

10-5B-4: SITE DEVELOPMENT STANDARDS: RE-1-11

A. Minimum lot area 11,000 square feet

B. Minimum lot width 100 feet

C. Minimum yard setbacks:

1. Front 30 feet

2. Side:

a. Dwelling 10 feet with total width of 2 side yards not less than 24 feet

b. ~~Other main building~~ ~~30 feet each side~~

Accessory Dwelling Unit

Detached units shall have a minimum separation from the primary dwelling of fourteen (14) feet. Rear and side setbacks are five (10) feet, and corner lot side setbacks are thirty (30) feet. (Ord. 10-21-3 #2)

c. Accessory building 10 feet, except ~~1 foot~~ 5 feet if located at least 6 feet from rear of main building but not closer than 10 feet to dwelling on adjacent lot

3. Side facing street on corner lot 30 feet, except average of existing building where 50 percent frontage is developed but not less than 20 feet

4. Rear:

a. Main building 30 feet

b. Accessory building ~~1 foot~~ 5 feet, except 10 feet where accessory building rears on side yard of adjacent corner lot

D. Main Building height:

1. Minimum 1 story

2. Maximum 2 1/2 stories or 35 feet

E. Accessory Building height: No dwelling shall be erected to a height less than ten feet (10'), and no accessory building in a residential zone shall be erected to a height greater than twenty-five feet (25').

(Ord., 11-14-1974; amd. Ord. 79-4, 7-26-1979; Ord. 84-2, 2-9-1984; Ord. 89-02, 7-13-1989)

10-5A-4: SITE DEVELOPMENT STANDARDS:

	RE-15	RE-18.5	RE-20
A. Minimum lot area	15,000 square feet	18,500 square feet	20,000 square feet
B. Minimum lot width	100 feet	100 feet	100 feet

C. Minimum yard setbacks:

1. Front 30 feet, except if 50 percent of approved subdivision/phase is completed, then not less than 40 feet

2. Side:

a. Dwelling 10 feet with total width of 2 side yards not less than 24 feet

b. ~~Other main building~~ ~~20 feet each side~~

Accessory Dwelling Unit

Detached units shall have a minimum separation from the primary dwelling of fourteen (14) feet. Rear and side setbacks are five (10) feet, and corner lot side setbacks are thirty (30) feet. (Ord. 10-21-3 #2)

c. Accessory building 10 feet, except ~~1 foot~~ 5 feet if located at least 6 feet in rear of main building

3. Side, facing street on corner lot	30 feet	30 feet	30 feet
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4. Rear:

a. Main building	30 feet	30 feet	30 feet
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b. Accessory building

~~1 foot~~ 5 feet, except 10 feet where accessory building rears on side yard of adjacent corner lot

D. Main Building height:

1. Minimum	1 story	1 story	1 story
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2. Maximum	2 1/2 stories or 35 feet		
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E. Accessory Building height: No dwelling shall be erected to a height less than ten feet (10'), and no accessory building in a residential zone shall be erected to a height greater than twenty-five feet (25').

(Ord. 2019-01, 1-3-2019, eff. 1-4-2019)

Site Development Standards

No lot in the RE-40 Zone may be smaller than forty thousand (40,000) square feet. No lot in the RE-30 Zone may be smaller than thirty thousand (30,000) square feet. Area and width requirements of a building lot in the RE-30 and RE-40 Zones shall be as follows:

	RE-30	RE-40
A. Minimum lot area	30,000 square feet	40,000 square feet
B. Minimum lot width	150 feet	150 feet
C. Minimum yard setbacks:		
1. Front	40 feet	40 feet
2. Side:		
a. Dwelling	10 feet, with total width of 2 side yards not less than 24 feet	10 feet, with total width of 2 side yards not less than 24 feet
b. ~~Other main building~~	~~20 feet each side~~	~~20 feet each side~~
b. Accessory Dwelling Unit	Detached units shall have a minimum separation from the primary dwelling of fourteen (14) feet. Rear and side setbacks are five (10) feet, and corner lot side setbacks are thirty (30) feet. (Ord. 10-21-3 #2)	
c. Accessory building	10 feet, except ~~1 foot~~ 5 feet if located at least 6 feet in rear of main building	10 feet, except ~~1 foot~~ 5 feet if located at least 6 feet in rear of main building
3. Side, facing street on corner lot	30 feet	30 feet
4. Rear:		
a. Main building	30 feet	30 feet
b. Accessory building	~~1 foot~~ 5 feet, except 10 feet where accessory building rears on side yard of adjacent corner lot	~~1 foot~~ 5 feet, except 10 feet where accessory building rears on side yard of adjacent corner lot
D. Main Building height:		
1. Minimum	1 story	1 story
2. Maximum	21/2 stories or 35 feet	21/2 stories or 35 feet
E. Accessory Building height:	No dwelling shall be erected to a height less than ten feet (10'), and no accessory building in a residential zone shall be erected to a height greater than twenty-five feet (25').	

(Ord. 2019-02, 1-3-2019, eff. 1-4-2019)

CHAPTER 2 DEFINITIONS

SECTION:

10-2-1: Definitions

10-2-1: DEFINITIONS:

The words and terms defined in this chapter shall have the meanings indicated. Words used in the present tense include the future, and words in the singular number include the plural, and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory.

ACCESS STRIP: A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, but not including keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animals hospitals or similar uses.

ALLEY: A public thoroughfare less than twenty six feet (26') wide.

ANIMAL HOSPITAL: Structure or building used to provide medical attention for animals; may include temporary boarding of animals.

ANIMAL SHELTER: Building or structure designed to accommodate the boarding and care of lost and stray animals and to conduct humane treatment thereof.

ARCHITECTURAL PROJECTION: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

BASEMENT: A story partly underground and having at least one-half (1/2) its height above the average level of the adjoining ground. A basement shall be counted as a story, for purposes of height measurement.

BLANKETING: The term "blanketing" or "blanket", when applied to signs or sign structures, shall mean the partial or complete shutting off of the face of one sign by another sign.

BOARDING HOUSE: A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

BUILDING: Any structure other than a boundary wall or fence.

BUILDING, ACCESSORY: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

BUILDING CODE: The current edition of the building code as adopted by the city.

BUILDING, DETACHED: A building surrounded by open space on the same lot.

BUILDING FACADE: That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

BUILDING FACADE FACING: A resurfacing of an existing facade with approved material illuminated or nonilluminated.

BUILDING, HEIGHT OF: The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

BUILDING HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is located.

BUILDING OFFICIAL: The official or other person charged with the administration and enforcement of this title or his duly authorized deputy.

