



STAFF REPORT

To: Summit County Council
From: Jennifer Strader, Senior Planner
Date of Meeting: September 19, 2022
Type of Item: General Plan Amendment
Process: Legislative Review

I. Recommendation

Staff recommends the Summit County Council (SCC) review the Moderate Income Housing Plan (Exhibit A), conduct a public hearing, and choose one of the following options:

1. Provide Staff with specific changes to the Moderate Income Housing Plan that would be necessary to ensure action at a future Council meeting in September, 2022.
2. Amend as necessary following the public hearing and vote to approve the Moderate Income Housing Plan, through the adoption of Ordinance No. 950, based on the Findings of Fact and Conclusions of Law in this report.

II. Planning Commission Review and Recommendation

The Snyderville Basin Planning Commission held public hearings on the proposed Moderate Income Housing Plan on: July 26, 2022, August 9, 2022, and August 23, 2022. On August 23, 2022, they forwarded a positive recommendation to the SCC with a condition that Strategy H found in Exhibit A be further examined for legality and assessment of current and future impacts as the Planning Commission has concerns about the Housing and Transit Reinvestment Zone (HTRZ) that have not been previously planned for and discussed.

III. Background

Utah Code establishes the requirement for jurisdictions in the state to plan for the future 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:

- clarifies moderate-income housing requirements and timing to amend the General Plan,
- amends the list of strategies that can be used to ensure moderate-income housing is built,
- 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. Additionally, because Summit County has adopted a small public transit district, one of the county’s three required strategies must include “Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.”

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.

Action

There are three options to consider for action by October 1, 2022.

1. Pick or reaffirm 3 strategies and adopt an implementation timeline for each.
 - This option meets the base requirement for funding.
2. Pick new strategies and adopt an implementation timeline for each.
 - This option meets the base requirement and gives priority consideration for funding.
3. Incorporate at least 2 strategies beyond the base requirement and adopt an implementation timeline for each.
 - This option gives priority consideration for funding.

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.

Staff Comment: A major transit investment corridor is defined in state code.

“Major transit investment corridor” means public transit service that uses or occupies:

- (a) public transit rail right-of-way*
- (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or*
- (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:*
 - (i) a public transit district as defined in Section 17B-2a-802; or*
 - (ii) an eligible political subdivision as defined in Section 59-12-2219*

- 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 impacts 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.

Staff Comment: A few highlights of the Housing and Transit Reinvestment Zone Act include:

- *This applies to a county that has created a small public transit district on or before January 1, 2022*
 - *Applicable counties are required to prepare and submit to the Governor's Office of Economic Opportunity a proposal to create a housing and transit reinvestment zone on or before December 31, 2022.*
 - *A Housing and Transit Reinvestment Zone shall include:*
 - *at least 10% of the proposed dwelling units within the housing and transit reinvestment zone are affordable housing units;*
 - *at least 51% of the developable area within the housing and transit reinvestment zone includes residential uses;*
 - *mixed-use development; and*
 - *a mix of dwelling units to ensure that a reasonable percentage of the dwelling units has more than one bedroom.*
 - *A county may only propose a housing and transit reinvestment zone at a public transit hub, that:*
 - *does not exceed a 1/3 mile radius of a public transit hub; and*
 - *has a total area of no more than 125 noncontiguous acres;*
- 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.

VI. Proposal

At the August 9, 2022 Planning Commission meeting, the SBPC directed Staff to create a Moderate Income Housing Plan based on the strategies that currently exist in the General Plan. Staff is providing the following table that identifies the specific State Code strategies, the proposed strategies/implementation measures that correspond with the State Code strategies, the existing strategies in the General Plan, and any existing Code associated requirements that support specific strategies.

PLEASE NOTE: The Planning Commission recommendation included the elimination of proposed strategies C and D (highlighted) in the table below.

