

## Memo

**TO: Mayor & City Council**  
**CC: File**

**DATE: January 11, 2023**  
**SUBJECT: Moderate Income Housing Plan  
Amendment**

**FROM: David Mann, Long Range Planning Analyst**

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In 2019, the South Jordan City Council approved a Moderate Income Housing Plan that was required by state law (SB 52). The City Council adopted the plan in January 2021 as an attachment to the South Jordan General Plan. During the 2022 Utah legislative session, the legislature reviewed and approved HB 462 that further clarified the “menu items” that cities must pick from and include in their Moderate Income Housing Plans. As a result, the language in the current plan must be updated through an amendment. The amendment lists the updated menu and the strategies that South Jordan will implement in planning and development activities. Staff presented this amended plan to the City Council on September 20, 2022 for its review and adoption. The City Council approved the plan and it was submitted to the Utah Department of Workforce Services (DWS) to be reviewed for compliance with state code.

On November 18, 2022 the Mayor, City Council, and Staff received a notice of non-compliance from DWS that outlined where the submitted amendment was deficient. Staff communicated with DWS as changes were made to the plan in order to meet the benchmark requirements. The changes primarily include a more detailed timeline and implementation steps for each of the selected requirements from the “menu items”. After a preliminary review of the additional changes, the Project Manager for DWS informed Staff that the updated Moderate Income Housing Plan amendment cured the deficiencies that she identified in November 2022.

Staff presented the updated plan to the Planning Commission on January 10, 2023, and the Commission voted 6-0 to forward a positive recommendation to the City Council.

  
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David Mann, Long Range Planning Analyst

## **RESOLUTION R2023-03**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING THE SOUTH JORDAN MODERATE INCOME HOUSING PLAN AS PART OF THE SOUTH JORDAN GENERAL PLAN.**

**WHEREAS**, Pursuant to Utah Code §§ 10-9a-408 and -403, the South Jordan City Council (the “City Council”) must review and approve the Moderate Income Housing Plan (the “Housing Plan”) as an element of the City of South Jordan’s (the “City”) General Plan; and

**WHEREAS**, the Housing Plan includes, among other things, (1) an estimate of the need for moderate income housing in the City for the next five years; and (2) a description of the progress made within the municipality to provide moderate income housing, demonstrated by analyzing and publishing data on the number of housing units in the municipality that are at or below: (i) 80% of the adjusted median family income; (ii) 50% of the adjusted median family income; and (iii) 30% of the adjusted median family income; (3) a description of any efforts made by the municipality to utilize a moderate income housing set-aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and (4) a description of how the municipality has implemented any of the recommendations related to moderate income housing; and

**WHEREAS**, On November 19, 2019 the City Council approved Resolution R2019-56 adopting a Housing Plan; and

**WHEREAS**, On June 1, 2022 changes to the Utah Code resulting from the Utah State Legislature’s passage of H.B. 462 went into effect requiring modifications to the Housing Plan; and

**WHEREAS**, the South Jordan Planning Commission reviewed the proposed amendment to the Housing Plan and made recommendations to the City Council; and

**WHEREAS**, the City Council has reviewed the proposed amendment to the Housing Plan and finds that adopting the amended Housing Plan will enhance the public health, safety and general welfare, and promote the goals of the General Plan and will meet the new requirements brought about by the passage of H.B. 462.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Adoption.** The City Council hereby adopts the amendment to the Housing Plan, attached as Exhibit A, as part of the City’s General Plan.

**SECTION 2. Severability.** If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

**SECTION 3. Effective Date.** This Resolution shall become effective immediately upon passage.

[SIGNATURE PAGE FOLLOWS]

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
City Recorder

Approved as to form:

  
\_\_\_\_\_  
Gregory M. Simonsen (Jan 12, 2023 10:21 MST)  
Office of the City Attorney

## **EXHIBIT 1**

(Amendment to the Moderate Income Housing Plan)

## Affordable Housing Development

**Goal: Ensure development of well-designed housing that qualifies as Affordable Housing to meet the needs of moderate-income households within the City.**

Strategy: Plan for smaller single-family housing units in a medium-density residential (8 units per acre) development which also have appealing aesthetic qualities to allow for an affordable housing option that has a high-quality feel.

