

# Memo

**TO: South Jordan City Council**

**DATE:** *July 8, 2024*

**CC: File**

**FROM: Steven Schaefermeyer, Director of Planning**

**SUBJECT: Moderate Income Housing Plan Amendment**

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In 2019, the South Jordan City Council approved a Moderate Income Housing Plan (the “Plan”) required by Utah Code §§ 10-9a-403 and -408. The City Council adopted the Plan in January 2021 as part of the South Jordan General Plan. The Utah Department of Workforce Services (“DWS”) is required to review and approve for compliance the Plan and a yearly report of the City’s progress to implement the Plan.

During the 2022 Utah legislative session, the state legislature further clarified the “menu items” that cities must pick from and include in their Moderate Income Housing Plans. As a result, the City Council adopted an update to the current plan in 2023 (Resolution R2023-03). That update added a clear implementation plan that not only complied with changes to state law, but also conformed to Utah Department of Workforce Services expectations and interpretation of the Utah Code requirements.

To comply with DWS’s expectations, the attached Resolution R2024-38 would once again amend the Plan. This year’s amendment updates the prior year timeline showing the City’s past effort to implement the Plan.<sup>1</sup> This timeline is in addition to the more detailed yearly report City staff submits to DWS. The amendment also updates the expected timeline to implement the remaining actions.

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<sup>1</sup> To keep the Plan clear, the prior year timeline does not include actions already taken in 2024. City staff will report those actions to DWS as part of the City’s report on action taken during the current reporting period (08/01/23-07/31/24).

On June 25, 2024, the Planning Commission unanimously recommended that the City Council approve Resolution R2024-38. City staff requests that the City Council approve Resolution R2024-38 to ensure the City complies with all moderate income housing plan and reporting requirements.

**PROPOSED MOTION:** *I move that the City Council approve Resolution R2024-38.*

## **RESOLUTION R2024-38**

### **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-403 and -408, 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; (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 the Housing Plan; and

**WHEREAS**, to comply with changes to Utah Code and Department of Workforce Services implementation and reporting requirements, the City Council amended the Housing Plan on January 17, 2023 (Resolution R2023-03); and

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

**WHEREAS**, the City Council reviewed this newly 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 moderate income housing requirements of Utah Code.

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

**SECTION 1. Adoption.** The City Council hereby adopts this 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 \_\_\_\_\_, 2024 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

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

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

Approved as to form:

  
\_\_\_\_\_  
Gregory Simonsen (Jul 9, 2024 13:56 MDT)  
Office of the City Attorney

## EXHIBIT A

## 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: 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 existing ADU regulations.<sup>1</sup> 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.<sup>2</sup>

#### **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 Developer") changes to the community's ADU regulations, which are not subject to HB 82.
- The City began more formally tracking and sharing ADU permit approval numbers.
- The City approved 25 ADU applications.

#### **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 42 ADU applications not including detached ADUs in Daybreak.

#### **2023**

- City staff continued to meet with the Daybreak Developer to discuss the expanding opportunities to build ADUs in the Daybreak development. These discussions led Daybreak to draft a pattern book that would regulate ADUs and expand the types of residential lots and

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<sup>1</sup> City staff approves ADUs administratively and there is no requirement for a public hearing.

<sup>2</sup> The ADUs reported for each year in the Plan do not include detached ADUs that the City has approved in Daybreak. The Daybreak ADUs are approved according to a different process under the 2003 Daybreak Master Development Agreement.

structures in the community that could accommodate an ADU. City staff reviewed the pattern book and provided comments. City staff also clarified that any changes to Daybreak's ADU regulations requires an amendment to the Daybreak Master Development Agreement ("Daybreak MDA").

- The City approved 38 ADU applications.
- Between 2012 and the end of 2023, the City approved 245 ADU applications.

