



STAFF REPORT

To: Eastern Summit County Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: September 15, 2022
Type of Item: General Plan Amendment
Process: Legislative Review

Recommendation

Staff recommends the Eastern Summit County Planning Commission (ESPC) do the following:

1. Continue their discussion of the draft **Moderate Income Housing Plan** (Exhibit A).
2. Review the list of 23 strategies that the County can consider and use in their moderate-income housing element of the General Plan (strategies are listed in this report).
3. Review the 6 strategies in the draft language. Ask yourself: Are there strategies that should be removed from the language? Are there strategies that should be added?
4. Forward a positive recommendation to the County Council per the findings of fact and conclusions of law in this staff report.

Proposal

Chapter 7 of the Eastern Summit County General Plan is the Moderate-Income Housing Chapter. Staff is proposing to modify this Chapter to include all new requirements from HB 462. This chapter consists of a Goal, Objective, Strategies, and Implementation Measures.

August 18, 2022, Planning Commission Meeting

On August 18, 2022, the Planning Commission conducted a public hearing and discussed the proposed amendments to chapter 7 of the Eastern Summit County General Plan. At the meeting, the Commission had a lively discussion and provided staff with a significant amount of direction, including:

1. Ensure that language does not become a justification for unwanted or unnecessary development.
2. Amend language to incorporate moderate housing into Commercial and Village Overlay zones.
3. Amend language to promote duplex and triplex dwellings only in AG-2.5, C, and VO zones.
4. Ensure that language does not encourage fee waivers for projects that are not moderate housing related.

Background

Utah Code establishes the requirement for jurisdictions in the state to plan through General Plan development and adoption. Since 2019, the General Plan requirement has been expanded to include planning for moderate income housing. If a jurisdiction meets certain criteria, it's required to:

- Include a moderate-income housing element in the General Plan, and
- Report on its compliance with the requirement and inventory of moderate-income housing.

House Bill 462 (HB 462), **Utah Housing and Affordability Amendments** was approved during the 2022 legislative session. It modified many of the provisions related to affordable housing that were in the previous bill; specifically, it:

- Requires that the county adopt at least 3 of 23 strategies into their General Plan. To receive priority funding from the state 5 strategies must be adopted.
- clarifies moderate-income housing requirements and timing to amend the General Plan,
- requires the inclusion of an implementation plan to ensure the moderate-income housing plans strategies are successful,
- outlines annual reporting requirements,
- and, adds priority incentives/restrictions for compliance with the moderate-income housing requirements.

Applicability

A county of the first, second, or third class with a population of at least 5,000 within the unincorporated portion of the county is required to include a moderate-income housing element within their General Plan. Summit County is a county of the third class.

Timing

Jurisdictions that fall under the requirement must adopt/amend their General Plan by October 1, 2022. Based on Summit County's population, the county is required to include at least three or more (out of 23) strategies (outlined below) in the General Plan.

Required Reporting

Jurisdictions must submit their annual report by October 1, 2022, to the State Housing and Community Development Division. The annual report should identify the selected strategies, the implementation plan for each strategy, and specific examples of what was done within the jurisdiction to implement the strategies. Within 90 days of report submission, the report will be reviewed for compliance and potential priority funding consideration.

Implementation Plan

In order to ensure that jurisdictions are establishing concrete steps to increase the stock of moderate-income housing, each jurisdiction must set a timeline to implement the strategies outlined in the moderate-income element.

Strategies

HB 462 amended the list of strategies that counties can consider and use within their moderate-income housing element. Many of the strategies have been revised and/or combined to provide better clarity while several new strategies have been adopted. The strategies are:

- A. Rezone for densities necessary to facilitate the production of moderate-income housing.
- B. Demonstrate investment in the rehabilitation of 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 county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county 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 of moderate-income residential development in commercial or mixed-use zones, 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, an employer that provides contracted services for the county, or any other public employer that operates within the county.
- 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 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 impacts 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. 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.
- W. Demonstrate implementation of any other program or strategy to address the housing needs of residents of the county 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 to be dedicated to moderate-income housing.

