

Minutes of the Work Session meeting of the Syracuse City Council held on January 23, 2018 at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson
Corinne N. Bolduc
Dave Maughan
Doug Peterson
Jordan Savage

Mayor Mike Gailey
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:

Finance Director Steve Marshall
City Attorney Paul Roberts
Community and Economic Development (CED) Director Brigham Mellor
Public Works Director Robert Whiteley
Police Chief Garret Atkin
Fire Chief Aaron Byington
Parks and Recreation Director Kresta Robinson
Assistant Parks and Recreation Director Chad Smout
Recreation Superintendent Aaron Harris
City Planner Royce Davies
City Planner Noah Steele

The purpose of the Work Session was to receive public comments; allow for the introduction of potential Board of Adjustment appointee; engaged in discussion with JUB Engineers regarding Regional Park Design Project; conduct Parks and Recreation Department Biennial Review; discuss potential partnership agreement with Utah Telecommunication Open Infrastructure Agency (UTOPIA) Fiber; review Moderate Income Housing report; review items forwarded by the Planning Commission: 1) discuss proposed amendments to Syracuse Municipal Code Section 10.30.010(C) pertaining to accessory structures; 2) discuss proposed amendments to Syracuse Municipal Code Section 10.30.020(B)(3) pertaining to garage size/width; and 3) discussion regarding proposed expansion of the Town Center study area; discussion consideration of potential noise ordinance; review proposed Resolution R18-03 appointing Councilmembers to various committee positions or assignments; receive public comments; and discuss Council business.

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A local Boy Scout led the audience in the Pledge of Allegiance. Council member Bolduc provided an invocation.

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Public comments

There were no public comments.

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Introduction of Board of Adjustment appointee

Mayor Gailey's recommended appointee was not present and this item was not discussed.

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Discussion with JUB Engineers regarding Regional Park Design Project

An administrative staff memo explained Greg Graves, project manager for regional park design project from JUB Engineers, will lead a discussion regarding a kick-off meeting for the project. The discussion, including a question and answer period with the City Council, is scheduled to last one hour.

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Mr. Graves used the aid of a PowerPoint presentation to provide an introduction to the Council regarding the topic of what makes a great park.

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Mr. Graves engaged in discussion with the Council regarding the components that the Council would like in the regional park to make it something that will be utilized by Syracuse residents and visitors. There was a focus on the differences between a sports complex and a traditional park and Mr. Graves reviewed a rendering of an optional conceptual design for the park. After continued discussion about the layout of the park and the inability to host large sports tournaments within that design, the Council ultimately directed Mr. Graves and his team to revisit the conceptual design that was created by the park subcommittee and work from that design. The Council discussed the concept of dedicating 80 percent of the facility to sports uses and the other 20 percent to other uses, with the note that the other uses be centrally located within the park to provide better access for visitors that may be at the park as spectators for a sporting event. Mayor Gailey asked Mr. Graves if he has received enough feedback from the Council to proceed with changes to the design, to which Mr. Graves answered yes. Mayor Gailey asked that the sub committee work with Mr. Graves and his team to make needed changes to the design.

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Discussion regarding the makeup of the park sub committee then ensued. Mayor Gailey indicated that Councilmember Anderson and Peterson are serving as members of the regional park subcommittee and Councilmembers Maughan and Savage are serving as members of the sub committee assigned to oversee the splash pad project at Centennial Park. Councilmember Maughan stated it was his understanding he was a member of both sub committees and this led to discussion regarding the makeup of both sub committees and the work that has been done over the course of the past year regarding the regional park subcommittee. Mayor Gailey stated he would prefer that the Council support the membership of both sub committees that he previously mentioned, after which Councilmember Maughan indicated that it will be difficult for him to raise money for the regional park if he is not a member of the subcommittee. Mayor Gailey stated that it is most important to him that whomever is working on the sub committee can work with JUB Engineers and those assigned to the project. He concluded Councilmembers Anderson and Maughan will be on the sub committee for the regional park and Councilmembers Maughan and Savage will serve on the splashpad subcommittee. City Manager Bovero clarified that the design developed by the sub committee and JUB will be presented to the entire Council for review and final approval.

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Parks and Recreation Department Biennial Review

A staff memo from the Parks and Recreation Department Director explained the Department is pleased to be able to discuss and present an in-depth review of its operations with the City Council. Staff is hopeful the discussion yields insight and support for current and future services. Below we have listed the five main topics of discussion:

- **Department Goal(s) Accomplishments**
 - Parks/Cemetery
 - Recreation/Community Center
 - Special Events/Volunteers
- **Department Organization, Staffing, and Operations**
 - Current Organizational Chart
 - Proposed Title Changes
 - Staffing Situation
 - Operational Changes
- **Recommendations for Improving Department Efficiency & Planning**
 - Park Maintenance & Storage Facility
 - Parks Master Plan
 - Parks Committee
 - Community Center
- **Future Department Goals**
 - Parks
 - Recreation/Community Center
 - Special Events
- **Benchmarking**

Parks and Recreation Director Robinson reviewed the staff memo and used the aid of a PowerPoint presentation to facilitate the first phase of the biennial review of her Department.