#### IMPLEMENTATION:

##### 2024

- **Work toward long-term ADU solution for Daybreak.**
  - 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 Daybreak MDA.
  - City staff will work with the Daybreak Developer to finalize their ADU pattern book and discuss possible amendments to the Daybreak MDA.
- **Advertise ADU changes and report ADU permits.**
  - City staff will finalize its draft illustrative guide to reflect changes to the City's detached ADU regulations. This illustrative guide will help residents and elected officials understand the City's 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.**
  - 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 regarding the development of Downtown Daybreak led the City and Daybreak Developer to draft an application for a Housing and Transit Reinvestment Zone (“Daybreak HTRZ”). The 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 began reviewing a development proposal called “Altitude” that would add approximately 187 attached residential units to the Jordan Gateway subarea. If approved, this proposal 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

- In March the Governor's Office of Economic Development formed a HTRZ committee, which unanimously approved the Daybreak HTRZ.
- City staff continued to work closely with the Daybreak Developer to realize the Downtown Daybreak plan by beginning its review of various permits for phase one of Downtown Daybreak and working collaboratively to solve public infrastructure challenges as they arise.
- In July, the Planning Commission approved the preliminary plat for phase one of Downtown Daybreak.
- The City continued to review and discuss the Altitude development proposal that would add approximately 187 attached residential units to the Jordan Gateway subarea.
- City staff continued to work on a draft for changes to the PD Floating Zone with plans to present the draft to the Planning Commission and City Council at the beginning of 2024.
- The City approved 10 condominiums and 326 apartments in Daybreak that are within one-half mile of the two existing TRAX stations for a total of 3,412 existing and approved residential units (731 small-lot SF, 880 townhomes, 287 condominiums and 1,514 apartments).

#### IMPLEMENTATION:

2024

- **Continue partnering with Daybreak to develop and implement plans for Downtown Daybreak and the Daybreak HTRZ.**
  - The City will continue to work collaboratively with the Daybreak Developer to review and approve City land use applications and permits required to build and implement the Downtown Daybreak plan, including the affordable housing aspects of the Daybreak HTRZ, and work through the various public infrastructure challenges a development that size encounters.
- **Consider changes to the PD Floating Zone.**
  - 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:**

**2020-2023**

- 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 and 17.70).
- City staff researched parking statutes in other cities with similar characteristics and discussed adjusting parking ratios and adding flexibility to ensure residential projects are not over parked on a case-by-case basis.

**IMPLEMENTATION:**

**2024-2025**

- **Strengthen the existing parking reduction ordinance.**
  - City staff will discuss the “Parking and Access” chapter of the City Code and its research of parking standards with the Planning Commission and City Council during the third or fourth quarter of 2024, and follow up that discussion with a proposed text amendment by the end of 2024 or beginning of 2025.

**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.
- Shoreline PD Zone
  - In March the City Council first discussed a PD Floating Zone that incentivizes moderate income housing units on approximately 191 acres of rehabilitated water reclamation property near Utah 111 (a.k.a. Bacchus Highway) called Shoreline.
  - The zoning process creates a new unique mixed-use zone that provides flexibility for the developer to respond to the changes in the housing market, and build more than 1,600 housing units of a wide variety.
  - After its discussions with the City Council, the Shoreline developer submitted an application to create the Shoreline PD Zone, and City staff began its formal review. City staff continued discussing the Zone with the developer, but progress slowed because of discussions about the realignment of U-111 and related studies.

**2023**

- The City continued to work with the Utah Department of Transportation and landowners regarding the realignment of U-111 and the effect it would have on planned housing in the area and the Shoreline PD Zone. After some of the major issues were resolved, the Shoreline developer submitted a revised zoning proposal and City staff began its review of the revised proposal.
- After additional discussions with the City Council, the Shoreline developer revised its zoning proposal to include minimum residential project densities of 20 units per acre near the intersection of 11800 South and U-111 to support the possibility of adding transit to the area in the future. The mixed-use zone also allows ADUs in addition to the over 1,600 primary dwelling units that can be built in the Shoreline PD Zone.
- In November, the City Council approved the Shoreline PD Zone.

