

Memo

TO: Mayor, City Council, and City Manager
SUBJECT: Station Area Plan Impracticability Review
FROM: David Mann, Long Range Planning Analyst

DATE: April 12, 2023

Per Utah Code §§ 10-9a-403.1, South Jordan City must adopt a Station Area Plan (SAP) for each fixed rail station within ½ mile of the city boundary by December 2025. This requirement can also be satisfied if the SAP objectives are met due to either “impracticability” or “prior actions” and a resolution is passed by the City Council. Staff has conversed with Wasatch Front Regional Council (WFRC), the body authorized to certify SAP’s, and has identified the TRAX station located at 4800 West in West Jordan as a candidate for meeting the “impracticability” standard. Staff has also identified three other stations in and around Daybreak as candidates to meet the “prior action” standard and is working to complete a resolution to present to the City Council next month. If approved, the attached resolution will be submitted to WFRC for certification.

ATTACHMENTS:

1. Resolution R2023-10

RESOLUTION R2023-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, DESCRIBING EXISTING CONDITIONS THAT MAKE SATISFYING CERTAIN STATION AREA PLAN REQUIREMENTS OF UTAH CODE §§ 10-9A-403.1 (2)(a) IMPRACTICABLE.

WHEREAS, Utah Code Section 10-9a-403.1, requires the South Jordan City Council (the “City Council”) to review and approve a Station Area Plan (“SAP”) as an element of the City of South Jordan’s (the “City”) General Plan for any existing or future fixed-guideway public transit station located within one half mile of the boundary of the City unless impracticable; and

WHEREAS, recently enacted HB 462, requires that the City adopt a resolution describing any existing conditions that make satisfying the SAP requirement impracticable; and

WHEREAS, City Staff has identified one fixed-guideway transit station that warrants consideration for exclusion from the SAP requirements due to impracticability as fully described in the attached Exhibits 1 and 2.

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

SECTION 1. Adoption. The City Council hereby approves this Resolution describing in Exhibits 1 and 2 the conditions that exist to make satisfying the SAP requirements impracticable for one fixed guideway transit station and forwards it to the Wasatch Front Regional Council for its review.

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:



Office of the City Attorney

EXHIBIT 1

(Station Area Plan Impracticability Review)

CITY OF SOUTH JORDAN

STATION AREA PLAN IMPRACTICABILITY REVIEW

4800 WEST OLD BINGHAM HIGHWAY TRAX STATION

April 2023

➤ Station Area Plans Generally

Station Area Plans (SAPs) are comprehensive documents drafted to promote the following objectives within a ½ mile radius of public transit stations (rail or BRT): “(i) increasing the availability and affordability of housing, including moderate income housing; (ii) promoting sustainable environmental conditions; (iii) enhancing access to opportunities; and (iv) increasing transportation choices and conditions.” (Utah State Code § 19-9a-403.1(7)(a).) As a result of the passage of House Bill 462 (Housing Affordability Amendments) in 2022, cities that have land within a ½ mile radius of a fixed-guideway public transit station are now required to develop and update SAPs in accordance with its general plan and zoning.

➤ Project Scope

The SAP requirements are considered satisfied if the City of South Jordan (“City”) establishes that existing conditions make satisfying the SAP requirements impracticable. These conditions include: “existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions.” (Utah State Code § 10-9a-403.1(2)(b)(ii)(A).) The purpose of this document is to demonstrate that the SAP requirement for the TRAX station located at 4800 West and Old Bingham Highway in West Jordan is satisfied based on impracticability.

➤ Station Area Existing Conditions

The ½ mile radius from the 4800 West Old Bingham Highway TRAX Station (“Station”) includes property primarily located within West Jordan City, including the Station itself. City staff has been in contact with West Jordan City regarding the Station and is available to assist West Jordan City staff with their SAP planning efforts. The station area property located within the City is built out with single-family neighborhoods, a small portion of Glenmoor Golf Club, Bingham Creek Trail and a 4.5 acre City park. The City, in partnership with Salt Lake County, is also overseeing the construction of the new 160 acre Bingham Creek Regional Park that is located just south of the ½ mile radius from the Station. This park property was rezoned in 2021 to facilitate the development of this regional park. 4800 West is a fully-improved road with existing sidewalks and bike lanes on both sides of the road that connects directly to the Station. Bingham Creek Trail runs diagonally across the southern portion of the ½ mile radius from the Station and provides pedestrian and bicycle access. The southern terminus of the trail will connect to the regional park that is under development.



 City Boundary

➤ Impracticability Analysis

The SAP requirements for the station area in the City are satisfied because conditions exist in the station area that make satisfying the requirements impracticable. These conditions include:

1. The station area is already built out with single-family subdivisions that each existed a decade or more before the Station opened in 2011. The City expects these residential neighborhoods will remain for decades to come and are unlikely to be redeveloped.