Strategy: Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones. (Utah Code § 10-9a-403(2)(b)(iii)(E))

### Timeline

#### 2020

- The City Council approved Ordinance 2020-10 amending the requirements for accessory dwelling units (ADUs), which clarified and streamlined the City's ADU regulations. At that time, the South Jordan City Municipal Code ("City Code") already permitted internal ADUs in almost all single-family zones, detached ADUs in some single-family zones, and ADUs in the City's largest mixed-use zone where the Daybreak planned community is located.
- After passing Ordinance 2020-10, the Planning Commission and the City Council discussed with City staff additional ideas and changes that would have expanded where ADUs are permitted in the City. The City put these discussions on hold until after the 2021 legislative session because the City wanted to see the outcome of HB 82 (2021) before making additional changes to the City's ADU regulations.
- The City approved 34 ADU applications.

#### 2021

- The City Council approved Ordinance 2021-16, which made additional changes to the City's ADU regulations to meet the new state requirements (HB 82).
- City staff began discussing with the developers of the Daybreak community (the "Daybreak Developers") changes to the community's ADU regulations, which are not subject to HB 82.
- The City approved 25 ADU applications and began more formally tracking and sharing ADU permit numbers.

#### 2022

- City staff continued discussing with the Daybreak Developer changes to the ADU regulations, and agreed on a path towards developing and agreeing on standards for permitting more ADUs than are already permitted in the development.
- The City approved 40 ADU applications.

## 2023

- **Change Daybreak's ADU standards.**

- Implementation

- City staff will provide a brief summary to the Daybreak Developer regarding the current ADU regulations under the City's Planned Community (PC) Zone and the Daybreak Master Development Agreement.
    - City staff will work with the Daybreak Developer to finalize their changes to the ADU standards, and ensure those changes comply with the zoning and Daybreak Master Development Agreement.

- **Advertise ADU changes and report ADU permits.**

- Implementation

- City staff will continue developing its draft illustrative guide to help residents and elected officials understand current ADU regulations.
    - City staff will post the guide on the City's website and promote it on the City's social media accounts.
    - City staff will continue to track and report ADU permit numbers by year.

- **Consider additional modifications to the City's ADU requirements.**

- Implementation

- City staff will research additional changes to the City's Accessory Dwelling Unit Floating Zone, particularly expanding opportunities for and streamlining regulations of detached ADUs.
    - City staff will schedule time with the Planning Commission and City Council to discuss potential changes, and if changes are warranted, a timeline for adopting those changes.

Strategy: 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. (Utah Code § 10-9a-403(2)(b)(iii)(G))

### Timeline

#### 2020

- The City drafted an amendment to its General Plan to include two subarea plans. One of the subareas is the Jordan Gateway area, which includes a FrontRunner station and one bus line.
- The City continued discussions about development opportunities in the town center area of the Daybreak community called "Downtown Daybreak," which is entitled to build a variety of housing types (apartments, condominiums, and other attached housing and small-lot residential) along the existing TRAX Red Line.
- The City approved various types of detached and attached housing in Daybreak that are within one-half mile of the two existing TRAX stations for a total of 2,549 existing and approved residential units (731 small-lot SF, 803 townhomes, 227 condominiums and 788 apartments).

#### 2021

- The City Council approved the two subarea plans, including the Jordan Gateway area. The Jordan Gateway subarea plan proposes allowing additional housing near an existing bus route and FrontRunner station, and repurposing existing parking lots for additional development.