State Code Strategy	Proposed Strategy/Implementation Measure	Current General Plan Policy That Supports Proposed Language	Associated Code Language
(A) Rezone for densities necessary to facilitate the production of moderate income housing.	STRATEGY A: Identify possible changes to land use regulations including, Development Code amendments and zoning changes including, rezones and the creation of new zones, all narrowly tailored to further the purposes of this Chapter. All such changes should be targeted to creating appropriate densities necessary to facilitate the production of moderate-income housing to reduce housing deficits identified in the Moderate-Income Housing Assessment, as modified, while minimizing negative impacts on Critical Concerns. All such strategies should include well-crafted, understandable, and enforceable deed restrictions to ensure that all such moderate-income housing meets the goals of this Chapter over the long term.	Policy 6.1(a): Increasing allowed densities for affordable housing projects where appropriate and where adequate levels of services and amenities and transit can be provided, or the impact otherwise mitigated.	Section 10-2-17: <i>“Affordable Housing: For purposes of the NMU-1 zone, and as a condition of receiving increased uses and densities within said zone, the obligation rates set forth under sections 10-5-5(A) (Residential Base Requirement) and 10-5-6(A) (Commercial Base Requirement) (the obligation rate is also referred to as the mitigation rate in 10-5-6(E)) are increased to fifty percent (50%).”</i> <i>(emphasis added)</i>
(F) Zone or rezone for higher density or moderate income residential development in commercial or mixed use zones, commercial centers, or employment centers.	Implementation Measure 6.1.3: Review the current mixed-use zoning and density to determine whether the Moderate-Income Housing Assessment indicates that additional zones or rezones for higher density or moderate-income residential development in commercial or mixed use zones, commercial centers, or employment centers are required to achieve the purposes of this Section 6.1.	Policy 2.1: Identify, plan, and create neighborhood master planned specific areas where development/redevelopment should occur. These designated areas should be rezoned accordingly.	Section 10-2-17: NMU Zone <i>“The purpose of the Neighborhood Mixed-Use 1 (NMU-1) zone is to create new development and redevelopment areas that are: a. Mixed use; b. Pedestrian-focused; and c. Transit-oriented.”</i>
(E) Create or allow for, and reduce regulations related to, internal and detached accessory dwelling units in residential zones.	Implementation Measure 6.1.8: Create or allow for, and reduce regulations related to, internal and detached accessory dwelling units in residential zones including amending the Development Code, within one year, to add a definition of Internal Accessory Dwelling Unit that is consistent with State Code, and to modify regulations related to accessory dwelling units, both internal and detached, to facilitate their creation. Establish criteria to reduce- parking requirements and remove the minimum land size required for detached accessory dwelling units, deed-restricted for workforce/employee housing.		Section 10-8-5 allows attached and detached accessory dwelling units in all zone districts.

<p>(I) Amend land use regulations to allow for single room occupancy developments.</p>	<p>Implementation Measure 6.1.10: Amend land use regulations to allow for to allow the development of Single Room Occupancy (SRO) housing, group homes, community housing, emergency shelter and transitional housing, and supported living facilities for the elderly and persons with special housing needs in residential zone districts, taking into consideration the proximity to public transportation, shopping, medical services, and other essential support services.</p>	<p>Policy 6.5: Allow the development of Single Room Occupancy (SRO) housing, group homes, community housing, emergency shelter and transitional housing, and supported living facilities for the elderly and persons with special housing needs, taking into consideration the proximity to public transportation, shopping, medical services, and other essential support services for the elderly and others with special needs.</p>	<p>Section 10-5-4 of the Code allows Single Room Occupancy to meet commercial and resort needs, but they are not currently allowed in single family residential areas.</p>
<p>(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.</p>	<p>STRATEGY B: 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.</p>		<p>Section 10-5-9: Fees in Lieu</p> <p><i>“Use of funds shall be approved on a case by case basis...Some examples of permitted uses may include...</i></p> <ol style="list-style-type: none"> 1. To provide down payment and mortgage assistance to qualifying households. 2. To provide fee assistance for special district impact fees...specifically for affordable housing units. 3. To buy down the price of affordable units that have naturally appreciated so as to become unaffordable to a qualifying household. 4. To assist qualifying community based housing nonprofit organizations in their affordable housing endeavors. 5. To assist in the construction of affordable housing on county owned property. 6. To purchase or rehabilitate existing properties in the Snyderville Basin that are available at below market rate prices. 7. To preserve existing affordable units by purchasing mortgages or units to protect them from foreclosure. 8. To provide funds to take advantage of potential opportunities that will enhance the objectives of this chapter.”
<p>(L) Reduce, waive, or eliminate impacts fees related to moderate income housing.</p>	<p>STRATEGY C: Reduce, waive, or eliminate impact fees related to moderate-income housing.</p>		<p>Section 10-5-11: Fee Waivers.</p> <p><i>“Applicability: Affordable units may be eligible for fee waivers of building department and planning department application and permit fees. The waivers shall apply only to affordable units and/or lots, and shall not apply to market rate units and/or lots in a development containing affordable units.</i></p>