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Parks and Recreation Director Robinson used the aid of a PowerPoint presentation to facilitate the biennial review of her Department. The mission statement of the Department is as follows: "We are committed to providing citizens with a wide variety of recreational opportunities supported by our parks, personnel, and facilities. Our goal is to deliver superior programs and services that meet the needs of the community in a cost-effective manner." Accomplishing this mission statement starts in the parks of the City. She indicated tonight she will discuss Department goals and accomplishments, Department organization and staffing, recommendations for improving Department efficiency and planning, future Department goals, and benchmarking. Recent accomplishments in the Parks and Cemetery divisions of the Department include:

- Rock Creek Renovation
- Founders Park Irrigation Central Control System
- Monterrey Trailhead Development
- Tree Initiative
- Tuscany Park (Completion Date Spring 2018)
- Regional Park Design (In Progress)
- Centennial Park Design of Splash Pad/Restroom (In Progress)
- Improved Park Cleanliness Methods
- Updated Parks Information on Dept. Website
- Increased Parks/Athletic Field Usage
 - Competitive/Club Sports
 - Jensen Visitor Center & Pavilions
 - 385 rentals

Accomplishments in the Community Center include:

- Increased Advertising
 - Social Media
 - Signs
 - Website/Email Blasts
- Program Growth/Development
 - Existing Programs
 - Additional Programs/Classes
 - Survey Results/Participation
- Decreased Revenue/Expense Gap
- Community Center
 - Usage
 - Amenities
 - Cleanliness

Accomplishments in the Special Events division include:

- Enhanced Events
 - Easter Egg Hunt
 - Heritage Days
 - Pumpkin Walk
- Volunteer Projects/Community Service
 - Hours
 - 4682 volunteer hours
 - Increased Efficiency

Ms. Robinson then noted she feels it would be appropriate to hold the rest of the information in her presentation until the next work session meeting when her biennial review will continue. Throughout her presentation, Ms. Robinson and members of her staff responded to questions from the Council regarding certain points of information in the PowerPoint regarding program participation/registration, facility usage, opportunities for improving community events, and program fees. The Council complimented Ms. Robinson on the information provided and the improvements/increased efficiencies that have been made in her Department.

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Mayor Gailey recessed the meeting briefly. The meeting reconvened at 8:22 p.m.

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Discussion regarding potential partnership agreement with Utah Telecommunication Open Infrastructure Agency (UTOPIA) Fiber.

A staff memo from the City Manager explained UTOPIA offers two engagement models with cities: the first is a simple franchise agreement to allow UTOPIA to compete in Syracuse City as a data provider. Under this model, they allow internet service providers to use their fiber to serve customers as they compete in the market place for customers. The second model is a partnership with the City whereby UTOPIA fronts the cost to bring high-speed fiber to every household. The payback occurs as residents choose to sign up. A certain percentage of homes would need to sign up in order for UTOPIA to achieve a return on investment. The City, in this model, would guarantee the difference if there was an insufficient number of homes that signed up. The estimated number of homes needed to cover the investment cost is approximately 30 percent. If the Council decides to proceed only with the franchise agreement, the agreement would be similar to the attached draft. In essence, the agreement provides the following:

- Allows UTOPIA to apply for and obtain permits to work in the City's rights of way, to install fiber facilities.
- Requires UTOPIA to ensure proper traffic management during projects.
- Requires UTOPIA to restore the roadway, curb, gutter, and sidewalk to the applicable standards of the City.
- The term of the agreement would be 15 years, with 1-year renewals thereafter up to 50 years. Either party can terminate the agreement at any time upon 90-day notice.

If the Council decides to partner with UTOPIA to provide high-speed fiber to every household, an agreement would contain, in general, the following:

- UTOPIA bonds for capital to install city-wide network
- Upon installation, customers pay infrastructure fee as part of monthly internet bill.
- If less than 30% of households sign up, the City agrees to pay for the funding gap to make bond payments. If 30% or more of households sign up, then the City pays nothing.

Additional details are provided in the PowerPoint presentation, which was provided at the October 2017 work session.

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City Manager Bovero reviewed his staff report.

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UIA/UTOPIA Board Member, George McEwan, was invited to the meeting by Councilmember Bolduc to provide input regarding a potential partnership with UTOPIA. Mr. McEwan indicated he is also a City Councilmember in Centerville and he will provide information from that perspective. He discussed the models that have been presented to Syracuse City, noting the regular franchise agreement option does not present a high level of risk for the City, but the second model – the partnership with the City whereby UTOPIA fronts the cost to bring high-speed fiber to every household – is much riskier and he would not recommend that option for Syracuse. Centerville's experience with that model has resulted in two rounds of financial commitment, calls for sales tax pledges, and locking up a percentage of Centerville's franchise tax revenue that can no longer be used for bonding purposes. He then clarified that he is not speaking as a Centerville Councilmember tonight; rather, he is speaking as a private citizen and he is not representing the Centerville Council or its views. He stated the sales pitch that UTOPIA uses is based upon the ubiquity of the internet and how great it is, but that is not the sales point the City should be concerned about. Instead, he recommended the Council focus on the financial risk for the City and whether the venture is self-sustaining. UTOPIA has spent a lot of money, with return and retention rates all over the map, but their audited financial statements submitted to the State of Utah each year indicate that their net position continues to sink. He stated UTOPIA needs Syracuse City more than Syracuse City needs them. If the City believes that broadband access is a service it should be providing, that service can be provided independent of UTOPIA and that has been done in other communities, such as Ammon, Idaho. UTOPIA is forced to identifying cities that can be classified as 'low hanging fruit': cities that are located in close proximity to their fiber backbone and simple connectivity will result in increased revenue to back their debt obligations. He stated he would like for the Council to consider him a resource for information from a city perspective, but noted that everything he is saying is verifiable on the internet. He stated that Centerville City recently

approved a 40 percent property tax increase to cover increased public safety costs, but the need for the increase is a direct result of sunk capital costs in the City's debt obligation to UTOPIA. He has been approached by 90-year-old ladies who have asked what fiber and internet is and why they, as a fixed income resident, owe approximately \$150 more per year in direct property taxes for the UTOPIA service.