- The City's discussions regarding the development of Downtown Daybreak were reenergized by the new Daybreak Developer, the Larry H. Miller Group, and plans for Downtown Daybreak began to solidify. These plans include a significant number of entitled housing units near the existing and planned TRAX Red Line stations.
- The City approved 77 townhomes, 50 condominiums and 400 apartments in Daybreak that are within one-half mile of the two existing TRAX stations for a total of 3,076 existing and approved residential units (731 small-lot SF, 880 townhomes, 277 condominiums and 1,188 apartments).

## 2022

- The City's continuing discussions with the Daybreak Developer regarding the development of Downtown Daybreak led to the City and Daybreak Developer drafting an application for a Housing and Transit Reinvestment Zone ("HTRZ"). If approved, the Downtown Daybreak HTRZ will jumpstart the development of more than 100 acres in Downtown Daybreak, which is situated along one future and two existing TRAX stations. Among other things, the HTRZ proposes more than 4,700 residential units, with more than 10% of those units being affordable. The City expects the plans associated with the HTRZ will begin to be implemented in 2023.
- The City began reviewing a development proposal that will add approximately 154 attached residential units to the Jordan Gateway subarea. Some version of the proposal is expected to be approved in the beginning of 2023 and will lay the groundwork for additional housing development in the subarea.
- City staff discussed with the City Council possible changes to the City's Planned Development (PD) Floating Zone. The PD Floating Zone is the City's primary tool for allowing multifamily residential development in infill properties throughout the City, including near major transit investment corridors.

## 2023

- **Continue partnering with Daybreak to develop and implement plans for Downtown Daybreak.**

### Implementation

- Seek approval of the Downtown Daybreak HTRZ.
- Once the HTRZ is approved, the City and Daybreak Developer will establish clear steps towards implementing the Downtown Daybreak plan, including the affordable housing aspects of the HTRZ.

- **Consider changes to the PD Floating Zone.**

### Implementation

- City staff will research and draft a "menu" of changes to the PD Floating Zone, with the goal that the proposed changes will clarify the development approval and inclusion of housing in proposed developments.
- City staff will present proposed changes for further discussion and possible adoption to the Planning Commission and City Council.

Strategy: 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. (Utah Code § 10-9a-403(2)(b)(iii)(H))

Timeline

2020-2022

- When a development, housing or otherwise, is proposed in an area near transit, the developer and City staff review the parking requirements and identify opportunities for reduced parking. During the approval process, parking can be reduced by approval of the City Council or through creating shared parking agreements (see City Code § 16.26).

**2023**

- **Strengthen the existing parking reduction ordinance.**

Implementation

- City staff will research best practices for reducing parking near existing and future transit lines in South Jordan.
- During or before 2024, City staff will add the “Parking and Access” chapter of the City Code to the text amendment calendar/priority list that is under development, and schedule time with the Planning Commission and City Council to discuss possible changes based on staff’s research.

Strategy: Implement zoning incentives for moderate income units in new developments. (Utah Code § 10-9a-403(2)(b)(iii)(J))

Timeline

2022

- City staff discussed possible changes to the City’s PD Floating Zone with the City Council. The PD Floating Zone is the City’s primary tool for incentivizing moderate income units in new developments.

**2023**

- **Take lessons learned from recent affordable housing projects and best practice guidelines to prepare text amendments that codify incentives for developers to include more affordable housing in proposed developments.**

Implementation

- Gather information about existing moderate income housing in South Jordan to develop potential changes to the PD Floating Zone regarding incentives to build affordable housing.
- Consult with developers, planning agencies, and others in the community on best practices with regards to incentivizing affordable units within new projects.
- Use information obtained in the creation of text amendments that list regulations for specific zones or areas where incentives can be used as a tool for increasing the stock of affordable housing.
- During or before 2024, City staff will add proposed incentives to the text amendment calendar/priority list that is under development, and schedule time with the Planning Commission and City Council to discuss possible changes based on staff’s research.