2. The City plans to preserve the existing open space because it provides necessary opportunities for active transportation, recreation, and connection to nature and other area amenities.

3. Development of Bingham Creek as something other than open space is prohibitive because the natural creek serves as a regional storm drain facility. Not only is the creek a crucial facility for storm water management in the area, removing the creek would have broader negative environmental impacts.

4. The City has already fully improved 4800 West, which is a minor collector, with sidewalks and bike lanes on both sides of the road that connects directly to the Station and provides convenient vehicle and pedestrian access to the Station. Five residential streets intersect with 4800 West in the station area and connect the nearby neighborhoods to the Station. Because of the design of these built-out neighborhoods, there are no practical opportunities for provide new connections to 4800 West and the Station.

EXHIBIT 2

(Station Area Plan – Summary of Requirements)

Overview

- If a city has a fixed-guideway public transit station (rail or brt), it is required to develop a Station Area Plan (SAP) for that station and update its general plan and zoning to implement the Station Area Plan.
- Station area plans are intended to promote shared objectives such as housing availability and affordability, access to opportunities, sustainable environmental conditions, and transportation choices and connections. Plans are reviewed by the relevant Metropolitan Planning Organization (MPO), and are incorporated into the MIHP review architecture.
- Adopting a Station Area Plan is one of the actions a municipality may take to qualify for enhanced prioritization for state transportation and local match program funding. Funding from the state Industrial Assistance Account through the Governor's Office of Economic Opportunity (GOEO) will be provided to Metropolitan Planning Organizations to provide technical assistance to assist cities in developing their plans.
- Zoning changes within the Station Area will have increased referendum thresholds.

Plan Objectives (lines 949 - 981)

Station Area Plans shall promote the following objectives:

1. Increasing the **availability and affordability of housing**, including moderate income housing. The municipality may consider actions including:
 - a. Aligning SAP with MIHP element of general plan
 - b. Providing for densities necessary to facilitate the development of moderate income housing
 - c. Providing for affordable costs of living in connection with housing, transportation and parking
2. Promoting **sustainable environmental conditions**. The municipality may consider actions including:
 - a. Conserving water resources through efficient land use
 - b. Improving air quality by reducing fuel consumption and motor vehicle trips
 - c. Establishing parks, open space, and recreational opportunities
3. Enhancing **access to opportunities**. The municipality may consider actions including:
 - a. Maintaining and improving the connections between housing, employment, education, recreation, and commerce
 - b. Encouraging mixed-use development
 - c. Enabling employment and educational opportunities in proximity to the transit station
 - d. Encouraging and promoting enhanced broadband connectivity
4. Increasing **transportation choices and connections**. The municipality may consider actions including:
 - a. Supporting investment in infrastructure for all modes of transportation
 - b. Increasing utilization of public transit
 - c. Encouraging safe streets through the designation of pedestrian walkways and bike lanes
 - d. Encouraging manageable and reliable traffic conditions
 - e. Aligning the SAP with the MPO-adopted regional transportation plan.

Plan Requirements

1. Cities with “fixed guideway public transit” are required to plan ½ mile radius around a rail (FrontRunner, Trax, Streetcar) station, and ¼ mile radius around a bus rapid transit (which uses a separate right-of-way) station, and adopt any appropriate land use regulations to implement the station area plan. (864-868, 851-859)
 - a. SAPs may also be developed for multiple stations through an integrated process. If a station area covers more than one municipality each shall develop a SAP for their area, or coordinate together to develop a shared SAP. (933-941)
 - b. The radius is calculated from the center of the public transit station platform.
2. Station area plans shall include the following components (993-1023):
 - a. A **Station Area Vision** that is consistent with the station area plan objectives (described above), and which includes:
 - i. Constraints and opportunities for the development of land given existing conditions
 - ii. The city’s objectives, and description for the future transportation systems, land uses, public and open spaces, and the use and development of land in the station area.
 - b. A **Station Area Map** that depicts the areas within the municipality and station area subject to the plan, and where actions are needed to implement the plan (i.e., the actual implementation plan may be for selected portions of the area, and vision and plan can be greater than ½ or ¼ mile radius).
 - c. An **Implementation Plan** that identifies and describes actions over the next five years the city intends to take, and action needed by others, needed to implement the station area plan, including:
 - i. modifying land use regulations;
 - ii. making infrastructure and public space improvements;
 - iii. modifying deeds or other relevant legal documents;
 - iv. securing funding or developing funding strategies;
 - v. applying applicable design standards for development; or
 - vi. providing environmental remediation.
 - d. A **statement of how the Station Area Plan promotes the plan objectives** (see above).
3. Development of a SAP must include public outreach and community engagements, and involve relevant stakeholders, including impacted landowners, other impacted communities, MPOs, UDOT, UTA, residents and business owners. (1029-1037)
4. The requirements to develop a station area plan and appropriate zoning can also be satisfied if the municipality adopts a resolution demonstrating that (869-887, 1024-1028):
 - a. Fulfilling some or all of the SAP objectives or required components are **impracticable**, due to conditions including existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions.
 - b. The city has already satisfied the Station Area Plan requirements – in whole or in part – based on **prior actions** taken before June 1, 2022, such as prior public and stakeholder engagement processes, market assessments, visioning, planning, implementation activities, capital programs, or adopted land use regulations or other actions.