(R) 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.	STRATEGY D: 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.		
(J) Implement zoning incentives for moderate income units in new development.	STRATEGY E: Implement zoning incentives for moderate-income units in new developments.	Policy 6.4: Study and implement strategies to achieve attainable housing in the Basin.	Section 10-2-17: "Affordable Housing: For purposes of the NMU-1 zone, and as a condition of receiving increased uses and densities within said zone, the obligation rates set forth under sections 10-5-5(A) (Residential Base Requirement) and 10-5-6(A) (Commercial Base Requirement) (the obligation rate is also referred to as the mitigation rate in 10-5-6(E)) are increased to fifty percent (50%)." (emphasis added)
	STRATEGY F: Develop and implement measures that hold developers of moderate-income housing strategies accountable for the implementation of their strategies, actions, and results. Monitoring must be transparent with clear, easily understood metrics that enable the developers, elected officials, and the public to easily understand if and how progress is being made in implementing the strategy.		
(M) Demonstrate creation of, or participation in, a community land trust program for moderate-income housing.	STRATEGY G: Demonstrate creation of, or participate in, a community land trust program 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.	STRATEGY H: Explore the establishment of a regional housing authority through joint agreement(s) with one or more other local political subdivisions for the purpose of combining resources to address common moderate income housing needs and challenges.	Policy 6.1(e): Cooperating with surrounding jurisdiction in the development and implementation of regional affordable housing strategies.	

In addition to the strategies that currently exist in the General Plan and described in the table above, the Planning Commission also recommended approval of the following additional strategies and their associated implementation measures (see Exhibit A):

STRATEGY D: Develop and implement measures that hold developers of moderate-income housing strategies accountable for the implementation of their strategies, actions, and results. Monitoring must be transparent with clear, easily understood

metrics that enable the developers, elected officials, and the public to easily understand if and how progress is being made in implementing the strategy.

STRATEGY H: Create a housing and transit reinvestment zone (HTRZ) pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

V. Recommendation

Staff recommends the Summit County Council (SCC) review the Moderate Income Housing Plan (Exhibit A), conduct a public hearing, and choose one of the following options:

1. Provide Staff with specific changes to the Moderate Income Housing Plan that would be necessary to ensure action at a future Council meeting in September, 2022.
2. Amend as necessary following the public hearing and vote to approve the Moderate Income Housing Plan, through the adoption of Ordinance No. 950, based on the following Findings of Fact and Conclusions of Law.