BUILDING, PUBLIC: A building owned and operated, or owned and intended to be operated by a public agency of the United States Of America, of the state of Utah, or any of its political subdivisions.

CAR WASH, LAUNDRY TYPE: A structure or portion thereof containing facilities for washing passenger automobiles, using production line methods such as, but not limited to, chain conveyor, movable or revolving cleaning brushes, blower, steam cleaning or similar mechanical devices.

CAR WASH, MANUAL SPRAY: A structure or portion thereof containing facilities for washing passenger automobiles, limited to using only hand operated manual spray cleaning equipment and techniques.

CATTERY: Land or building used in keeping of four (4) or more cats, four (4) months or older.

CELLAR: A story having more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

CHANGEABLE COPY PANEL: A panel which is characterized by changeable copy, regardless of method of attachment.

CONTRACTOR: Any firm, partnership, corporation, association or other organization, or any combination of them, who for compensation other than wages as an employee



Memorandum

To: Tammy Folkman, Land Use Specialist
Plain City Corporation

From: Brad C. Jensen, P.E.
Wasatch Civil Consulting Engineering

Date: August 24, 2023

Subject: Fremont Meadows Phase 2, Final Plans 3rd Review

We have reviewed the revised final plans for the Fremont Meadows, Phase 2 subdivision. Following our review, it appears that the review comments outlined on our memorandum dated July 17, 2023 have been adequately addressed. Consequently, we recommend this development be granted final approval.

If you have questions or require additional information, feel free to contact me.



Memorandum

To: Tammy Folkman, Land Use Specialist
Plain City Corporation

From: Brad C. Jensen, P.E.
Wasatch Civil Consulting Engineering

Date: July 17, 2023

Subject: Fremont Estates Phase 2, Final Plans 2nd Review

We have reviewed the revised final plans for the Fremont Estates, Phase 2. Following our review, we have the following comments:

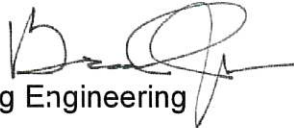
1. The proposed asphalt widening is shown on 1900 North but is not shown on 4400 West. Plans should show the asphalt widening on both streets.
2. Detailed design information regarding the asphalt widening should be provided. The design should show the elevation of the existing asphalt, the proposed elevation of the lip of the gutter and the resulting asphalt cross slope along the entire widened portion of the roads.
3. As indicated on our previous review memorandum, additional asphalt may need to be saw-cut and removed in order to achieve an adequate cross slope and avoid creating low spots.
4. Prior to scheduling a preconstruction meeting, the following items must be completed:
 - a. A SWPPP that has been prepared in accordance with the requirements outlined by the Division of Water Quality and signed by the Contractor must be submitted to Dan Schuler at the Public Works Department.
 - b. An electronic copy of the development's property lines in a format compatible with AutoCAD must be submitted to our office.

If you have questions or require additional information, feel free to contact me.



Memorandum

To: Tammy Folkman, Land Use Specialist
Plain City Corporation

From: Brad C. Jensen, P.E. 
Wasatch Civil Consulting Engineering

Date: July 17, 2023

Subject: Fremont Estates Phase 2, Final Plans 2nd Review

We have reviewed the revised final plans for the Fremont Estates, Phase 2. Following our review, we have the following comments:

1. The proposed asphalt widening is shown on 1900 North but is not shown on 4400 West. Plans should show the asphalt widening on both streets.

The proposed asphalt widening is shown on both 1900 North and 4400 West. See PP-2, PP-3, and PP-4.

2. Detailed design information regarding the asphalt widening should be provided. The design should show the elevation of the existing asphalt, the proposed elevation of the lip of the gutter and the resulting asphalt cross slope along the entire widened portion of the roads.

Detailed design information has been provided for road widening. See PP-2, PP-3, and PP-4.

3. As indicated on our previous review memorandum, additional asphalt may need to be saw-cut and removed in order to achieve an adequate cross slope and avoid creating low spots.

Cross slopes for the road widening have been shown. See PP-2, PP-3, and PP-4.

4. Prior to scheduling a preconstruction meeting, the following items must be completed:

- a. A SWPPP that has been prepared in accordance with the requirements outlined by the Division of Water Quality and signed by the Contractor must be submitted to Dan Schuler at the Public Works Department.

A SWPPP will be provided and submitted to Dan Schuler at the Public Works Department.

- b. An electronic copy of the development's property lines in a format compatible with AutoCAD must be submitted to our office.

An electronic copy of the development's property lines in a format compatible with AutoCAD will be provided.
If you have questions or require additional information, feel free to contact me.

Review Draft Only – 8.21.2023

Note – add Conclusion, Table of Contents, and Reference List.



Housing Element

Plain City, Utah
General Plan, 2023

Prepared for Plain City, Utah by
Planning and Development Services, LLC
Salt Lake City, Utah
pds@utahplanning.com
801/277-4435



PLAIN CITY HOUSING ELEMENT, 2023 (INCLUDING A MODERATE-INCOME HOUSING PLAN) AN ELEMENT OF THE PLAIN CITY GENERAL PLAN

INTRODUCTION

This General Plan Housing Element (2023) is prepared and adopted by Plain City to meet the existing and emerging housing needs of the City. This Element is determined to comply with the standards of the Utah Code, including Section 10-9a-403 et. seq. requiring that all Utah municipalities (meeting certain classifications) complete a Moderate-Income Housing Plan ("MIHP"). A MIHP may be adopted by a city as a stand-alone plan or incorporated into the municipality's General Plan as an element of the General Plan. The Plain City MIHP ("MIHP") is incorporated into and adopted as an element of the City's General Plan. This General Plan Housing Element estimates the City's need for moderate-income housing. It also outlines the strategies the City will pursue to provide reasonable opportunities for a variety of moderate-income housing units to be constructed, allowing "persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life"¹

Moderate Income Housing Defined and Moderate-Income Housing Threshold

The Utah Code defines moderate income as equaling eighty percent (80%) of Area Median Income (AMI).² For Fiscal Year 2023, the AMI for a family of four is \$111,900.00 in Weber County. An accepted formula defines housing affordability as households spending no more than thirty percent

¹ Section 10-9a-403(2)(b)(B), Utah Code.

² Section 10-9a-103(39), Utah Code.

(30%) of AMI on all housing costs [including mortgage or rent payments, insurance, utilities, taxes, and any other housing costs]).