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Council discussion with Mr. McEwan centered on any financial commitment the City would be making if a partnership were reached with UTOPIA and how that commitment could impact the City's ability to consider future bonds for other capital projects.

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Councilmember Savage stated that he has spoken with representatives of other cities who indicated that UTOPIA has been a great thing for them; it has ultimately brought in new businesses and their citizens are happy with higher data speed at lower costs. He stated he would like to understand the difference between Centerville's experience and the experience communities like Layton or Brigham have had. Mr. McEwan stated that people who have access to UTOPIA love it because they enjoy a great service, but the problem is that most subscribers are not aware that their neighbors are subsidizing it with tax dollars. The actual taxpayer subsidy is approximately \$10,000 per subscriber and he does not believe the return on that investment can qualify as fiscal responsibly.

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Continued Council discussion centered on the City's financial commitment associated with any partnership with UTOPIA/UIA, and the Council ultimately concluded to further investigate the typical franchise agreement option, but they communicated to Mr. Bovero that they are not willing to consider the second option discussed in his staff memo. Mr. McEwan stated that if the citizens of Syracuse truly desire access to fiber as a public utility, there are many options besides UTOPIA/UIA. The City has the ability to publish a request for proposals (RFP) for development of the fiber infrastructure to provide high speed internet to residents. Councilmembers Anderson and Maughan indicated they would prefer to allow the free market to operate as it should and UTOPIA has the ability to participate in that process and submit a proposal in a competitive process with other providers.

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Review Moderate Income Housing report.

A staff memo from the Community and Economic Development (CED) Department explained during the regular City Council meeting on December 12, 2017 the Council directed staff to address specific points related to moderate-income housing. Syracuse City desires to comply with State requirements concerning moderate-income housing. This report is intended to address these requirements and account for existing and proposed efforts made to provide moderate-income housing in the city.

Utah State Code Requirements

The Utah State Code requires that the city do the following every other year:
Section 10-9a-408 of the Utah Code

- (1) The legislative body of each city shall biennially:
 - (a) review the moderate-income housing plan element of its general plan and its implementation; and
 - (b) prepare a report setting forth the findings of the review.
- (2) Each report under Subsection (1) shall include a description of:
 - (a) efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
 - (b) actions taken by the city to encourage preservation of existing moderate-income housing and development of new moderate-income housing;
 - (c) progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and
 - (d) efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities.
- (3) The legislative body of each city shall send a copy of the report under Subsection (1) to the Department of Workforce Services and the association of governments in which the city is located.

Review of the Current Syracuse Moderate-Income Housing Element of the General Plan: The Syracuse General Plan text as adopted on December 8, 2015 states the following concerning moderate-income housing:

8.2 Goals The city maintains housing ordinances zoning that are designed to provide developers with guidance that ensures housing that meets a variety of income levels within the city while maintaining a high standard of quality. The goal of the city is to continue to provide for that high standard. 8.4 Moderate Income Housing Moderate-income housing is defined in the Utah Code as 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. The overall goal of providing moderate housing is to meet the needs of those people who desire to live here, and to allow them to benefit from and fully participate in all aspects of our community.

The City's various residential zoning designations provide an opportunity for a variety of housing types, including moderate-income housing. With the number of established R-3 developments, Planned Residential Developments, cluster subdivisions, and neighborhoods containing older, smaller residential homes, Syracuse's housing stock exceeds the current estimated need for moderate-income housing required through build out of the city.

It is estimated that the development of housing in the land use areas identified on the general plan map and in potential zoning designations will provide a realistic opportunity for housing for moderate-income families and individuals. As required by state law, the City Council should undergo regular reviews of its moderate-income housing plan and adjust the plan as circumstances change in our community.

The statement above notes that the Zoning Ordinance contains zones which allow for development types that may be affordable. The General Plan does not contain a specific moderate-income housing plan but does contain direction that the moderate-income housing plan should be reviewed regularly.

A review of the current state of existing and available moderate-income housing was presented to the City Council on December 12, 2017. This report contained several potential options for providing affordable housing. Some of these options were chosen by the Council for staff to address in this report, with the intent of considering these options through Council action in the coming months.

Land Value and Use Analysis

Staff has created two maps which are appended at the end of this report and show current land values and land uses according to the Davis County Assessor. The County Assessor data is lower than the market rate. The purpose of the land value map is to illustrate the general grouping of property values throughout the city rather than to provide a specific parcel-by-parcel analysis of what specific properties may be affordable. A table has been included under the residential land value map explanation which shows a delineation of mortgage affordability. The colors in this chart coincide with the colors on the residential value map.

Residential Value Map (Appendix A) This map shows the 2016-2017 Davis County Assessor estimated market values for both land and structures for each parcel in the city. It assigns colors for each affordability percentage bracket of the Davis County's median family income. There are four brackets of income levels used to assess affordability. The green indicates properties that would be affordable for residents with an 'extremely low' income (\$0-\$21,333.60). The yellow color represents 'very low' income (\$21,333.60-\$35,556.00). There is very little green or affordable for 'extremely low income' on the map. Please note: the County Assessor information does not account for rental units so they are not included in the map.