Findings of Fact

1. Utah Code establishes the requirement for jurisdictions in the state to plan for the future through General Plan development and adoption.
2. Since 2019, the General Plan requirement has been expanded to include planning for moderate income housing.
3. 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.
4. House Bill 462, Utah Housing and Affordability Amendments was approved during the 2022 legislative session.
5. House Bill 462 modified many of the provisions related to affordable housing that were in the previous bill; specifically, it:
 - clarifies moderate-income housing requirements and timing to amend the General Plan,
 - amends the list of strategies that can be used to ensure moderate-income housing is built,
 - 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.
6. 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.
7. Jurisdictions that fall under the requirement must adopt/amend their General Plan by October 1, 2022.
8. 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.

9. Because Summit County has adopted a small public transit district, one of the county's three required strategies must include "Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act."
10. Jurisdictions must submit their annual report by October 1, 2022 to the State Housing and Community Development Division.
11. 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.
12. Within 90 days of report submission, the report will be reviewed for compliance and potential priority funding consideration.
13. 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.
14. 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 or expansion of infrastructure that facilitates the construction of moderate-income housing.
 - (C) Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate-income housing.
 - (D) Identify and utilize 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 impacts 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.
15. Chapter 6 of the Snyderville Basin General Plan is the Housing Chapter. Staff is proposing to add Chapter 6.1, titled **Moderate Income Housing Element**. This chapter consists of a Goal, Objective, Strategies, and Implementation Measures.
 16. The Snyderville Basin Planning Commission held public hearings on July 26, 2022, August 9, 2022, and August 23, 2022.
 17. On August 23, 2022, the Snyderville Basin Planning Commission forwarded a positive recommendation to the Summit County Council with a condition that Strategy H found

in Exhibit A be further examined for legality and assessment of current and future impacts as the Planning Commission has concerns about the Housing and Transit Reinvestment Zone (HTRZ) that have not been previously planned for and discussed.

Conclusions of Law

1. The proposed amendment to the General Plan will not affect the existing character of the surrounding area in an adverse or unreasonable manner.
2. The amendment is consistent with the general plan goals, objectives, and policies.
3. The public health, safety, ad welfare will not be adversely impacted by the proposed amendment.

EXHIBITS

Exhibit A: Proposed Moderate Income Housing Plan

Chapter 6.1

Moderate Income Housing Element

INTRODUCTION

Rather than being monolithic, moderate-income housing is a multifaceted challenge for Summit County. It is tied closely to a variety of Snyderville Basin challenges including extremely high median housing costs; traffic congestion and legacy transportation issues; availability of sufficient local laborers; business challenges due to lack of access to labor; an increasingly non-diverse community; a shrinking number of full-time residents with long-term community and generational ties; increasing environmental degradation due to increasing development pressures; concerns about sustainability of air, land, and water natural resources; and the critical need to manage and limit rapid growth in a County that seeks to preserve open spaces, agricultural and cultural heritage (collectively, “Critical Concerns”). Accordingly, creating standards and strategies concerning moderate-income housing in this Chapter would be incomplete, ineffective, and potentially harmful to the vision and goals of this General Plan as well as the County Council’s vision, values, and strategic goals without carefully evaluating the impacts of any such standards and strategies on the Critical Concerns to determine if they will aggravate or mitigate and provide solutions to those Critical Concerns. All such standards and strategies and the Critical Concerns should continually be evaluated given the dynamic nature of growth in and on the borders of the County.

The Summit County Manager, relevant staff as determined by the County Manager, and the County Council should regularly assess the County’s moderate-income housing needs and seek to articulate where such housing is most appropriate and for whom the need is greatest at any given moment always taking into careful consideration the Critical Concerns (“Moderate-Income Housing Assessment”). A priority of any such assessment should seek to identify if housing challenges are creating significant labor shortages in critical areas such as law enforcement, emergency medical services, education, doctors and nurses and other health care professionals, and local government workforce. In addition, the Moderate-Income Housing Assessment should examine the needs of long-term resident seniors seeking to age in place in the County as well as the County’s tourism industry’s workforce. With respect to tourism workforce, any strategies developed in this Chapter 6.1 should seek to require major employers to bear some of the burden of providing employees with housing opportunities as well as reasonable wages that take into account the high housing costs in resort counties much like the difference in wages paid in rural Utah compared to San Francisco, California.

