Nibley City
Planning Commission
Thursday, September 5, 2019
455 W. 3200 S.
Nibley, UT

6:00 p.m. Call to Order
Approval of Agenda
Approval of Minutes

1. A Public Hearing to receive comment on the proposed Nibley Farms Subdivision Preliminary Plat, a proposed 32.49-acre Rural Preservation Subdivision located approximately between 1200 W and 1500 W and at 3400 S.

2. Discussion and Consideration of a recommendation for the proposed Nibley Farms Subdivision Preliminary Plat, a proposed 32.49-acre Rural Preservation Subdivision located approximately between 1200 W and 1500 W and at 3400 S.

3. A Public Hearing to receive comment on the proposed update Moderate Income Housing Plan, an addition to Nibley City's General Plan.

4. Discussion and Consideration of a recommendation for the proposed Moderate Income Housing Plan, an addition to Nibley City's General Plan.

5. Workshop: Dark Sky Ordinance

6. Workshop: Rural Preservation Subdivision

7. Commission and Staff Report and Action Items

Planning Commission agenda items may be tabled if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. ***No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission****. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.

Nibley City Planning Commission
Agenda Report for
Sept. 5, 2019

Agenda Item #1 and 2

Description	A Public Hearing to receive comment on the proposed Nibley Farms Subdivision Preliminary Plat, a proposed 32.49-acre Rural Preservation Subdivision located approximately between 1200 W and 1500 W and at 3400 S. Discussion and Consideration of a recommendation for the proposed Nibley Farms Subdivision Preliminary Plat, a proposed 32.49-acre Rural Preservation Subdivision located approximately between 1200 W and 1500 W and at 3400 S.
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Recommendation to the City Council
Findings	Findings list at the end of the report
Recommendation	Continue unless an updated plat and information is turned in before the meeting. If updates are completed, give a positive recommendation to the City Council
Reviewed By	City Planner, Public Works Director, City Engineer, and City Manager

Background

Nibley Farms Subdivision Preliminary Plat is a Rural Preservation Subdivision application proposed by Westates Companies, LLC. The project is located between 1200 W and 1500 W and at 3400 S. The proposal contains a total of 65 lots, which is under the allowed 75 lot density bonus. Staff has sent comments back to the developer and is expecting an updated plat before the meeting. However, without the updated plat, staff has some concerns about the proposed development. These concerns can be found in the "Findings" section below.

Zoning

Rural Preservation Subdivision Open Space	
Total Gross Acres	32.49
Total Developable Acres	27.81
Total Open Space Land	11.189
Open Space Percentage	40.23%
Incentive Multiplier	1.35
Total Lots Allow	75, proposed 65

Staff finds that the plat meets the zoning requirements for the total number of lots, lot sizes, and setbacks the propotion of proposed open space. The minimum frontage requirement for the Open Space Ratio is 80’, which the plat complies.

The plat generally meets Nibley City standards in NCC 21.08.010 Preliminary Plat but for the exceptions listed within the Finding section of this report.

	Zoned: R-2 Rural Preservation Subdivision	Nibley Farms Subdivision Preliminary Plat
Minimum Lot Size	**7,800 sq. ft.**	**8,845 sq. ft.**
Average Lot Size	**9,200 sq. ft.**	**10,552 sq. ft.**
Frontage	**80 ft.**	**The Plat Complies**
Side Yard Setbacks	**10 ft.**	**The Plat Complies**
Rear Yard Setback	**25 ft.**	**The Plat Complies**
Street Side Yard	**25 ft.**	**The Plat Complies**

Phasing: NCC 21.02.080

A preliminary plat needs to show the proposed phasing plan. The applicant has added the phasing to the plat. Nibley City Subdivisions code requires that a preliminary plat shows "a plan outlining how the subdivider intends to phase construction of the project, if phasing is intended." NCC 21.08.010. The City also needs to ensure that phasing will take place in a way to allow for proper access during development so that once the development has 30 homes or more that a second access is developed. As proposed, Phase 1 and Phase 2 contain a total of 29 lots, and then Phase 3 would add another access at 1300 W.