**IMPLEMENTATION:**

**2024**

- **Consider changes to the PD Floating Zone.**
  - City staff will present proposed changes for further discussion and possible adoption to the Planning Commission and City Council.
- **Continue partnering with the Shoreline developer to develop and implement the Shoreline PD Zone plans.**
  - The City will sign a development agreement with the Shoreline developer.
  - The City will continue to work collaboratively with the Shoreline developer to coordinate planned changes to U-111 and review and approve land use applications and permits within the Shoreline PD Zone.

**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"). The City later opened this Program 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 senior center and a large "for rent" housing development on property owned by the City using millions of RDA funds (the "Senior Housing Project"). The Senior Housing Project is planned to have deeply affordable units that would be deed- and low-income restricted.

2023

- The City announced Ivory Innovations as its partner for the Senior Housing Project, and in May Ivory Innovations presented a concept of the Project to the City Council.
- The City submitted a rezone application for the Senior Housing Project that included a concept plan showing a proposed 17,000 square foot senior center and 138 senior housing units, including 104 that will be dedicated as affordable.
- In September the City hosted a neighborhood open house to answer questions and receive feedback from the community. After the open house, City officials and Ivory Innovations quickly began exploring how to address the many concerns that they heard from residents of the adjacent neighborhoods.

## IMPLEMENTATION:

### 2024

- **Continue partnership with Ivory Innovations to build the Senior Housing Project.**
  - City officials will continue to work with Ivory Innovations to address community concerns about the Senior Housing Project and explore all options for addressing those concerns.
  - City staff will maintain consistent communication with Ivory Innovations and establish clear benchmarks and timelines to ensure the Senior Housing Project is progressing from concept, to approval and then to construction.

### 2024-2025

- **Seek City Council and RDA Board approval of the Senior Housing Project.**
  - City staff will make necessary changes to the pending rezone application that reflect any solutions to neighborhood concerns that City officials and Ivory Innovations are able to propose.
  - City staff will schedule required public hearings for the Senior Housing Project, prepare the necessary information and documents, and seek necessary recommendations and approvals from the Planning Commission and City Council.
  - City staff will draft a RDA funding agreement for the income restricted units in the Senior Housing Project and seek necessary approvals from the RDA Board to finalize the agreement with Ivory Innovations.

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

**TIMELINE:**

**2022**

- Prior to the adoption of Utah Code § 10-9a-403.1, the City developed the area around the South Jordan FrontRunner Station, which area is now defined as a station area that is approximately half in South Jordan and half in Sandy. Development of this station area included partnerships with the Utah Transit Authority
- The portion of this station area in South Jordan already 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 Daybreak HTRZ application. Daybreak's current zoning and entitlements, along with the plans associated with the Daybreak HTRZ meet the requirements and intent of Utah Code § 10-9a-403.1.

**2023**

- In May South Jordan submitted an approved resolution to Wasatch Front Regional Council ("WFRC") for the 4800 W Old Bingham Hwy TRAX Station ("4800 W Station") that outlined previous actions the City took and the impracticability of redeveloping the station area.
- In August the WFRC Regional Growth Committee ("RGC") approved the resolution for the 4800 W Station, which was the first of its kind reviewed by the RGC and satisfied the station area plan (SAP) requirement for the 4800 W Station.
- City staff continued work on another resolution that is more complex and involves three existing TRAX stations and one future TRAX station located in or adjacent to the Downtown Daybreak.
- City staff communicated with adjacent communities where there are shared station areas and joint planning may be possible.

**IMPLEMENTATION:**

**2024**

- **City staff will work with WFRC to hire a consultant to finish all the required SAPs or SAP resolutions.**
  - City staff/City's consultant will collect all existing land use plans and agreements that are applicable to station areas in the City to incorporate them in the creation of SAPs or SAP resolutions that outline prior action or impracticability.

- City staff/City's consultant will begin drafting SAPs or SAP resolutions for stations areas where a full-scale plan is impracticable or unnecessary.

**2025**

- **The City Council will adopt all SAPs or SAP resolutions by the deadline established by State law, and submit the SAPs or SAP resolutions to the RGC for approval.**
  - City staff/City's consultant will present all SAPs or SAP resolutions to the City Council for its approval.
  - City staff/City's consultant will present all SAPs or SAP resolutions to the RGC for its approval.