Orange indicate properties that would be affordable for residents with a 'low' income (\$35,556.00-\$56,889.60). There is a good amount of orange on the map. The red indicates properties that would be attainable for those with a 'moderate' income (\$56,889.60-\$71,112.00). There is also a significant amount of red on the map. The white indicates properties valued above what would be affordable for the resident earning 100 % or more of the county AMI (\$71,112.00).

To calculate the amount a resident could afford, several mortgage calculators were used to verify mortgage amounts. These calculators use current mortgage interest rates and mortgage insurance rates to derive an average monthly payment for each mortgage amount. The average utility cost of \$200 per month was then added to the maximum monthly payment to provide the numbers in the table below. To calculate the maximum monthly payment a family could afford, a common budgeting practice is to assume that a maximum of 30% of a family's monthly income should be used towards housing. Households that pay more than 30% of their income toward housing costs are considered 'cost burdened' regardless of their income bracket.

Residential Land Use Map (Appendix B) This map shows the geographic distribution of the residential land uses. Single family homes are the darkest green. Yellow colors indicate a "Planned Unit Development" or PUD. PUD property lines are usually underneath the exterior walls of a home with the space between homes shared as common space. PUD are either detached like Jackson Court on Craig Lane or attached like Sunset Park Villas near Smith's.

Orange and red colors indicate denser residential units like condos and apartments. Over 95% of the residential land area in the city is occupied by single family homes.

Recent Moderate-Income Housing Efforts

Efforts have been made in recent years to provide for moderate-income housing in Syracuse, ranging from modifying restrictive Zoning Ordinances to allowing more flexible development types. The State Code requires that these types of actions be documented as they relate to moderate-income housing. The following is a list of recent projects and changes to the Zoning Ordinance that have been approved alongside a discussion about moderate-income housing. The list also includes responses to specific requirements of the State Code regarding moderate income housing.

Accessory Dwellings

The City Code currently allows for additional dwellings associated with existing single-family dwellings with a one-time application for a \$100 conditional use permit. Accessory dwellings may be attached to the primary dwelling (e.g. basement apartments) or detached on the same property (e.g. separate cottage or room above a detached garage). Because these dwellings are subsidiary and do not require impact fees or additional land costs, a homeowner is able to charge lower rents than would generally be required for the same size apartment on separate property, increasing the probability of providing moderate-income housing.

Changes to the R-4 Zoning Ordinance

In 2017 the City Council voted to remove a restriction to the R-4 Zone which allows for a density of 11 units per acre. Previously the Ordinance required that all new dwellings constructed in the R-4 Zone be a minimum of 6,000 square feet with a diminishing square footage requirement as the number of attached units increased. This requirement was removed and as of the time of this writing, an R-4 townhome project is working its way through the approval process.

Jackson Court

In 2016 the City Council voted to approve this development in the PRD Zone. Jackson Court is comprised of small lots entirely occupied by dwellings. Allowing for this type of development reduces the cost of housing by not requiring additional land to be included with the dwelling. Part of the intent of the City Council in approving this development was to allow for moderate-income housing. Unfortunately, listings for these homes are currently \$349,900 which exceeds affordability for households making 100% of the Davis County Annual Median Income (AMI). According to the State Code, homes must be affordable those making less than 80% of the County AMI to be considered affordable. This lack of affordability exists despite the intent and efforts of the Council to provide affordable housing in Jackson Court.

Still Water Subdivision

Over the course of 2016 and 2017, the City Council worked closely with Woodside Homes to develop a new zone called the RPC Zone which would allow for homes on lots as small as 3,500 square feet. A development called Still Water was then approved in this zone which includes hundreds of the 3,500-square foot designation. The listings for new homes on these lots range between \$230,990 and \$265,990, making them affordable for those making between approximately 75% and 85% of the Davis County Annual Median Income (AMI). While the cost of these homes is higher than expected, affordable housing is now available to those making between 75% and 80% of the County AMI. HOA fees will be assessed for all homeowners in the Still Water subdivision which may negatively impact affordability.

Maintaining Affordability

While a development may be affordable at the time of its creation or sale of the properties within the development, this does not guarantee that affordability will be maintained. There are currently no mechanisms in the City Code, Zoning Ordinance, General Plan, or any other City policy to ensure that currently affordable properties remain affordable.

Encouraging Moderate-Income Housing Development

The “Moving Forward” section below outlines specific steps the City Council has outlined to encourage moderate-income housing development. These steps capitalize on existing aspects of the Zoning Ordinance that already have the potential to provide moderate-income housing to make creation of such housing simpler and show the Council’s commitment to meet the requirements of the State Code.

Efforts to Provide Moderate-Income Housing

The State Code requires an analysis of efforts to provide moderate-income housing as measured by permits issued for such housing. To date, there have been no building permits issued for housing which is considered moderate-income according to the requirements of the State Code.

Coordination with Neighboring Municipalities

To date there has been no specific coordination with neighboring municipalities on the topic of affordable housing.

Moving Forward

The City Council would like to address specific sections of the Zoning Ordinance which they have identified as potential barriers to affordable housing. These sections will be reviewed and discussed to identify the best solution which maintains community quality while accommodating housing affordability. The following sections have been identified for review:

SCC 10.30.020.(B).(3)

Every residential dwelling shall have a minimum fully enclosed two-car garage (attached or detached) having a minimum outside width of 20 feet (as measured from outsides of foundation) and having at least 400 square feet in total floor area. The Building Department shall not issue a building permit for construction of residential structure(s) unless plans for such structure(s) include the garage described in this subsection.