Strategy: 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. (Utah Code § 10-9a-403(2)(b)(iii)(P))

#### Timeline

##### 2020

- The City opened its Down Payment Assistance Program to employees, using funds set aside for moderate-income housing from the City's Redevelopment Agency ("RDA"). This Program was later opened to anyone qualifying as low- and moderate-income. The Program seeks to give assistance to households who otherwise would not be able to become homeowners, while ensuring home ownership as a long-term successful goal.
- The City's Community Development Block Grant ("CDBG") collaborated with Assist, a local non-profit that provides home repairs to low- and moderate-income households.
- The City used RDA funding to provide rental assistance through a community partner, Utah Community Action ("UCA"). This kept low- and moderate-income families housed during the pandemic. The City also uses its CDBG money to fund rental assistance through UCA.

##### 2021

- In 2019, the City collaborated with Ivory Homes to use RDA funds to provide nine units designated as workforce housing that are deed-restricted to low- and moderate-income families. Ivory completed the units and sold them to nine families, a mix of qualified City and school district employees.

##### 2022

- The City Council approved an infill residential project with 30 residential units and required the developer to seek funding from the RDA for at least three low- to moderate-income, deed-restricted units.
- The CDBG program continues to fund projects to improve walkability and quality of life in low- and moderate-income qualifying neighborhoods.
- The City began serious discussions with a developer to build a large "for rent" senior housing development on property currently owned by the City using millions of dollars of RDA funds (the "Senior Housing Project"). The Senior Housing Project is planned to have more than 150 deeply affordable units that would be deed- and low-income restricted.

##### 2023

- **Enter into formal agreement with developer to build the Senior Housing Project.**

#### Implementation

- City staff will finalize with developer the concept for the Senior Housing Project and major agreement terms.
- City staff will draft proposed agreement and seek necessary approvals from RDA Board to finalize agreement with developer.

##### 2023-2025

- **Strengthen partnership with developer to build the Senior Housing Project.**

#### Implementation

- City staff will maintain consistent communication with the developer and establish clear benchmarks and timelines to ensure the Senior Housing Project is progressing from concept, to approval and then to construction.

- City staff will present the project to the Planning Commission and City Council during the rezoning and site plan approval processes prior to construction.

**Strategy:** Develop and adopt a station area plan in accordance with Section 10-9a-403.1. (Utah Code § 10-9a-403(2)(b)(iii)(V))

### Timeline

#### 2022

- Prior to the adoption of Utah Code § 10-9a-403.1, the City had focused efforts to develop the station area for the South Jordan FrontRunner station, and area that is approximately half in South Jordan and half in Sandy. Development of this area included partnerships with UTA and prominent commercial developers. Currently the portion of this station area in South Jordan contains the following uses:

<u>Uses</u>	<u>Quantity</u>	<u>Unit of Measurement</u>
Warehouse/Flex	90,000	Sq. Ft.
Retail/Restaurant	40,000	Sq. Ft.
Instruction/Training	20,000	Sq. Ft.
Manufacturing	310,000	Sq. Ft.
Office	739,000	Sq. Ft.
Hotel	552	Rooms
<b>Multifamily Residential</b>	<b>684</b>	<b>Units</b>
Car Dealership	3	Lots
Church	2	Buildings
Protected Open Space	75 (approx.)	Acres

- The City's continuing discussions with the Daybreak Developer led to the HTRZ application for Downtown Daybreak. Daybreak's current zoning and entitlements, along with the plans associated with the Downtown Daybreak HTRZ meet the requirements and intent of Utah Code § 10-9a-403.1.

#### 2023

- **All station area plans or resolutions of impracticability adopted by the City Council and submitted to Wasatch Front Regional Council for approval.**

### Implementation

- City staff will collect all existing plans for areas within the defined station areas in the City to incorporate them in the creation of the station area plans.
- City staff will draft resolutions for stations areas where a full-scale plan is impracticable or unnecessary
- City staff will work with adjacent municipalities during the creation of station area plans where station areas extend beyond city limits.
- City staff will present all station area plans or resolutions to the City Council for its approval.
- City staff will establish a course of action for potential amendments to adopted station area plans where a future transit station could be constructed.