Table 1
Plain City and Weber County 2020 Population and Population Projections

Year	2020 Census Population & Projections		Growth Rate (Decennial to Decennial years)	
	Plain City	Weber County	Plain City	Weber County
2020	7,833	262,223	—	—
2030	9,641	300,477	23.0%	14.6%
2040	11,553	349,009	19.8%	16.2%
2050	12,798	398,699	10.1%	14.2%

Source. 1. United States Census Bureau, 2020 Decennial Census, Table P1 (Retrieved from <https://www2.census.gov/programs-surveys/decennial/2020/data/>).

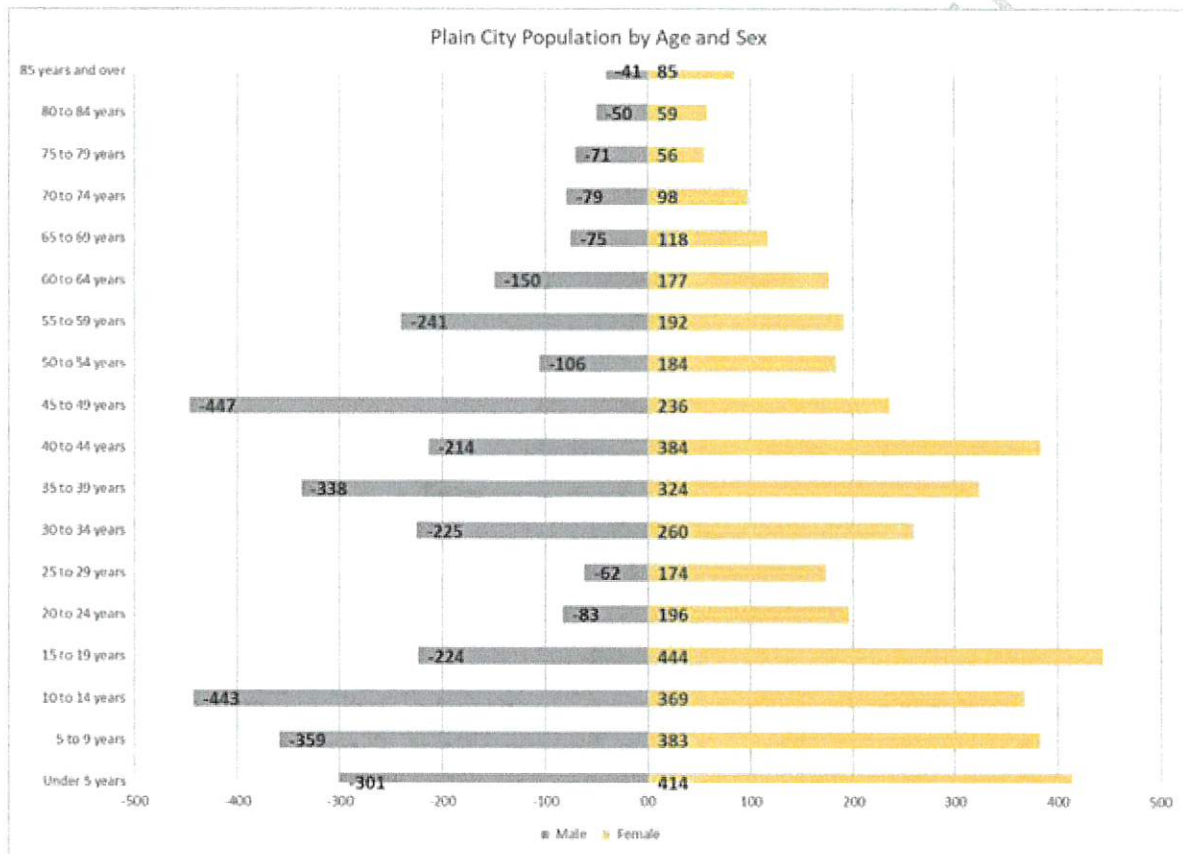
2. Plain City Population Projections Retrieved from <https://data.wfrc.org/datasets/06cb3e239a3743fab7796165e1c66ad9/explore?location=41.241184%2C-112.091137%2C12.19>.

3. Weber County Population Projections Retrieved from <https://opendata.utah.gov/Government-and-Taxes/Weber-County-Census-Projections-2010-2060/cggy-vv82/data>.

The information provided in Table 1 highlights the anticipated population growth for Plain City and Weber County. Plain City's population growth from 2020 to 2030 will be significant, with the City's population increasing by approximately 23% from 2020 to 2030. As expected, the population growth, measured as a percentage increase, is lower for Weber County due to the larger population base through all years. The same occurs for Plain City. As the population increases, the percentage of population growth rate will slow, expressed as a population growth

percentage. It should be noted that the actual population increase is perhaps more important for Plain City's MIHP. For the 10-year periods of 2020 to 2030 and 2040 to 2050, actual population increases are 1,808 persons and 1,245 persons, respectively.

Figure 1
Plain City 2020 Population Pyramid



Source: 1. United States Census Bureau, American Community Survey, 2021, Table S0101 (Retrieved from <https://api.census.gov/data/2021/acs/acs1/subject>).

2. United States Census Bureau, American Community Survey, 2021, Table DP05, Retrieved from <https://api.census.gov/data/2021/acs/acs5/sptprofile>).

Figure 1 shows the Plain City population does not display a “balanced” or symmetrical population pyramid (by resident age or gender). The City's 20 – 29-year-old age group is small, with a relatively lower number

of residents in this age group than expected by a more symmetrical pyramid. The young children age group (0 – 5 years) is also narrower than expected. If the children and youth age groups continue to be small relative to older age groups, arguably, the City's population is not self-sustaining.

Figure 1 reveals that the City has a disproportionately large population of residents in the age groups between 40 to 49 years of age. This is pronounced for females 40 – 44 years and males 45 – 49 years. The City's population pyramid then narrows for females and males in the over-65-year age groups. The relatively small 20 – 29 age group and the quickly declining population over 65 years may indicate that the preferred housing choice for these age groups is either not being provided or, if it is provided, is prohibitively expensive. The MIHP considers those possibilities.

BACKGROUND AND EXISTING HOUSING CONDITIONS

In 2018 the Plain City City Council adopted the Plain City 2018 General Plan. That Plan was an update of the City's earlier 2007 General Plan. Within the pages of the 2018 General Plan (commencing on page 16) were materials related to the City's strategies to address moderate-income housing. The 2018 Moderate Income Housing section was included within the 2018 General Plan's Land Use Element. The Moderate-Income Housing Plan provided six (6) "actions" designed "to ensure an adequate supply of moderate-income housing integrated throughout the City in various locations, and consistent with the needs of all segments of the population" (Plain City General Plan, 2019, p. 17). The six (6) action statements of the 2018 General Plan were,

- **Action:** Develop programs and incentives to improve and maintain existing housing, especially in historic neighborhoods.
- **Action:** Create a neighborhood preservation zone for the residential districts in downtown Plain City.
- **Action:** Encourage a mix of lot sizes and housing types in residential and commercial zones so that moderate-income housing is properly integrated and not concentrated in one development or area.
- **Action:** Consider utilization of state or federal funds or tax incentives to promote the construction of moderate-income housing.
- **Action:** Regularly update this chapter to determine the housing needs for all groups, to quantify specific housing needs, and to identify solutions to housing problems. This Element will be reviewed on a biennial basis.
- **Action:** Encourage life-cycle housing that provides different housing options to allow people to live and grow in the same community" (Plain City General Plan, 2018, pp. 17 – 18).