The Council has discussed allowing small or attached dwellings to have either a reduced or removed garage requirement. This would make the development of these types of dwellings less costly and increase affordability. Some options that were discussed were to potentially reduce the garage requirement to a one-car garage for attached dwellings and small detached homes. Tailoring this requirement to the varying needs of different dwelling types provides for more flexibility in development while respecting the property rights of homeowners who value the freedom in how they utilize their property.

SCC 10.30.020.(E).(19).(a)-(c)

Internal or Attached Units. Accessory dwelling units that are internal to or attached to a principal dwelling may take access from an existing entrance on a street-facing front facade of the principal dwelling. No new street-facing entrances may be added to the principal dwelling for an accessory dwelling unit unless such access is located at least 20 feet behind the front facade of the principal dwelling unit.

(b) Detached Units. Accessory dwelling units that are detached from the principal dwelling may utilize an existing street-facing facade as long as the entrance is located a minimum of 20 feet behind the front facade of the principal dwelling, or install a new entrance to the existing or new detached structure for the purpose of serving the accessory dwelling unit as long as the entrance is facing the rear or side of the lot.

(c) Corner Lots. On corner lots, existing entrances on the street facing sides may be used for an accessory dwelling unit, but any new entrance shall be located facing toward the rear property line or interior side yard, or toward the back of the principal dwelling.

The location of accessory dwelling entrances impacts the ability to create them in some cases. While the intent of these ordinances is to prevent the appearance of a duplex in the case of an attached accessory dwelling or additional unit of density in the case of a detached accessory dwelling, lot and home shape, topography, and other elements either prohibit the creation of an accessory dwelling in accordance with the ordinances above or increase costs. In an effort to make accessory dwellings more obtainable and thereby provide affordable housing in the city, the City Council would like to address the current location requirements to determine if any changes would make accessory apartments more obtainable.

SCC 10.30.020.(E).(13)

Windows. In a detached accessory dwelling unit, the placement of windows within the accessory dwelling unit shall not be allowed within 10 feet of a side yard or rear yard property line.

As identified in the affordable housing report presented to the City Council in December of 2017, many homes within the city are currently permitted to have windows within 10 feet of a property line. This raises the question of what inherent differences there are between a detached single family dwelling a detached accessory dwelling. Both have the same occupancy requirements as explained in the definition of "family" in the City Code. Both also have similar parking, architectural, and building code standards as dwellings in the City and Building Codes. The City Council expressed interest in discussing this item to determine if the requirement is needed and if so, how it may be modified to be congruent with window requirements for similar dwellings.

The City Council has identified accessory dwellings as an asset with great potential to meet affordable housing needs in the city. However, it is likely that the current number of known accessory dwellings is much lower than what truly exists in the city. It is anticipated that the 2020 Census will provide much more accurate housing and demographic information than is currently available through the American Community Survey which will facilitate a more accurate count of accessory dwellings. The population of the City has grown by approximately 4,000 residents since the 2010 Census representing about 1,052 households. The number of dwellings in subdivisions that are either under construction or approved and not yet constructed is approximately 1,500. With the current and anticipated growth and near proximity of the 2020 Census, City staff looks forward to utilizing 2020 Census numbers to calculate accessory dwelling volume and integrate these numbers into a more comprehensive accounting of accessory apartments in the city that will likely be affordable.

There is also a study currently being performed along the Antelope Drive (1700 South) corridor by the IBI Group. This study is intended to determine what land uses would be best in which locations and how these land uses will encourage resilient development because of changing transportation patters brought about by the West Davis Corridor. The City Council anticipates that there may be some updates to the General Plan and Zoning Ordinance in accordance with the results of the study, including housing options that may be affordable.

The memo concluded this report is intended to meet the requirements of the State Code and demonstrate the specific previous, current, and proposed efforts to provide moderate-income housing in Syracuse. The discussion as result of this report will provide further direction for staff.

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City Planner Davies reviewed the staff memo and facilitated a review of the moderate-income housing report. There Council offered feedback relative to adjustments to the report and Mr. Davies indicated he will make changes according to that feedback and provide an updated document for the Council to consider during their February 13 business meeting.

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**Review items forwarded by the Planning Commission:
Discuss proposed amendments to Syracuse Municipal
Code Section 10.30.010(C) pertaining to accessory
structures.**

A staff memo from the Community and Economic Development (CED) Department explained that following the guidance provided by the City Council, the Planning Commission has been working on an amendment to the ordinance concerning accessory structures for the last several months. The intent of the amendment is to address existing non-conforming accessory structures, re-examine setback requirements, and clarify the regulations for other structures such as pergolas and temporary car ports. On September 19, 2017 the Planning Commission voted to forward you the following proposed ordinance. City Council reviewed the proposed ordinance on September 26th, October 24th, November 14th during work sessions.

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CED Director Mellor reviewed the staff memo and facilitated discussion among the Council regarding the implications of the proposed ordinance amendments. There was extensive discussion about the reasons the City would restrict the size of an accessory building in comparison to the size of the primary structure on a property and Mayor Gailey ultimately recommended that the Council continue the item to the next work session meeting agenda for additional discussion.