External influences also need to be part of the Moderate-Income Housing Assessment, such as whether nightly rentals are removing long-term housing from the available housing capacity with a result of hollowing out formerly well-established neighborhoods, particularly outside of resort cores. Such assessment should consider any moderate-income housing permitted, platted, commenced and/or built since the prior Moderate-Income Housing Assessment. Careful consideration of where to locate

housing is a fundamental question the Moderate-Income Housing Assessment needs to examine in each instance with a focus on the Critical Concerns. For example, building or incentivizing affordable housing in the Snyderville Basin for County workforce that work primarily in County offices in Coalville requires commuting, which the moderate-income housing plan should seek to reduce. In addition, approving a large ratio of market rate housing to obtain a smaller ratio of affordable housing exacerbates the dearth of affordable housing given the additional services and workers required to service the market rate housing, and should be avoided.

The critical questions of each Moderate-Income Housing Assessment should include: for whom, ideal location(s), transit and transportation access, trails access, and access to services to reduce commuting and car trips, as well an assessment of the state of each of the Critical Concerns. Those preparing the Moderate-Income Housing Assessment need to include specific metrics that are transparent, effective, and easy to understand that can be used to provide of positive or negative impacts that may be used by the County to adjust the goals and strategies contained in this Chapter 6.1.

With respect to any and all analyses and changes to land use regulations contained in this Chapter 6.1, the County should carefully consider the positive and negative impacts on each of the Critical Concerns to make sure any such changes are likely to reduce deficits identified in the Moderate-Income Housing Assessment and do not result in unintended consequences that negatively impact the Critical Concerns.

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.” However, given that the median gross income for the County is substantially higher than the national average, consideration should be given to requiring moderate-income housing that is targeted to lower median gross income depending upon the intended solutions sought as identified in the Moderate-Income Housing Assessment.

GOAL: Provide moderate-income housing opportunities that address the moderate-income housing needs identified in the Moderate-Income Housing Assessment, as updated in accordance with the Introduction of this Chapter. Due to already aggressive market rate housing growth pressures, it is essential that moderate-income housing does not come as a trade-off for additional market rate housing that may ultimately increase the moderate-income housing deficit due to the additional impacts created by the market rate housing and coincident infrastructure, services, and other needs that generate requirements for additional workforce. The primary goal should be meaningful reductions in existing deficits identified in the Moderate-Income Housing Assessment.

OBJECTIVE A: Develop strategies to facilitate an adequate supply of moderate-income housing to reduce the identified deficits of housing in the Snyderville Basin for various moderate and low income groups living, working, or desiring to work in the Snyderville Basin, all as identified and prioritized in the Moderate-Income Housing Assessment, as updated, while minimizing negative impacts on the Critical Concerns.

The County shall measure demand and the County’s progress toward meeting such demand through annual reporting, consistent with the requirements of Utah law.

STRATEGY A: Identify possible changes to land use regulations including, Development Code amendments and zoning changes including, rezones and the creation of new zones, all narrowly tailored to further the purposes of this Chapter. All such changes should be targeted to creating appropriate densities necessary to facilitate the production of moderate-income housing to reduce housing deficits identified in the Moderate-Income Housing Assessment, as modified, while minimizing negative impacts on Critical Concerns. All such strategies should include well-crafted, understandable, and enforceable deed restrictions to ensure that all such moderate-income housing meets the goals of this Chapter over the long term.
(Utah Code § 17-27a-403(2)(b)ii(A))

Implementation Measure 6.1.1: Annually review, and amend as necessary, the Development Code moderate-income housing provisions relating to the Neighborhood Mixed Use Zone, Town Center Zone, and Resort Center Zone as necessary to meet the goals and strategies of this Chapter.