Action

Staff has created a draft amendment to Chapter 7 of the Eastern Summit County General Plan to incorporate the requirements of the State. Staff has proposed the Eastern Summit County Planning Commission consider adopting ___ of the strategies listed in State Code. Staff requests that the Planning Commission do the following:

1. Review the proposed strategies in the general plan and answer the following questions:
 - a. Are the strategies included in the draft language appropriate for the general plan?
 - b. Should more strategies listed in State Code (referenced above) be included?
 - c. Should fewer strategies listed in State Code be included?
2. Review the proposed implementation plan in the draft language and provide direction on whether the proposed timelines are appropriate.

Analysis

There are no specific criteria for amendments to the General Plan in the Development Code. The proposed amendments will make the Eastern Summit County General Plan compliant with all new requirements from HB 462.

Recommendation: Staff recommends the Eastern Summit County Planning Commission (ESPC) review the proposed **Moderate Income Housing Plan** (Exhibit A), make any necessary amendments to the document, and forward a positive recommendation to the County Council per the findings of fact and conclusions of law in this staff report.

Findings of Fact

1. Utah Code establishes the requirement for jurisdictions in the state to plan through General Plan development and adoption.
2. A county of the first, second, or third class with a population of at least 5,000 within the unincorporated portion of the county is required to include a moderate-income housing element within their General Plan.
3. Summit County is a county of the third class.
4. House Bill 462 (HB 462), Utah Housing and Affordability Amendments was approved during the 2022 legislative session. It modified many of the provisions related to affordable housing in state code.
5. Summit County must adopt/amend their General Plan by October 1, 2022. Based on Summit County's population, the county is required to include at least three or more (out of 23) strategies in the General Plan.
6. The County must submit its annual report by October 1, 2022, to the State Housing and Community Development Division.
7. The annual report should identify the selected strategies, the implementation plan for each strategy, and specific examples of what was done within the jurisdiction to implement the strategies.
8. Summit County must set a timeline to implement the strategies outlined in the moderate-income element.

Conclusions of Law:

1. The proposed amendment is not detrimental to public health, safety, and welfare.

EXHIBITS

Exhibit A: Draft Ordinance

**SUMMIT COUNTY, UTAH
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING CHAPTER 7, MODERATE INCOME HOUSING OF THE EASTERN SUMMIT
COUNTY GENERAL PLAN**

PREAMBLE

WHEREAS, Utah Code Annotated (“UCA”) § 17-27a-401. Requires that each county prepare and adopt a comprehensive, long-range general plan: for present and future needs of the county and for growth and development of all or any part of the land within the unincorporated portions of the county.

WHEREAS, during the 2022 legislative session, the Utah State Legislature adopted amendments to (“UCA”) § 17-27a-401 that requires Summit County to adopt a moderate-income housing element that provides a realistic opportunity to meet the need for additional moderate-income housing within the next five years, selects three or more moderate income housing strategies for implementation and includes an implementation plan for each strategy; and

WHEREAS these amendments to the General Plan must be completed by October 1, 2022, or the County could lose important funding for transportation and other projects, and,

WHEREAS, providing reasonably priced housing for Summit County residents that is near their workplaces will reduce drive times, reduce traffic, and cut energy use and pollution; and,

WHEREAS, providing affordable housing within our community will promote economic and social diversity within our communities that will provide for the needs of all residents, and create a vibrant, diverse group of residents; and,

WHEREAS providing affordable housing will give local businesses easier access to workers and ensure that working families remain in our community; and

WHEREAS the Eastern Summit County Planning Commission held a public hearing and recommended adoption of the amended sections of the Eastern Summit County Development Code on August 18, 2022; and

WHEREAS the Summit County Council held a public hearing on _____; and,

NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains as follows:

Section 1. The Eastern Summit County General Plan is amended as depicted in Exhibit A.