Since Plain City adopted the 2018 General Plan, the City has changed. Also, various legislative amendments have been made to the Utah Code affecting the provision of moderate-income housing across Utah. For example, a definition of moderate-income housing is now provided.³ Standards for filing Plain City's Moderate Income Housing Report to the Housing and Community Development Division, Department of Workforce Services are also established (§ 10-9a-408, Utah Code). Section 10-9a-403(2)(b) (Utah Code) provides the minimum standards required by a "specified municipality" in the formulation and drafting of a Moderate-Income Housing Element.⁴ (Plain City, Utah, is a specified municipality). Plain

³ See Footnote #2.

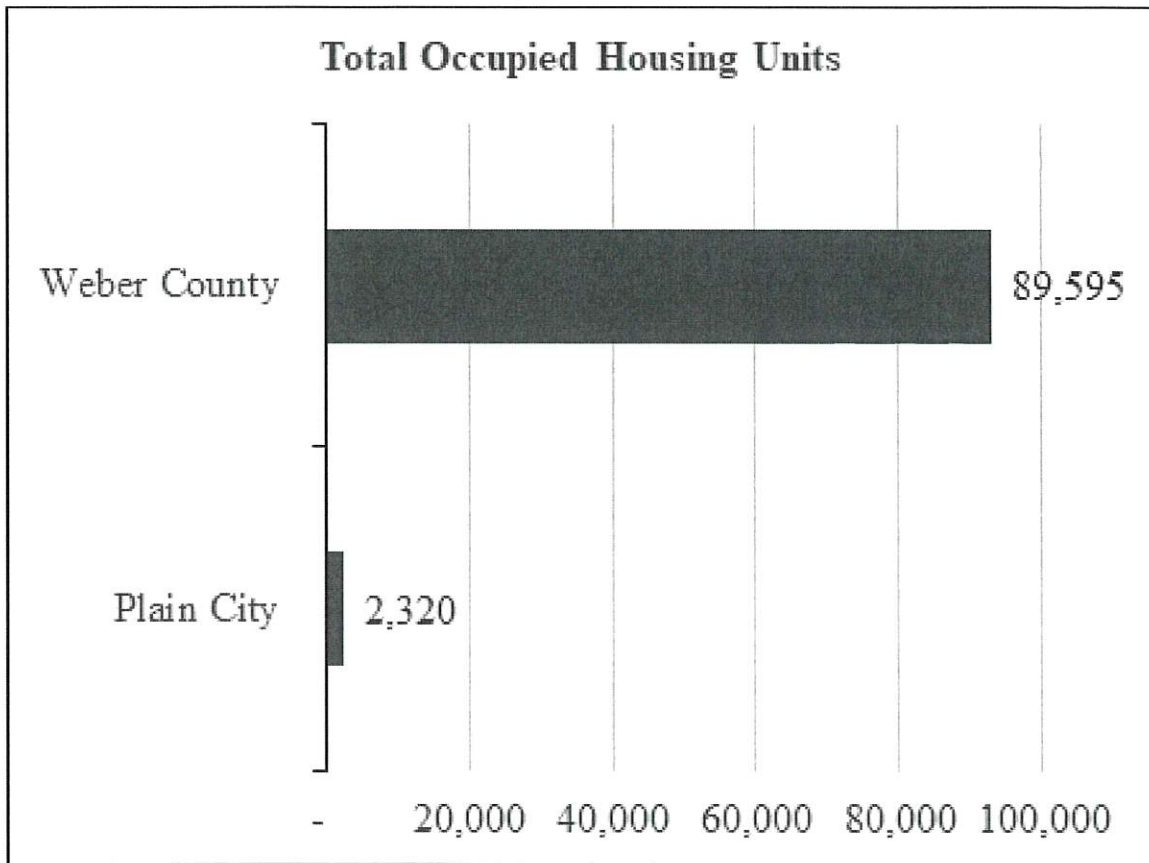
⁴ Section 10-9a-408, Utah Code.

City now provides this 2023 General Plan Housing Element, including its Moderate-Income Housing Plan Update, to comply with all Utah Code standards existing in mid-late 2023. However, before moving to the MIHP, and its required accompanying implementation and monitoring strategies, a review of the City's existing housing profile and other items is appropriate.

Figure 2 summarizes the existing occupied housing units (all housing types) for Weber County and Plain City, Utah. The United States Census Bureau provides this information via the Bureau's American Community Survey. (Readers should be aware that because data is from a survey [American Community Survey] and not the decennial census count, the margins of error are often significant. However, the data included in this Plan is the most accurate available and provided by the U.S. Census Bureau).

In 2020 Plain City had a total of 2,349 housing units of all types (U.S. Census Bureau, Table H1, retrieved from <https://data.census.gov/table?q=H1&g=160XX00US4960710&d=DEC+Demographic+and+Housing+Characteristics&tid=DECENNIALDHC2020.H1>). In 2020 2,320 housing units were occupied, and 29 housing units were vacant (U.S. Census Bureau, Table H1, retrieved from <https://data.census.gov/table?q=H1&g=160XX00US4960710>). Figure 2 displays the total occupied housing units for both Weber County and Plain City in 2020. In 2020, 6,019 housing units in Weber County were vacant.

Figure 2
Total Occupied Housing Units for Weber County and Plain City, Utah, 2020



Source: U.S. Census Bureau, Decennial 2020 Census, Table H1.

The American Community Survey reported 85,205 total households in Weber County and an average household size of 2.96 persons per household (2020). For Plain City, the total number of households was 2,062, with an average household size of 3.47 persons per household (2020), significantly larger than reported for Weber County. For 2020 the total number of families in Plain City was 1,783, and the average family size was 3.70 (U.S. Census Bureau, American Community Survey, Table S1101). Figure 3 presents the average family sizes for Weber County and Plain City, 2020. Figure 4 also provides valuable information. Figure 4 contains the total number of owner-occupied and renter-occupied housing units for 2020.

