 50%, and 1,531 at 50% to 80%.

The proportional ratio based on County-wide income distribution was next presented. Mr. Montgomery reported that because the household income in Riverton is \$25,000 higher than the County, it is beneficial to consider the County's income. It was determined that households with incomes of less than 50% of the median income have the highest need. There is a surplus of affordable housing at 50% to 80%. It was clarified that the statistics took only existing homes into account and not projects in the permitting process.

Commissioner Rushton asked about the total acreage of Riverton City and what is available to develop. Mr. Montgomery did not have that specific data but stated that based on an analysis with the Salt Lake County Assessor, there is vacant land and parcels with no building. Mr. Lethbridge explained that that data could be provided but there are variables. There is vacant land, land that is available for redevelopment, and land that is entitled.

Commissioner Rushton was also interested in understanding areas that are proposed for development. Mr. Lethbridge stated that what complicates that issue is the fact that they have the 420-acre SLR project on the west side of the City. The entitlement for that project included a unit cap of 3,500 units with the possibility of those units being single-family, attached multi-family, multi-story, which makes pinning a number to it challenging. The Development Agreement specified a maximum but not a minimum.

Commissioner Rushton referenced the Accessory Dwelling Unit ("ADU") ordinance that is close to being finalized and includes another segment of inventory that could be drawn upon. ADUs already exist so it would be a matter of putting that inventory into circulation.

Commissioner James asked if the draft will satisfy the mandates of the State Legislature. Mr. Montgomery confirmed that it would. Commissioner James asked about implementation and specific strategies the City could implement to help subsidize interest rates and the cost of land. Mr. Lethbridge explained that in the list of strategies set forth by the State, there are some with an associated cost such as the mortgage assistance program that includes incentives to developers.

A question was raised about median income in the report and what percentage of the outliers are being taken into account since there is a wide disparity in income. Mr. Montgomery explained that they use ACS data, which comes from the U.S. Census Bureau. The standards for affordability are set by HUD so they cannot project them out.

Mr. Lethbridge indicated that there is a requirement going forward that they report each year on the study. That would be an opportunity to look at the changing conditions and how it might influence the goals and strategies being pursued. Property valuation fluctuations were discussed.

In response to a concern raised, Mr. Lethbridge explained that the goals and policies are broad and it would be an overreaction to state that a specific number of multi-family units

are being dictated. The intent of the plan is to put a renewed emphasis on affordable housing. What is being requested is progress over the next five years.

Chair Russell opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner James commented that half of all of the units to be developed must somehow be in the 50% or less category. Mr. Lethbridge clarified that it is not just new units that will meet the threshold for affordability. There are other ways as well to look at existing housing stock that falls into the threshold of affordability.

Mr. Lethbridge explained that the specific mandate from the State, in addition to having a Moderate-Income Housing Plan, is to include at least three of the strategies listed in the draft.

Commissioner Rushton referenced Item O and commented that for many municipal employees and public safety employees, housing in Riverton is out of their price range. If the intent is to look at some kind of City-funded subsidy, he would want people who serve the community to live here.

Commissioner Lefgren was opposed to any recommendation that involves City implementation or partnership. He recognized that several developments have been approved that would likely be closer to the desired price range that are not being built. Developers may or may not be incentivized to move forward. If they have already approved something and it is not underway, those are the incentives they should look at. He referenced item M that involves the reduction of impact fees. Commissioner Lefgren did not support lowering impact fees but thought that if they have already approved certain densities, perhaps a temporary reduction could be granted for those that have already been approved so long as they start within a certain period of time.

Commissioner Cannon commented that two of the most prominent areas are the mobile home park and another area of the City where the homes are older. The older homes sell for about \$300,000 compared to the 1,900 square-foot townhomes downtown that are \$320,000 to \$330,000. Mr. Lethbridge referred to the list that includes rezoning for densities necessary to ensure the production of moderate-income housing. Within that, there is a recognition that cities are limited in their ability to control prices.

Commissioner Rushton commented on legacy development where a family member builds a home in back of an existing residence. Along Redwood Road there are several legacy homes with deep lots. He asked if there was a strategy where they can come forward with development without seeking a rezone each time. Mr. Lethbridge confirmed that staff has looked at reducing fencing requirements and making other adjustments to density and setback requirements. The intent was to help facilitate that type of infill development. He commented that something like that would fit well under Item A.

Commissioner Hansen explained that what is provided are recommended proposals for putting a plan of action in place. Ultimately, if affordable housing cannot be provided because of high land values, he questioned whether the City can be held accountable. Mr. Lethbridge stated that in the City's accountability to the State, they can only do so much. The strategies alone do not change the City's ordinances or policies.

It was suggested that the Commission put forward, Items E, O, M, and H. Commissioner Rushton was opposed to Item H because with high-density development, street parking will spill out onto major thoroughfares. He was hesitant to change the current requirement unless it is a gated/closed community. He commented on the impact on cities if they are unable to implement the strategies. It as clarified that there are consequences tied to the City being able to implement the strategies. Mr. Lethbridge agreed to specifically reference the language from the bill.

Commissioner James moved to recommend approval of the amended Moderate-Income Housing Element of the Riverton City General Plan highlighting the following:

1. Item E;
2. Item O;
3. Item M – time-based; and
4. Item H.

Commissioner Rushton seconded the motion. Vote on motion: Chair Russell-Aye, Dennis Hansen-Aye, Ed James-Aye, Troy Rushton-Aye, Grant Lefgren-Aye, Gary Cannon-Nay. The motion passed 5-to-1.

Commissioner James expressed concern that as Commission they are not getting enough background information on significant issues. This was one he felt they could have spent more time on in an informal work session. He suggested that going forward the Commission hold study sessions prior to Planning Commission Meetings to discuss issues that need clarification. The Commission took the matter under advisement.

Commissioner Rushton also had an issue with the Master Plan and suggested a work meeting be held. Commissioner Hansen agreed. Mr. Lethbridge explained that the intent behind having comments submitted was to provide a catalyst for discussion. A work session would be scheduled to review the plan in more detail.

- **DECISION ITEMS**

There were no Decision Items.

- **MINUTES**

There were minutes to be approved.

- **ADJOURNMENT**

Commissioner Hansen moved to adjourn. Commissioner Cannon seconded the motion. The motion passed with the unanimous consent of the Commission.

The meeting adjourned at approximately 7:45 p.m.