5. The bill updates station area plan references in UTA's code. (2497-2686)

City Development and Approval Timeline, and MPO certification

1. Municipalities are required to adopt a station area plan for existing public transit stations and adopt any appropriate land use regulations no later than December 31, 2025. (864-868; 888-903)
 - a. Cities with more than four existing stations shall complete the plan requirements for four stations by Dec. 2025, and complete no less than two plans each year thereafter.
 - b. A city with a new station (that is not yet under construction by May 2022) must adopt a station area plan before the station opens for service.
2. A “**qualifying land use application**” received by a city can trigger a one-year timeline for completion of a station area plan. (904-918)
 - a. A qualifying land use application (836-850) is one that:
 - i. involves land located within a rail-based station area;
 - ii. involves land located within a station area for which the municipality has not yet satisfied the requirements of station area plans;
 - iii. proposes the development of an area greater than five contiguous acres;
 - iv. would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;
 - v. would require a higher density than the density currently allowed by the municipality;
 - vi. proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and
 - vii. the applicant requests the initiation of a station area plan development process.
 - b. If a municipality receives a qualifying land use application *on or before* July 1, 2022, the municipality must satisfy the SAP requirements by July 1, 2023.
 - c. If a municipality receives a qualifying land use application *after* July 1, 2022, the municipality must satisfy the SAP requirements no later than 12 months after the first day of the month after the land use application is submitted.
 - d. If multiple qualifying land use applications are received, municipalities are not required to satisfy SAP requirements for more than two station areas in a 12-month period.
3. The required time period for completion of a station area plan and appropriate zoning may be extended once for a 12-month period if the municipality demonstrates to the applicable MPO that conditions exist that make doing so **infeasible** despite the good faith efforts of the municipality, and the MPO certifies such extension. (925-932)
4. A station area plan is to be adopted and submitted to the Metropolitan Planning Organization (WFRC or MAG) and UTA. The MPO, in consultation with UTA, shall review whether the plan satisfies the statutory conditions and if it does, shall certify such compliance. (1038-1052)
 - a. The MPO may certify a SAP based on *prior actions* taken by the municipality or the *impracticability* of completing elements of the SAP due to impediments.
 - b. Following adoption of the plan, and certification by the MPO, the municipality shall submit evidence of the plan adoption to DWS as part of the MIHP reporting requirements.

- c. The MPO is not responsible for reviewing the zoning changes made by the city to implement the SAP. Steps taken by the city to implement the SAP, including zoning changes, would be incorporated into the regular annual MIHP reporting process.
- 5. The municipal general plan land use and transportation elements must consider and coordinate with the municipality's station area plans and the regional transportation plan developed by the MPO (781 - 790).

Technical Assistance (942-948)

- 1. Municipalities required to develop and adopt a station area plan may request technical assistance from their relevant MPO. (This technical assistance may include consultant or staff time, model ordinances, analyses, etc.)
- 2. Funding will be provided to the MPOs from GOEO through the Industrial Assistance Account to provide this technical assistance (lines 3503 - 3520). Technical assistance from MPOs funded through the Industrial Assistance Fund shall give priority consideration to station area plans developed pursuant to the receipt of a qualifying land use application.

Station Area Developments Will Be Propelled

- 1. Within a station area where a municipality has complied with the station area plan requirements, a $\frac{2}{3}$ approval by the legislative body of a land use law would make the legislative action non-referable (consistent with state law about legislative acts that are non-referable) (lines 2842-2884).
- 2. The signature thresholds are increased for a referendum for zoning to adopt a station area plan, or for zoning changes within a station area, after the city adopts the SAP or the resolution demonstrating that the SAP requirements are satisfied (lines 2688-2841).
 - a. *Note: By adopting a Station Area Plan and updated General Plan and Zoning, it reduces the likelihood that a subsequent specific development proposal will be subject to referendum.*
- 3. If a residential development application that would require the municipality to change a zoning designation for the land use application to be approved is within an area for which the SAP requirements have not yet been satisfied, the city will process the completed application for the residential development within the SAP on a first priority basis. (lines 919-924)