Figure 3
Average Family Size for Weber County and Plain City, Utah, 2020

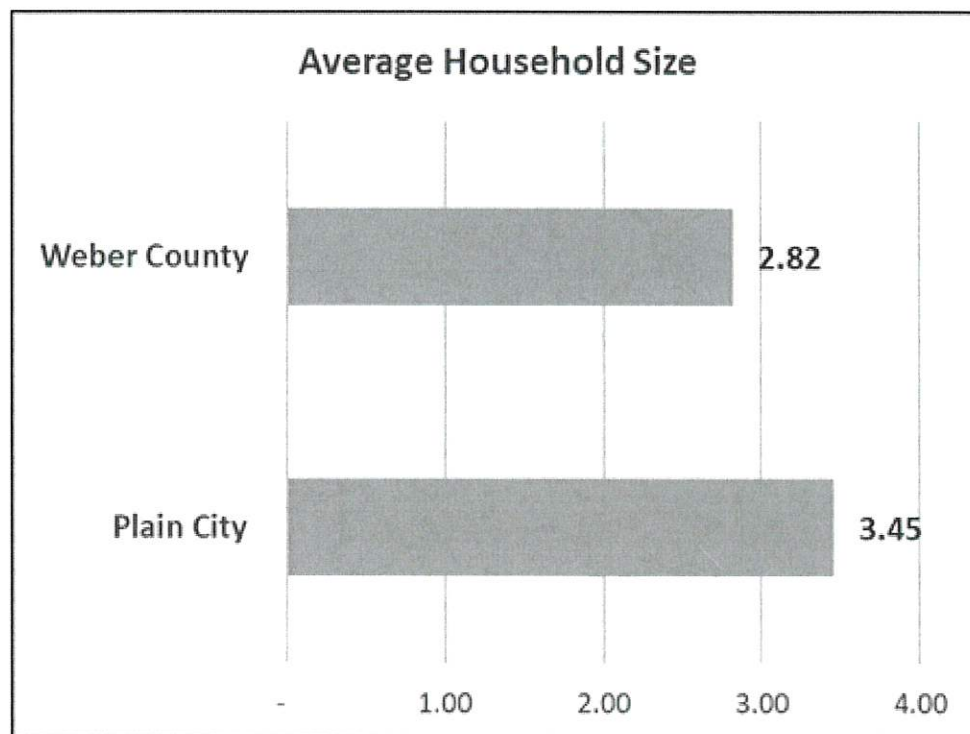


Figure 4
Occupancy Rates for Owner-Occupied and Renter-Occupied Housing Units
for Weber County and Plain City, Utah

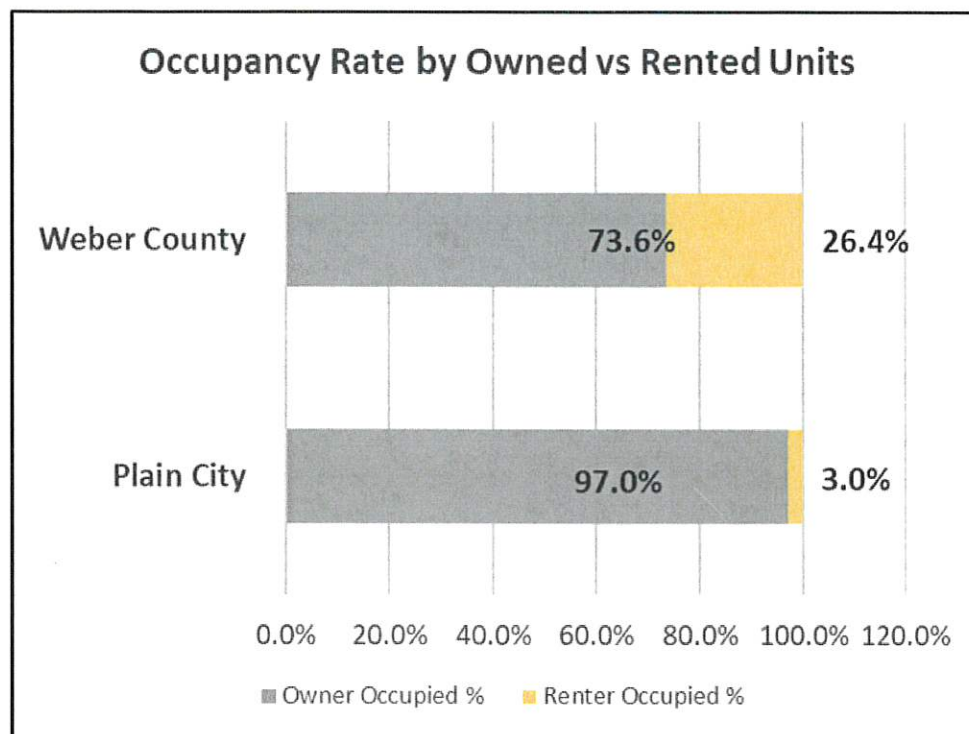
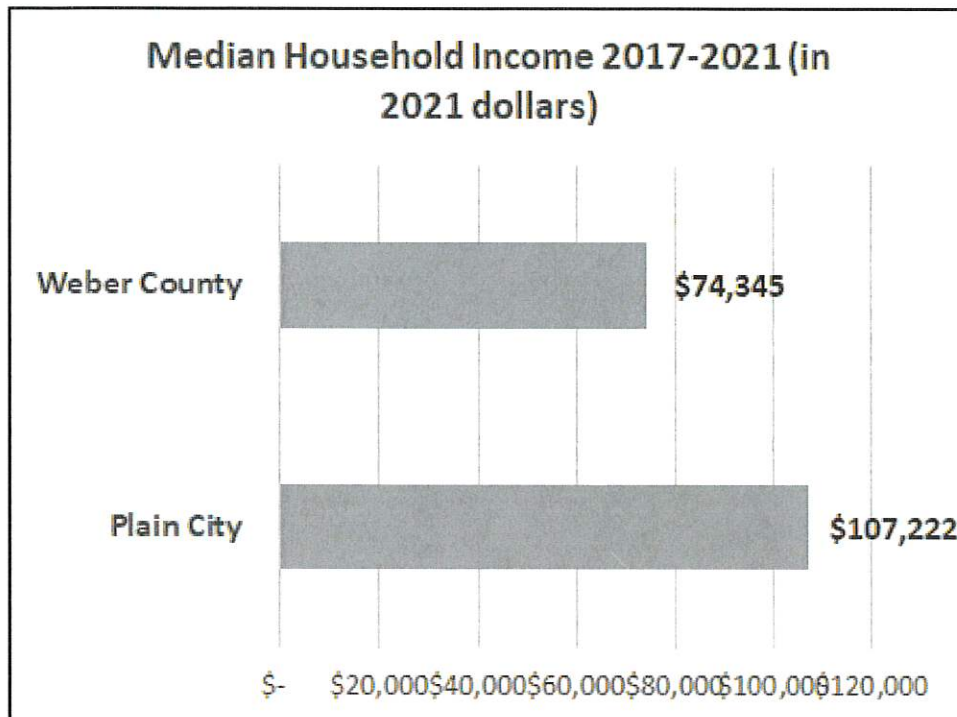
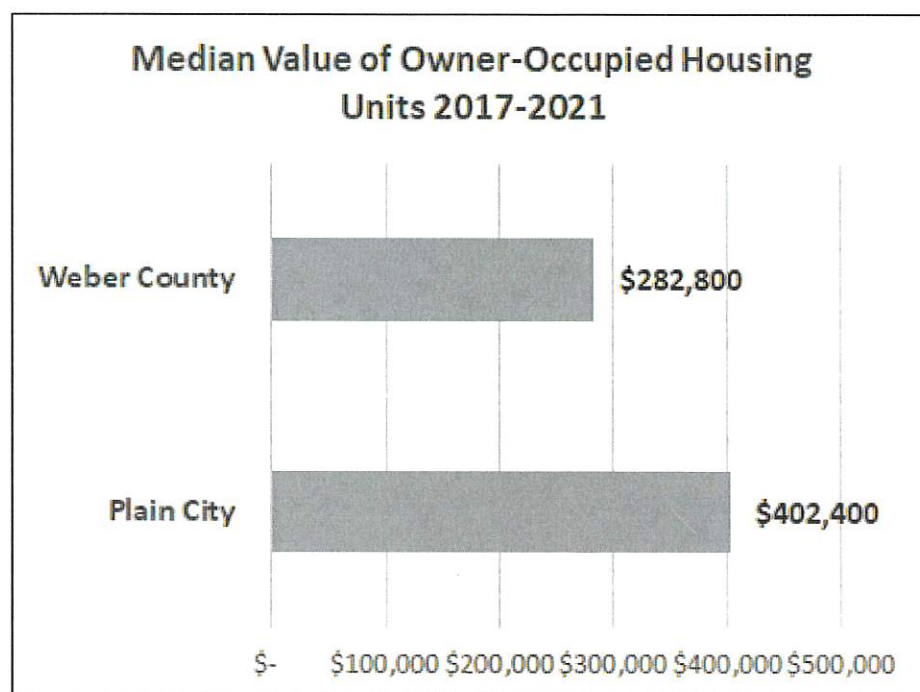