Section 2. Effective Date: This Ordinance shall take effect immediately after publication.

Enacted this ___ day of ____ 2022.

COUNTY COUNCIL
SUMMIT COUNTY, UTAH

by _____
Chris Robinson, Chair

Councilmember Robinson voted	_____
Councilmember Clyde voted	_____
Councilmember Armstrong voted	_____
Councilmember Wright voted	_____
Councilmember Stevens voted	_____

ATTEST:

Evelyn Furse, County Clerk, Summit County, Utah

EXHIBIT A
Amendments to Chapter 7 of the Eastern
Summit County General Plan

Chapter 7

Moderate Income Housing

Moderate income housing is defined 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 housing is located”.



GOAL: Provide moderate income housing opportunities to meet both pent-up demand and prospective demand for both rental and for sale units within an expectation to meet the need for such housing within the next five years. These opportunities should not unduly incentivize market-rate housing which could negatively affect infrastructure and sustainability.

OBJECTIVE A: Develop strategies to ensure that an adequate supply of housing that meets the needs of various moderate- and low-income groups living, working, or desiring to live or work in Eastern Summit County as identified in the Housing Needs Assessment and/or Department of Workforce database. Examples of these groups are emergency personnel, healthcare workers, teachers, and civil servants.

The County shall measure demand and the County’s progress toward

meeting such demand through annual reporting, as set forth by Utah law.

STRATEGY A: Develop and implement measures that hold partners implementing a moderate-income housing strategy accountable for their actions and results. Monitoring will be conducted in a transparent way the partners, elected officials, and the public at large can all easily understand if and how progress is being made in implementing the strategy.

Implementation Measure 7.1: Within 1 year, following receipt of the Annual Moderate Income Housing Reporting Form, establish a stakeholder committee that meets biannually with the purpose of adopting and monitoring specific measures to be used when evaluating moderate income housing projects.

Implementation Measure 7.2: Develop and implement a public engagement program, within 1 year, to communicate, educate, and collaboratively problem solve issues related to creating moderate income housing in appropriate areas.

Implementation Measure 7.3: Annually report the County's progress toward meeting the moderate-income housing demand as set forth by Utah law.

Implementation Measure 7.4: Annually review the number of moderate-income units entitled, permitted, and constructed against the Housing Needs Assessment.

STRATEGY B: Demonstrate implementation of any other program or strategy to address the housing needs of residents of the county 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 (*Utah Code § 17-27a-403(2)(b)ii(W)*).

Implementation Measure 7.5: ~~Amend the Development Code to require that at least ten percent (10%) of the units within a development be moderate-income housing. Include provisions that the moderate-income housing obligation be met concurrently with the construction of market rate units.~~

Within two years, amend the Development Code to provide incentives for a developer who agrees to include moderate income housing units in a project. Incentives could include, but are not limited to, additional units as part of the Master Planned

Development Deed Restricted Open Space Land Calculation Process, or as a negotiated component of the Village Overlay process.

STRATEGY C: 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 (*Utah Code § 17-27a-403(2)(b)ii(V)*).

Implementation Measure 7.6: Because of Eastern Summit County's lack of infrastructure, and the need to locate moderate income units near services such as schools and commercial areas, the County will work with local municipalities to identify the most appropriate locations for moderate income units, multifamily residential, and mixed-use areas.

Implementation Measure 7.7: Identify appropriate locations for moderate income units, multifamily residential, and mixed-use development through the Village Overlay process.

Implementation Measure 7.8: Within 1 year ~~conduct a feasibility study~~ **review and, if necessary, update existing infrastructure, transportation and water quality studies.** ~~determine the viability of the County and related service providers to provide sewer and water service multi-family and mixed-use developments.~~

Implementation Measure 7.9: ~~Based on information gathered in the sewer and water feasibility study,~~ **Using existing infrastructure, transportation, and water quality studies,** create a Future Land Use Map in the General Plan that identifies potential locations for multifamily residential and mixed-use developments, within two years.

