

## Memo

**TO:** South Jordan Mayor & City Council    **DATE:** September 14, 2022  
**CC:** File    **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 plan was added as an attachment to the South Jordan General Plan that was adopted by the city council in January 2021. During the legislative session of the Utah House of Representatives earlier this year, they reviewed and approved HB 462 that further clarified the “menu items” that cities must pick from and include in their Moderate Income Housing plan. 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 the amendment to the Planning Commission on September 13, 2022 and they forwarded a positive recommendation.

# Amendment to the Moderate Income Housing Plan (Goals, Policies & Strategies section)

During the 2022 Legislative Session, the Utah State Legislature passed HB462 which “modifies the list of strategies that a political subdivision may select, or are required to select, for implementation as part of the moderate income housing element of the political subdivision's general plan.”

The following is the updated list of required strategies from HB462, of which the City must choose at least three. In addition to choosing at least three strategies, because the City has fixed guideway public transit stations, it must also implement strategies “G” or “H” regarding development around transit corridors. The additional requirement to adopt a station area plan (item V) will also be required to be completed by South Jordan City according to the timetables outlined in state code.

## HB462 Affordable Housing Strategies:

- 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 general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county/municipality 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 or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, 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/municipality, an employer that provides contracted services for the county/to the municipality, or any other public employer that operates within the county/municipality
- 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 affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, 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 impact 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. Develop and adopt a station area plan in accordance with Section 10-9a-403.1
- W. 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
- X. Demonstrate implementation of any other program or strategy to address the housing needs of residents of the county/municipality 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

## 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: Implement zoning/density incentives for including planned moderate-income housing within new developments.

Strategy: Allow accessory units in additional areas of the City (Menu Item E).

Strategy: Provide a plan and opportunities for mixed-use development near transit that includes affordable housing (Menu Item G).

Strategy: Reduce parking requirements for transit-oriented development (Menu Item H).

Strategy: Utilize a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency (Menu Item P).

Strategy: Create a Station Area Plan according to the requirement in state code (Menu Item V).

## **RESOLUTION R2022-38**

### **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**, the City Council reviewed and adopted the Housing Plan by way of Resolution R2019-56 on November 19, 2019; and

**WHEREAS**, Pursuant to the adoption of H.B. 462 by the Utah State Legislature, language contained in the adopted Housing Plan must be amended in order to comply with current state code; and

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

**WHEREAS**, the City Council reviewed the 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.

**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]

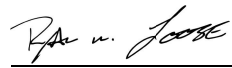
APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 BY THE FOLLOWING VOTE:

|                | 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:



\_\_\_\_\_  
Office of the City Attorney

## **EXHIBIT A**

(Amendment to the Moderate Income Housing Plan)