Figure 5
Median Household Income for Weber County and Plain City, Utah



A few final figures are necessary to paint Plain City's housing picture and to fully inform the City's 2023 Housing Element including the moderate-income housing plan. This information follows as provided by Figure 6, Median Value of Owner-Occupied Housing Units 2017 – 2021, Figure 7, Median Selected Monthly Owner-Occupied Housing Costs 2017 – 2021, Figure 8, Median Gross Rent 2017 – 2021, and Figure 9, Persons in Poverty.

Figure 6
Median Value of Owner-Occupied Housing Units, 2017 – 2021



The data for Figure 6 is also provided by the U.S. Census American Community Survey. While this data set is subject to large margins of error, it is not the actual numbers that are the most important but rather the data relationships and trends. As Figure 6 shows the median value of owner-occupied housing units over the 2017 to 2021 period is much higher for Plain City than for Weber County.

Figure 7 highlights that median monthly housing costs, 2017 – 2021, are higher for Plain City residents owning their own homes. Why is this the case? Arguably, Plain City's higher owner-occupied monthly housing costs could occur due to larger homes and larger lot sizes, resulting in higher property values with accompanying higher property tax assessments and payments. Another explanation could be that the moderating effects of properties with lower assessed values and property tax obligations are absent, with fewer apartments and multifamily residential dwelling units included in the total housing stock than in Weber County. Additionally, higher monthly owner-

occupied costs could be due to the realities of larger home and larger lot maintenance costs.