Implementation Measure 7.10: After the creation of the Future Land Use map, create multifamily and mixed-use zoning districts in the Development Code. These zoning districts would be eligible only in areas identified on the Future Land Use Map.

Implementation Measure 7.11: Amend the Development Code, within 2 years, to create a process and definitions to allow duplex and triplex dwelling units in the AG-2.5, C, and ~~AG-5~~ VO zones.

STRATEGY D: Identify and utilize county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county for the construction or rehabilitation of moderate-income housing (*Utah Code § 17-27a-403(2)(b)ii(D)*).

Implementation Measure 7.12: Within 1 year, amend the Development Code to make moderate income units eligible for waivers from Building and Planning Department application and permit fees. Ensure that the waivers apply only to moderate income units and not to market rate units and/or lots in a development containing moderate income units.

Deed Restricted moderate income units may receive waivers up to the full amount as outlined below:

1. A waiver of up to fifty percent (50%) for each unit targeting “low income” households.
2. A waiver of up to seventy five percent (75%) for each unit targeting “very low income” households.
3. A waiver of up to one hundred percent (100%) for each unit targeting “extremely low income” households.

Implementation Measure 7.13: Maintain, and annually review, and amend as necessary, the Summit County Transportation Impact Fee waiver for moderate income housing as set forth in Summit County Code, Title 9, Chapter 2C.

STRATEGY E: Create or allow for, and reduce regulations related to, internal and detached accessory dwelling units in residential zones (*Utah Code § 17-27a-403(2)(b)ii(E)*).

Implementation Measure 7.14: Amend the Development Code, within 1 year, to reduce regulations related to accessory dwelling units. Modify criteria to reduce parking requirements for units that are deed-restricted for moderate income housing.

Implementation Measure 7.15: Amend the Development Code within 1 year to make accessory dwelling units an allowed use in the AG-2.5, AG-5, AG-10, AG-20, AG-40, AG-80, VO, and C zones.

Implementation Measure 7.16: Clarify accessory dwelling unit regulations to ensure that fee waivers, reduced parking, or other benefits apply only to deed-restricted long-term moderate-income housing units.

~~**STRATEGY F:** Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 17-27a-526 of the Utah Code.~~

~~**Implementation Measure 7.14:** Amend the Development Code,~~

~~within 1 year, to add a definition of Internal Accessory Dwelling Unit that is consistent with State Code.~~

~~**Implementation Measure 7.15:** Maintain, and annually review, and amend as necessary, the Summit County Transportation Impact Fee waiver for accessory dwelling units that are used as deed restricted moderate income housing and are not internal units, as set for in Summit County Code, Title 9, Chapter 2C.~~

STRATEGY F: Implement zoning incentives for moderate income units in new developments (*Utah Code § 17-27a-403(2)(b)ii(J)*).

Implementation Measure 7.17: Amend Development Code language in the Village Overlay (VO) and Commercial (C) zones, within 2 years, to incentivize the creation of moderate-income housing units. Incentives may include:

- increased building height
- reduced setbacks
- reduced parking standards
- expedited building permit reviews
- building and planning department fee waivers

Implementation Measure 7.18: Amend the Development Code, within 2 years, to incentive the creation of deed restricted affordable senior living communities for residents that are 55 years old or older.

STRATEGY G: Demonstrate creation of, or participate in, a community land trust program for moderate income housing (*Utah Code § 17-27a-403(2)(b)ii(M)*).

Implementation Measure 7.19: Study and implement the creation of a Summit County Housing Authority and/or regional housing authority, within 2 years.

Implementation Measure 7.20: Annually meet with local non-profit organizations who support the creation of and intend to ensure the long-term affordability of moderate-income housing to establish on-going cooperation and coordination and to maintain public/private partnerships.

Implementation Measure 7.21: Establish a stakeholder committee, within 1 year, comprised of local governments, community housing agencies, and residents to establish numerical goals and associated milestones to track and monitor progress of creating moderate income housing and to uncover shortfalls.