Implementation Measure 6.1.2: Commence a study to determine the suitability of using some or a portion of various County owned properties for moderate-income housing, to meet specific needs and deficits identified in the Moderate-Income Housing Assessment. Such study should take into consideration the Moderate-Income Housing Assessment as well as other important County needs and uses for such properties. Properties found suitable and appropriate for moderate-income housing development should be considered for moderate-income housing to meet deficits identified in the Moderate-Income Housing Assessment but in all instances any study must make findings concerning the impacts on Critical Concerns. No County property acquired as public open space or on which conservation easements have been granted shall be considered for the purposes contemplated herein.

Implementation Measure 6.1.3: Review the current mixed-use zoning and density to determine whether the Moderate-Income Housing Assessment indicates that additional zones or rezones for higher density or moderate-income residential development in commercial or mixed use zones, commercial centers, or employment centers are required to achieve the purposes of this Section 6.1.

Implementation Measure 6.1.4: Within a year of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the Planning Commission should:

6.1.4.1: Review the General Plan to identify, plan, and possibly create additional neighborhood master planned development and/or redevelopment areas, if and as necessary, to relieve deficits identified in the Moderate-Income Housing Assessment, as updated, in accordance with this Chapter 6.1, and thereafter amend the General Plan accordingly. Note that such review should take into account such areas that the County has already identified in the Snyderville Basin as well as in Eastern Summit County; and

6.1.4.2: Review the Future Land Use Maps in Chapter 9 of the General Plan to identify and define specific densities that would be appropriate in mixed use areas to facilitate the deficits identified in the Moderate-Income Housing Assessment with careful consideration of negative and positive impacts on the Critical Concerns.

Implementation Measure 6.1.5: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the Planning Commission should prepare and submit to the County Council an analysis of the benefits of creating a moderate-income housing zone district to address the deficits identified in the Moderate-Income Housing Assessment, with careful consideration of negative and positive impacts on the Critical Concerns as a critical part of such analysis.

Implementation Measure 6.1.6: Review land use regulations, and amend, as necessary to accomplish the goals and purpose of this Chapter 6.1, to allow for higher density of new moderate-income residential development in commercial or mixed-use zones near major transit investment corridors.

(Utah Code § 17-27a-403(2)(b)ii(F))

Implementation Measure 6.1.7: Continue to regularly review, and amend as necessary, the comprehensive long range Snyderville Basin Transportation Master Plan.

Implementation Measure 6.1.8: Create or allow for, and reduce regulations related to, internal and detached accessory dwelling units in residential zones including amending the Development Code, within one year, to add a definition of Internal Accessory Dwelling Unit that is consistent with State Code, and to modify regulations related to accessory dwelling units, both internal and detached, to facilitate their creation. Establish criteria whereby reduced parking requirements and removing the minimum land size required for detached accessory dwelling units, deed-restricted for workforce/employee housing.

(Utah Code § 17-27a-403(2)(b)ii(E))

Implementation Measure 6.1.9: Amend the Development Code, within one year, to require adequate bicycle parking requirements.

Implementation Measure 6.1.10: Amend land use regulations to allow for the development of Single Room Occupancy (SRO) housing, group homes, community housing, emergency shelter and transitional housing, and supported living facilities for the elderly and persons with special housing needs in residential zone districts, taking into consideration the proximity to public transportation, shopping, medical services, and other essential support services.

(Utah Code § 17-27a-403(2)(b)ii(I))

STRATEGY B: 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 6.1.11: Maintain, and annually review, and amend as necessary, Development Code provisions regarding fee waivers for moderate-income housing units.

Implementation Measure 6.1.12: Maintain, and annually review, and amend as necessary, the fee in lieu of constructing moderate-income housing established in the Development Code.

Implementation Measure 6.1.13: Amend the Development Code, within one year, to allow fees in lieu that have been collected to subsidize construction related fees for moderate-income housing

on private property.

STRATEGY C: Implement zoning incentives for moderate-income units in new developments.