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**Review items forwarded by the Planning Commission:
Discuss proposed amendments to Syracuse Municipal
Code Section 10.30.020(B)(3) pertaining to garage
size/width.**

A staff memo from the Community and Economic Development (CED) Department explained the Planning Commission is forwarding a recommendation on the following text amendment to SMC 10.30.020.(B)(3)

10.30.020 Regulations for Buildings and Structures

(B) (3) Every residential dwelling shall have a minimum fully enclosed two-car garage (attached or detached) ~~having a minimum outside width of 20 feet (as measured from outsides of foundation)~~ and having at least 400 square feet in total floor area. The Building Department shall not issue a building permit for construction of residential structure(s) unless plans for such structure(s) include the garage described in this subsection.

- a. All garages on detached single family residential dwellings shall having a minimum outside width of 20 feet (as measured from outsides of foundation)
- b. On attached dwellings, a minimum of 50% of the garages on each building shall have a minimum outside width of 20 feet (as measured from outsides of foundation)

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Mr. Mellor reviewed the staff memo and facilitated discussion among the Council regarding the implications of the proposed ordinance amendments. The Council concluded to support the Planning Commission’s recommendation and direct staff to include an action item on the February 13 business meeting common consent agenda.

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**Review items forwarded by the Planning Commission:
Discussion regarding proposed expansion of the Town
Center study area.**

A staff memo from the Community and Economic Development (CED) Department explained during the 2018 retreat with the council it was discussed master planning the area around the Antelope Drive/West Davis Corridor intersection. Rather than hire separate consulting firm and going through an additional RFP process – the staff has determined the most cost effective and most timely option is to add to the scope of the Town Center Study presently underway. It will set back the delivery of the initial finished product and increase the cost by \$35,000 however since the release of the record of decision there has been increased inquiry into the area adjacent to the highway alignment. That increased demand makes it paramount that we have master plan in place as soon as possible. At the retreat when this was brought up it was a priority for the majority of the council to amend the general plan – we budgeted 40K at that time – of which this is the most quintessential part. We can save \$5K or more by committing to this now. The memo concluded staff needs a commitment from the council that \$35,000 will be budgeted in the 2018/2019 FY for the increasing the budget so we can turn the consultant loose on the analysis.

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Mr. Mellor reviewed the staff memo. The Council supported the request to increase the scope of the study. Mr. Mellor stated that the actual budget amendment will be made at some point in the future when the Council considers an amendment to the City’s Fiscal Year (FY) 2017-2018 budget.

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Discussion regarding consideration of potential noise ordinance.

A staff memo from the City Attorney explained

The Council has tasked staff with identifying options related to noise ordinances. Communities around the globe have attempted to craft noise ordinances that are specific and understandable, but also enforceable. The result is a spectrum of ordinances ranging from vague to hyper-specific. This memo will discuss some of the potential strengths and weaknesses of these different categories of ordinances.

Samplings of noise ordinances from other jurisdictions will be deposited in Dropbox, for your perusal.

1) Ordinances that prohibit disturbances generally

One category of noise ordinances are relatively vague, and rely upon enforcement officers to exercise wide discretion as they are enforced. For example, Nephi simply makes it unlawful to “disturb the peace or quiet of any neighborhood, family or person by loud or unusual noises, by tumultuous or offensive conduct.” Nephi Mun. Code § 5-3-5. In other words, lawmakers trust that the officer will know if the *sound* has become a *noise* when the officer hears it.

There is some allure to such codes, as they are simple and easy to understand. However, they are sometimes more difficult to apply in specific situations. Does the above code require a complaint to be enforced? How else would one prove a disturbance in the neighborhood? What is “offensive conduct”? What makes a noise unusual or loud? There are no time restraints. If a person who sleeps during the day complains of loud noises of a lawnmower next door, does that mean that the gardener has violated the law by disturbing that person? In a more typical situation, if a neighbor’s party is going a little too late and getting a little too loud, when does an officer step in and tell them to quiet down?

Ultimately, vague ordinances that are designed to give more discretion to officers sometimes leaves them without any support when confronted by a person who disagrees with their decision. It also invites litigation.

Strengths	Weaknesses
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Sweeps in all potential noise sources	May sweep in more sounds than anticipated
No need for specialized equipment	Subject to debate/challenge
Simple and easy to reference	No account for time of day

2) Detailed, decibel-based ordinances

On the other end of the spectrum are ordinances that use scientific instruments to prove the violation. These are often lengthy. For example, Ogden’s ordinance spans over a dozen pages. As decibel-based ordinances go, Ogden does it well. They address the specific way to measure sound, take into consideration background noise, identify acceptable decibel levels for different land uses and times of day, have varied standards for multi-family dwellings, list specific noise sources commonly subject to complaints, and exempt certain noises that are deemed acceptable to their community. They allow individuals to receive permits to emit sound for special events.

The main difficulty with such ordinances is the expense and time required for effective enforcement. For instance, in the Ogden ordinance the enforcement officer is required to calibrate the Sound Level Meter, identify and – if possible – eliminate background sound levels, sketch the measurement site, explore the vicinity to identify other sources that could affect measurements, place the Sound Level meter at a particular height and angle, and calculate the sound level by considering the background and ambient sound levels. The officer would also need to consult the zoning code to determine the acceptable decibel levels. In a large jurisdiction where noise complaints are frequent, it would make sense to hire a specially trained individual to conduct such investigations. In a smaller jurisdiction with fewer resources, it is less feasible.