Figure 7
Median Selected Monthly Owner-Occupied Housing Costs 2017 – 2021

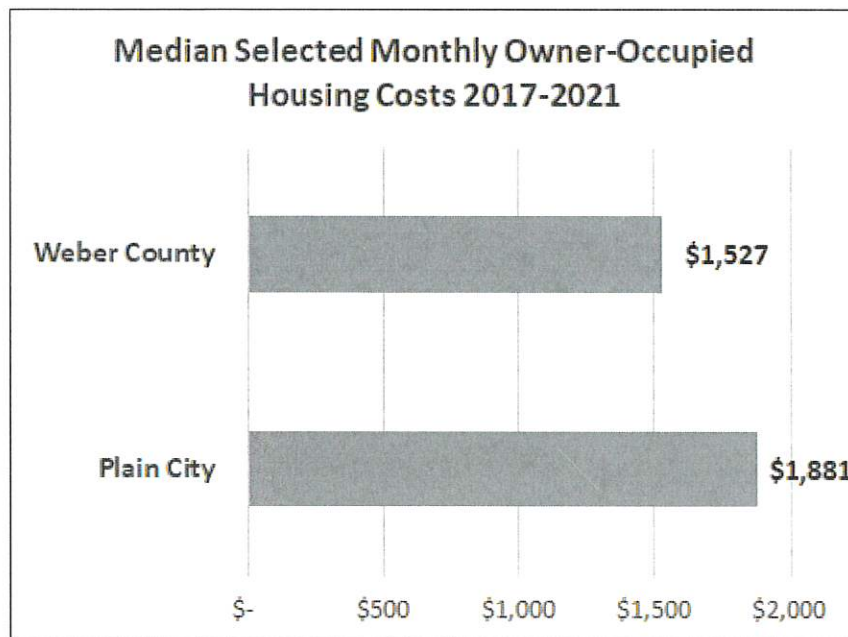


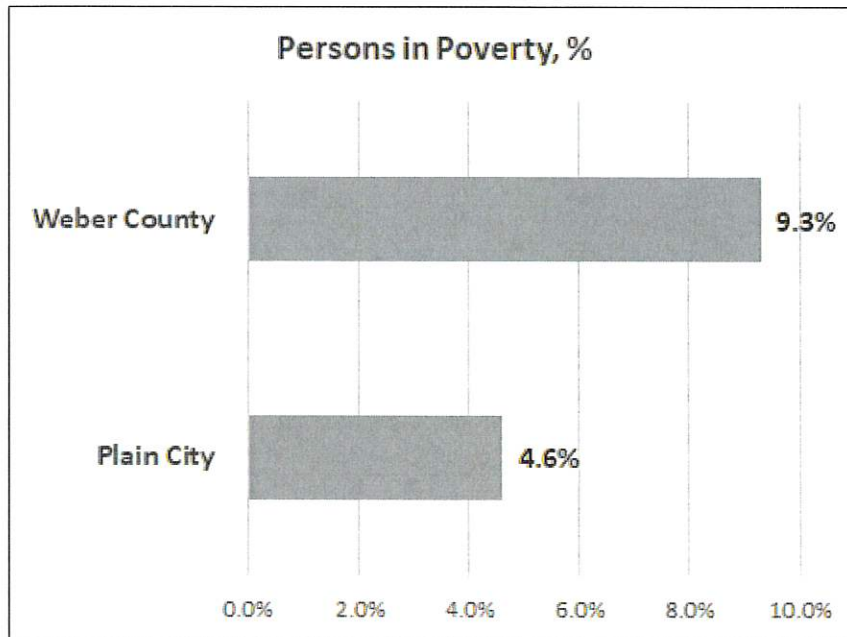
Figure 8
Median Gross Rent 2017 – 2021



The median gross rent 2017 – 2021 for Plain City renters is lower than for renters in Weber County (as a whole). This is a trend worth preserving for the future. However, Figure 8 may be misleading. Misleading, how? The possibility exists that with fewer rental units, and fewer renters, (than Weber County) the Plain City monthly gross rent data is coming from a small data set.

Figure 9 highlights that Plain City has fewer persons in poverty than Weber County (as a percentage of the total population). However, the city is aware that a segment of the City's population struggles financially to meet living costs. The City's housing strategies recognize this reality and are specifically directed to eliminating or moderating poverty in the City.

Figure 9
Persons in Poverty



PLAIN CITY HOUSING GOALS

This Section provides the City's goals for housing, including those for moderate-income housing. This Section should be read and considered with the General Plan's Land Element. Both the Housing Element and the Land Use Element address housing issues, including providing opportunities to increase the supply of moderate-income housing units within the City. However, the Plain City Housing Element focuses not only on moderate-income housing matters. Other housing issues exist. Therefore, this Element provides housing strategies that are of general applicability to all housing and neighborhood areas located in Plain City.

The Utah Code provides several plan standards and requirements to specifically address moderate-income housing. These standards and requirements are identified in the appendix with underlined or highlighted

text. This Section addresses each Utah Code standard and requirement as applicable to Plain City.⁵

Applicable Definitional Standards⁶

The Utah Code provides several definitions to be recognized in formulating the City's Housing Element. These definitions, provided by §0-9a-103 et. seq. (Utah Code), assist the reader understand fully all Housing Element materials, including all goals, policies, strategies, implementation actions, and other Housing Element provisions. While not required (by Utah Code) other definitions are also included to assist the reader with understanding and City leaders with Housing Element interpretations.

(1) **"Accessory dwelling unit"** means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

"Affordable housing" means housing available to a household before deductions like taxes or expenses, but including utilities, at no more than thirty percent (30%) of the household's gross monthly income. "Affordable housing refers to a specific type of housing, generally government-assisted rental housing, targeted for very low- to extremely low-income households" (Wood, James, 2022, retrieved from <https://gardner.utah.edu/blog-reflections-on-affordability-in-utahs-housing-market/>).

(11) **"Development activity"** means:

- (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- (b) any change in use of a building or structure that creates additional demand and need for public facilities; or

⁵ For reference Section 10-9a-408 and Section 10-9a-403(2)(b) are provided as Appendix materials.

⁶ The Utah Code should be consulted for other definitions as may be required occasionally for clarity in understanding.

(c) any change in the use of land that creates additional demand and need for public facilities.

(12) (a) "**Development agreement**" means a written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.

(b) "Development agreement" does not include an improvement completion assurance.

(17) "**General plan**" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

"**Housing affordability**" means "the general level of housing prices relative to the general level of household incomes." The term does not refer to a type of housing (Wood, James, 2022, retrieved at <https://gardner.utah.edu/blog-reflections-on-affordability-in-utahs-housing-market/>).

(22) "**Impact fee**" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

(26) "**Infrastructure improvement**" means permanent infrastructure that is essential for the public health and safety or that:

- (a) is required for human occupation; and
- (b) an applicant must install:
 - (i) in accordance with published installation and inspection specifications for public improvements; and
 - (ii) whether the improvement is public or private, as a condition of:
 - (A) recording a subdivision plat;
 - (B) obtaining a building permit; or
 - (C) development of a commercial, industrial, mixed-use, condominium, or multifamily project.

(38) "**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.

(39) **"Moderate income housing"** means 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 city is located.

(48) **"Plan for moderate income housing"** means a written document adopted by a municipality's legislative body that includes:

(a) an estimate of the existing supply of moderate-income housing located within the municipality;

(b) an estimate of the need for moderate income housing in the municipality for the next five years;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate-income housing; and

(e) a description of the municipality's program to encourage an adequate supply of moderate-income housing.

(57) **"Residential facility for persons with a disability"** means a residence:

(a) in which more than one person with a disability resides; and

(b) which is licensed or certified by the Department of Health and Human Services under:

(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;

or

(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

(71) **"Transferable development right"** means a right to develop and use land that originates by an ordinance that authorizes a landowner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

(74) **"Zoning map"** means a map adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.

In addition to § 10-9a-103, et. seq. (Utah Code) the definitions and provisions of § 10-9a-401, et. seq., (Utah Code) are also applicable. The following Utah Code standards must be met.

10-9a-401. General plan required -- Content.

(1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt a comprehensive, long-range general plan for:

- (a) present and future needs of the municipality; and
- (b) growth and development of all or any part of the land within the municipality.

(3)

(a) The general plan of a specified municipality, as defined in Section 10-9a-408, shall include a moderate-income housing element that meets the requirements of Subsection 10-9a-403(2)(a)(iii).^{III}

(4) Subject to Subsection 10-9a-403(2), the municipality may determine the comprehensiveness, extent, and format of the general plan.

The United States Department of Housing and Urban Development ("HUD") provides income limits annually (using data from the American Community Survey) for all areas of the nation. HUD (Housing and Urban Development) uses an area's median income ("AMI") to determine if individuals can afford to rent or buy a home. Using the AMI data HUD locates the midpoint in a region's income distribution. HUD then divides the AMI into distinct levels according to household size. The income levels used by HUD are, (1) Extremely Low Income - below 30% of AMI, (2) Very Low Income – below 50% of AMI, (3) Low Income – below 80% of AMI, and (4) Moderate income – 80% and 120% of AMI. Table 2 presents the HUD income levels for Fiscal Year 2023 for the Ogden – Clearfield, Utah region, where Plain City is located.