(Utah Code § 17-27a-403(2)(b)ii(J))

Implementation Measure 6.1.14: Amend the Development Code, within two years, to incentivize the creation of moderate-income housing units such as increased building height, reduced setbacks, reduced parking standards, and expedited building permit reviews.

Implementation Measure 6.1.15: Maintain the incentive community benefit criteria for incentive zoning for deed restricted moderate-income housing in the Town Center and Resort Center zone districts.

Implementation Measure 6.1.16: Amend the Development Code, within two years, to incentivize the creation of deed restricted affordable senior living communities for residents that are 55 years old or older.

STRATEGY D: Develop and implement measures that hold developers of moderate-income housing strategies accountable for the implementation of their strategies, actions, and results. Monitoring must be transparent with clear, easily understood metrics that enable the developers, elected officials, and the public to easily understand if and how progress is being made in implementing the strategy.

Implementation Measure 6.1.17: Require developers of moderate-income housing to file annual reports with reasonably detailed criteria that reports the compliance with applicable deed restrictions; create penalties for failure to comply with such deed restrictions and related enforcement mechanisms.

Implementation Measure 6.1.18: Create land use regulations that prohibit nightly rentals of any housing units that are created using any moderate-income housing incentives or pursuant to land use regulations created, amended, or modified to facilitate the creation of moderate-income housing.

Implementation Measure 6.1.19: Following receipt of the Annual Moderate Income Housing Reporting Form, establish a stakeholder committee that meets annually with the purpose of adopting and monitoring specific measures to be used when evaluating moderate-income housing projects.

Implementation Measure 6.1.20: Develop and implement a

public engagement program to communicate, educate, and collaboratively problem solve issues related to creating moderate-income housing in appropriate areas.

Implementation Measure 6.1.21: Annually report the County's progress toward meeting the moderate-income housing demand as required by Utah law.

Implementation Measure 6.1.22: Annually review the number of moderate-income units entitled, permitted, and constructed against the Moderate-Income Housing Assessment, as updated.

STRATEGY E: 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 6.1.23: Study and implement the creation of a Summit County Housing Authority and/or regional housing authority, within one year.

Implementation Measure 6.1.24: 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 6.1.25: Establish a stakeholder committee, within one 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.

STRATEGY F: Explore the establishment of a regional housing authority through joint agreement(s) with one or more other local political subdivisions for the purpose of combining resources to address common moderate income housing needs and challenges.

(Utah Code § 17-27a-403(2)(b)ii(T))

Implementation Measure 6.1.26: Facilitate discussions with local political subdivisions to enter into a joint agreement within two years.

Implementation Measure 6.1.27: Within two years, coordinate with local political subdivisions to accurately assess regional moderate-income housing needs, including a regional employment study.

Implementation Measure 6.1.28: Within one year, coordinate with local political subdivisions in the development and implementation of regional moderate-income housing strategies.

Implementation Measure 6.1.29: Within one year, coordinate with local political subdivisions to identify local, state, and federal funding sources to create moderate-income housing through a regional housing authority or other forms of cooperation.

STRATEGY G: 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 6.1.30: Maintain the requirement that all new residential development be required to develop or ensure the development of moderate income housing at a rate of twenty percent (20%) of the units in a development. The moderate income housing obligation shall continue to be met concurrently with the construction of market rate units.

STRATEGY H: Create a housing and transit reinvestment zone (HTRZ) pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(Utah Code § 17-27a-403(2)(b)ii(Q))

Implementation Measure 6.1.31: Hold community public hearings to acquire input in the criteria that the County should consider in selecting a HTRZ within one year.

Implementation Measure 6.1.32: Amend the General Plan and Development Code to codify HTRZ criteria and establish zones where HTRZs are allowed within one year after the community public hearings are closed.

Implementation Measure 6.1.33: Establish a development permit application process for projects in the HTRZ within one year after the community public hearings are closed.