One common objection to decibel-based ordinances is raised by identifying different non-objectionable sounds and stating that they are a certain decibel-level. For examples, merely google “decibel chart,” and you will find a chart published by Alexandria City, Virginia that states that a quiet country residence is 30 dB, ordinary conversation is 60dB, and that a power mower is 100 dB. With minor sounds generating so many decibels, opponents suggest that a noise ordinance (which commonly places acceptable decibel levels in residential locations between 50 and 60 dB), amounts to outlawing all sound generation. But such arguments do not take into consideration, for instance, the manner in which sound pressure levels decrease over distances (in a free-field environment, 6 dB within the first meter, and then 6 dB each time the prior distance is doubled – i.e. at 2, 4, 8, 16, etc).

But decibel-based ordinances do not ask what the decibel level is at the source of the sound, which is usually the number thrown around by opponents. They measure decibel levels at the potential offender’s property line, or where the sound begins affecting the lives of their neighbors. This changes the relevant question in any sound case from how much sound is being made, to how much sound is being carried into one’s community. One weakness of a decibel-based system, however, is that ordinary citizens are not in possession of Sound Level Meters, and do not know whether the noise that is causing them annoyance is above or below the 55 dB threshold found in the code. Some will be reluctant to call for intervention, fearing to cause a divide with their neighbors if the measurement does not bear out their complaint. Others will google “decibel levels” and report that their neighbors are generating 120 dB with their loud music, when in fact the levels are much lower.

Strengths	Weaknesses
Scientifically quantifiable offenses	Training, Equipment, Expertise needed
Tailored to specific situations & land uses	Complicated investigation, takes time
	Less understandable to citizens

1) Lists of prohibited acts during times of day.

One category of ordinances – falling somewhere in the middle on the noise ordinance spectrum – hones in on specific types of nuisance noises or activities that can result in unacceptable noise. Clearfield is one of those. See Clearfield Mun. Code § 6-2A-5. It prohibits: amplification of sound beyond that which is “necessary for the convenient hearing of the person who is in the room;” congregating in a residential area and causing sound to

disturb the peace, quiet or repose of persons residing in the residential area; and playing music or sounds from a vehicle that are clearly audible from fifty feet away. Draper City prohibits street performances, operating vehicles with “excessive noise levels as a result of a defective or modified exhaust system,” and allowing fire or burglar alarms to sound for any reason other than emergency or testing operations.

This type of ordinance achieves some measure of certainty for citizens and officers in specific circumstances. A loud party is unlawful, regardless of the time of day, if it is disturbing people. The same is true of someone drag racing up and down a deserted street. Calling out specific sources of noise places them into a zone in which those who generate them have some notice that they do so at their own risk. And even if the person is unaware of the specific prohibition, an officer may easily refer to the ordinance in their interactions with the offender.

While this ordinance lacks the precision of a decibel-based ordinance, it makes up ground on the vagueness front. On the other hand, by listing specific nuisances, it also strengthens an argument against applying its catch-all provision to noises that may be objectionable based upon context – such as a person running a chainsaw at 7:30 AM on Saturday ten feet from your bedroom window, or a heated conversation taking place in a neighboring apartment at 2:00 AM. The only remedy to this complication is to expand the list – rendering the ordinance more unwieldy. With a list’s expansion, it is also advisable to generate a list of exempt noises, which can be useful in answering complaints from unreasonable individuals. For instance, one township in Pennsylvania exempted: emergency alarms, emergency vehicles, emergency utility work, construction activity (subject to additional regulations), unamplified human voices between 7:00 am and 9:00 pm, the ringing of church bells, snowplows, noises from official recreational or athletic activities, and trains or aircraft. UMT Mun. Ord. § 165-216(E). We could likely name additional exclusions befitting our community.

Strengths	Weaknesses
Specific notice of likely nuisances	Lengthy list, longer ordinance
Can exempt certain sounds, to limit reach	May sweep in acceptable levels of sound, simply because they are “on the list.”
Less vague than generic ordinances	Lists may weaken ability to enforce against sounds under the catch-all provision

2) Multi-factor ordinances

Another category seeks to give guidance to the enforcement officials, in making a determination of whether sounds has become noise. It does so by listing factors for the officer to consider while analyzing the situation and its context. North Salt Lake sets out these factors (after listing certain types of offensive sounds): noise level, nature of the noise; origin of the noise; level and intensity of background noises; proximity to residential areas; nature and zoning of surrounding area; density of the surrounding area; time of day; and recurrence or consistency of the noise. NSL Mun. Ord. § 4-4-3.

Multi-factor ordinances recognize that officers must make difficult and contentious judgment calls in the field, and seek to guide officer discretion. If a case does not warrant intervention, they can point to the factors weighing against finding the sound to be a violation. If it does, they can point to the factors supporting it.

Therein lies one of this ordinance type’s underlying weaknesses – instead of a generalized, subjective judgment call, it asks officers to make ten judgment calls – each with a different level of subjectivity – and then make the ultimate judgment call after weighing all of the factors. By pulling back the curtain on the analysis that the officer must go through, it also invites those in disagreement to use the factors as ammunition for their perspective. Thus, while it shapes officer discretion to some extent, it still leaves the officer in the position of making that judgment call.

A council could put emphasis on certain factors, or make it a requirement that more than one is present before a violation could be found. But this could exclude otherwise offensive noises in a relatively arbitrary manner.