Table 2
Fiscal Year 2023 Income Limits

FY 2023 Income Limit Area	Median Family Income	Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Ogden – Clearfield, Utah	\$111,900	Extremely Low Income - below 30% of AMI	22,350	25,550	28,750	31,900	36,140	40,280	45,420	50,560
		Very Low Income – below 50% of AMI	37,250	42,600	47,900	53,200	57,500	61,750	66,000	70,250
		Low Income – below 80% of AMI	59,600	68,100	76,600	85,100	91,950	98,750	105,550	112,350

For a low-income family of four (4), desiring to buy a home in Plain City, Utah the family would need to qualify for home financing (and utilities) at HUD's low-income threshold of \$85,100.00 in 2023.

HOUSING ELEMENT POLICIES (GENERAL GUIDELINES) AND IMPLEMENTATION PLAN

This Section provides the City's policies, or "general guidelines," for the establishment of future housing, including moderate-income housing units, and associated with the future development of land located within the municipal boundaries of Plain City (§ 10-9a, 103[17], Utah Code).

The State of Utah, Section 10-9a-403 et. seq. Utah Code, also asks that municipalities, similarly situated to Plain City, adopt a minimum of three (3) strategies related to facilitating the production of increased moderate-income housing. Additionally, for municipalities, like Plain City, which do not have a "fixed guideway public transit station," adopting a minimum of five (5) moderate-income housing strategies will position a municipality for possible priority funding by the Utah Transportation Commission for transportation-related projects. Plain City is adopting six (6) moderate-income housing strategies to qualify for potential priority transportation project funding and to fully recognize the Utah legislature's clear intent for moderately priced housing.

The six (6) strategies adopted by Plain City are,

- 1) Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing (§ 10-9a-403(2)(b)(iii)(B), Utah Code).
- 2) Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones (§ 10-9a-403(2)(b)(iii)(E), Utah Code).
- 3) 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 (§ 10-9a-403(2)(b)(iii)(F), Utah Code).

4) 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 (§ 10-9a-403(2)(b)(iii)(H), Utah Code).

5) 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 (§ 10-9a-403(2)(b)(iii)(O), Utah Code).

6) Demonstrate implementation of any other program or strategy to address the housing needs of residents of the 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 (§ 10-9a-403(2)(b)(iii)(X), Utah Code).

All General Plan policies and strategies must be made actionable with an accompanying implementation plan. The Implementation Plan provided by this Housing Element is for a five (5) year period, addressing the strategies recommended by the Plain City Planning Commission and formally adopted by the Plain City City Council for the implementation of this Element's

housing goals, policies, and strategies.⁷ The Implementation Plan includes various success measures and benchmarks recommended by the Planning Commission and adopted by the Plain City City Council with the adoption of this Housing Element to assess achievements, or otherwise, of all housing-related strategies.

ANNUAL STAFF EVALUATION REPORT REQUIRED HOUSING ELEMENT POLICIES (GENERAL GUIDELINES)

The clear intent of this Housing Element is to provide clarity in realistic and attainable housing policies. Further, this Element is intended to provide sufficient implementation plan details to allow a reader to make an informed assessment of the City's progress toward achieving all housing policies, including those related to ensuring an adequate supply of moderate-income housing units.

Annually, during or before May of each year the City Staff shall provide the Planning Commission and City Council with a comprehensive annual housing report. This report shall, at a minimum, (1) include housing data including building permits issued by housing type, (2) identify all connections and correlations between the City's land use regulations and land use decisions and the City's activities occurring over the last twelve (12) months to achieve the City's moderate-income housing strategies, (3) review and discuss how the private free market system has responded to Plain City's moderate-income housing strategies, and (4) highlight any privately and publicly established barriers encountered by the City in achieving its housing strategies, including those related to moderate-income housing.

HOUSING POLICIES – IMPLEMENTATION PLAN

Table 7 provides the Implementation Plan for this Element's housing goals and policies. Each policy is designed to be actionable with the

⁷ Section 10-9a-408, et. seq., Utah Code.

establishment of related strategies, required actions, lead participants, timeline for achievement, success measures, and resources available to the City with the potential to benefit policy and strategy successes. The Implementation Plan establishes a five (5) year action and implementation schedule at the end of which the City will evaluate its progress to achieving all adopted policies and adopt a new Implementation Plan with possible revised or new housing policies. As required by Section 10-9a-403(2)(c), Utah Code, the City's six (6) adopted moderate-income housing strategies are included in the City's Housing Implementation Plan (2023 – 2028).

Table 3
Plain City Housing Implementation Plan 2023 – 2028

(Note table cells will be populated following discussion with all City Officials)

Housing Strategy #1					
Ensure all new residential dwellings and all new residential areas are safe and avoid all naturally occurring features with a potential to adversely affect personal and property safety.					
Strategy	Required Action	Lead Participants	Timeline	Success Measures	Available Resources
Housing Strategy #2					
All permits to construct a new dwelling, remodel an existing dwelling unit, or any other action requiring a building permit shall comply with the International Building Code, as adopted, and the Fire Code, as adopted.					
Strategy	Required Action	Lead Participants	Timeline	Success Measures	Available Resources
Housing Strategy #3					

Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing (§ 10-9a-403(2)(b)(iii)(B), Utah Code).					
Strategy	Required Action	Lead Participants	Timeline	Success Measures	Available Resources
Housing Strategy #4 Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones (§ 10-9a-403(2)(b)(iii)(E), Utah Code).					
Strategy	Required Action	Lead Participants	Timeline	Success Measures	Available Resources
Housing Strategy #5 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 (§ 10-9a-403(2)(b)(iii)(F), Utah Code)					
Strategy	Required Action	Lead Participants	Timeline	Success Measures	Available Resources

Housing Strategy #6 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 (§ 10-9a-403(2)(b)(iii)(H), Utah Code).					
Strategy	Required Action	Lead Participants	Timeline	Success Measures	Available Resources
Housing Strategy #7 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 (§ 10-9a-403(2)(b)(iii)(O), Utah Code).					
Strategy	Required Action	Lead Participants	Timeline	Success Measures	Available Resources

Housing Strategy #8					
Demonstrate implementation of any other program or strategy to address the housing needs of residents of the 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 (§ 10-9a-403(2)(b)(iii)(X), Utah Code).					
Strategy	Required Action	Lead Participants	Timeline	Success Measures	Available Resources

CONCLUSION