Strengths	Weaknesses
Clearer direction on what constitutes noise	Subject to debate, depending upon weight given to factors

Leaves officer discretion partially intact	More time required to make determination of whether to take action
More useful to officers in face of unanticipated noise violations	

3) Zoning Sound Controls

Noise can be regulated through the zoning code. For instance, in our Syracuse City Code, one provision prohibits stationary or ground transportation sources in the Neighborhood Services Zone from “creating a ninetieth percentile sound pressure level (L90) for any measured period (not less than 60 minutes) that exceeds 70 dB(a) from 7:00 a.m. to 10:00 p.m. or 55 dB(a) from 10:00 p.m. to 7:00 a.m.” Syracuse Mun. Code § 10.105.070(2)(a).

This category makes the noise ordinance somewhat more flexible, and levels can be established by the land uses deemed appropriate in that particular zone. However, it makes things a bit more complicated. As an example, does the industrial zone noise ordinance apply differently in cases of industrially zoned neighbors than it does in cases where an industrial use neighbors a residential one? Something akin to a buffer table, which already varies the standards depending upon the existing neighbors, would be advisable. This can render the enforcement process more complicated. However, recognizing that conscientious design can avoid some noise complaints caused by ambient sound or planned noises (such as machinery), locating these provisions inside the zoning code helps bring them to the attention of developers and their design professionals to mitigate noise through design.

However, using the zoning code scatters the noise control provisions throughout the code, rather than consolidating it into one section. This makes the matter of determining what code applies more difficult – first ascertaining the current zoning designation of the area, and then looking at the applicable zone’s levels. It is further complicated due to the rules that apply to land use regulation – once a use is established under a land use code, that use is deemed a legal nonconformity when changes are necessary. Such would not be the case under the City’s power to mitigate nuisances.

The City’s police powers are much stronger if the nuisance power is used to regulate noise, rather than its zoning power.

Strengths	Weaknesses
Tailored for appropriate uses based on location	Provisions scattered throughout code
More visible to developers, encouraging them to design projects that will cause less noise for neighbors	Ability to change code hampered by land use designation – legal nonconformity
	Enforcement required to look up zoning and identify specific regulations for that zone

4) Conclusion

It is recommended that you review the codes provided in Dropbox, consider their strengths and weaknesses, and provide direction to me on your favorite options. After I receive general direction, I can bring drafts back to fine-tune the ordinance to best fit our community. Questions regarding this item should be directed to Paul Roberts or a licensed acoustical engineer.

[9:17:05 PM](#)

City Attorney Roberts reviewed his staff memo and facilitated high level discussion among the Council regarding appropriate regulations to include in a noise ordinance; there was a focus on enforceability, costs associated with the purchase of equipment used to measure noise levels, the need to develop language that is easy for the reader to understand, and the

need to consider different regulations for commercial uses versus residential uses. Mayor Gailey stated that given that Councilmember Savage requested discussion of this topic, he would like him to work with Mr. Roberts to use the Council's feedback and craft a proposal for future consideration.

[9:28:48 PM](#)

Review proposed Resolution R18-03 appointing Councilmembers to various committee positions or assignments.

An administrative staff memo explained that at the beginning of each calendar year, the City Council reviews the list of appointments and assignments and makes changes according to recent election results or other determining factors. Please review the attached resolution in preparation for a discussion regarding which positions you would like to hold. Adoption of the resolution can take place at the February 13, 2018 business meeting to formalize the decisions made during the work session.

[9:29:03 PM](#)

Councilmember Maughan stated that he would like for the Mayor Pro Temp positions to be removed from the proposed resolution until a final decision is made regarding the manner in which the Mayor Pro Temp positions will be filled. The Council discussed the issue of the appropriate process for selecting the appointees to the three Mayor Pro Temp positions and concluded they are comfortable with supporting a process where the Mayor would recommend a member of the Council to be appointed to each of the three Mayor Pro Temp positions and the Council will have the ability to discuss and vote on those recommendations.

[9:39:17 PM](#)

City Recorder Brown facilitated review of the remaining vacant positions in the proposed resolution and each Councilmember voiced their desire to serve in various capacities. Ms. Brown stated that she will use the feedback provided by the Council to populate the resolution before presenting it for a vote during the February 13 business meeting.

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Public comments

Kevin Larsen stated he was present earlier in the meeting with his son who was required to attend for a Boy Scout assignment. He was very interested in the discussion regarding the regional park and felt very strongly that the City Council should not let an engineering firm tell them that the heart of the park should be something other than the people that are going to be there. He stated that the thing that will bring the people to the park are more soccer fields; it will not be possible to have a tournament without two soccer fields and, instead, a minimum of six fields is needed to make it successful. He discussed a park in Layton where soccer is played nearly every day of the week and that draws so many people to that city and those people are supporting the businesses of Layton. A park like that in Syracuse would be a great revenue generator and economic driver. He stated he appreciated the comments made by the City Councilmembers who pushed back against the presenter to ensure that the park is developed appropriately. Councilmember Maughan stated he agrees with Mr. Larsen's comments and that is the reason that the Council stressed the need to revisit the original design for the park that was created by the subcommittee. Some components removed from the park need to be added back in.

Councilmember Bolduc stated it is necessary to communicate the alignment of West Davis Corridor to JUB because they believe that the road may separate the regional park from Jensen Park and that trail access will be limited.

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Council business

During each work session meeting, the Council and Mayor provided brief reports regarding the activities they have participated in since the last City Council meeting.

The meeting adjourned at 10:23 p.m.

Mike Gailey

Cassie Z. Brown, MMC

City Council Work Session
January 23, 2018

Mayor

City Recorder

Date approved: February 13, 2018