Staff's primary concern is about the construction of needed improvements over so many different phases. However, phases are generally proportional and compliant with Nibley City Code.

Utility Lines

The plat contains the proposed water lines and sewer lines. It does not include existing utility lines required in the reference below.

> *NCC 21.08.010 (C)(5)*
>
> *Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.*

Adding the existing utility lines would require a minor change to the subdivision plat.

The Subdivision will also need to place utility lines to the south of 1500 W to comply with Nibley City's Water and Sewer Master Plans. The proposed utility lines currently terminate their southward direction at the proposed 3410 S.

Canals

There are several canals on the property within the proposed subdivision. The plat does not show every canal in the development, and the Canal Company has not given approval of the proposed changes as required NCC 21.08.010 (C)(6). All plans have been submitted to the canal company, and those plans are under review. The canal that is missing is located on 1200 W, and the applicant has been informed of the error. The applicant is currently evaluating, with the Canal Company and the City, if the 1200 W canal could be abandoned

In addition to those requirements, Nibley City subdivision plats must follow NCC 19.24.230 (F). This section of code requires that all open primary canal or waterways within a subdivision have a right-of-way dedicated to the City of "15' from top of each bank to be identified on the preliminary plat and final plat". However, there are no primary canals within the proposed subdivision.

Roads

The proposed development shows roads and widths that align with existing roads that have been constructed, and City staff does not have any concerns about right-of-way widths. There is a local road link that shows 1300 S continuing to the South in the Transportation Master Plan. Our engineer has reviewed the proposed development to ensure that a proper connection is maintained and finds that 1300 W must continue South as shown on the Transportation Mast Plan.

Open Space, Sensitive Areas Designation Plan Map and Maintenance Plan

One of the key features of a Rural Preservation Subdivision is the open space required in exchange for the bonus density. Because of the open space requirements, the City requires that the preliminary plat application comes with a Sensitive Areas Designation Plan Map and a Preliminary Maintenance Plan. Staff has not received the Sensitive Areas Designation Plan Map as required in 21.10.020 (D)(3), and the City still needs a more detailed maintenance plan. The maintenance plan, for a preliminary plat, must show the following:

NCC 21.10.020 (L) (2)

2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:

a) *The proposed Ownership of the Open Space Land;*
b) *The party that will be responsible for maintenance of the Open Space Land;*
c) *The proposed use of the Open Space Land and how each parcel of Open Space Land meets the*
d) *standards listed within this section;*
e) *The size of each Open Space Land parcel; and*
f) *The proposed concept plan for landscaping of the Open Space Land.*

The plan proposal is that the three open space parcels are owned and maintained by a local HOA, and Lot 1 and Lot 3 to be leased out as agricultural open space. All the Open Space must meet the defined purpose and criteria contained in the following code:

> *NCC 21.10.020 (B) (1)*
>
> *OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on a Rural Preservation Subdivision Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except*

as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.

Nibley City staff have requested additional information to ensure that each Open Space Parcel complies with three of the seven criteria required in NCC 21.10.020 (I), however, without the full maintenance plan, staff cannot find if the plat complies with Nibley City code.

Findings

The following is a list of updated finding and has been given and discussed with the developer. Staff anticipates an updated plat will be turned into the City before this week's meeting.

1. Lots meet minimum size, frontages, and setbacks
2. Rural Preservation Calculations are accurate as listed on the plat
    a. Open space shown label is 10.03 acres, but I get a total of 11.189, which is shown as the ratio number. Needs correction.
3. Plat needs more details on Phasing:
    a. Phasing is more defined and generally looks proportional. Staff is concerned about the construction of infrastructure for each phase since there are seven phases.
4. Make sure canals are all shown on the plat.
    a. 1200 W canal is missing, currently under review to see if it can be abandoned
5. Transportation Master Plan and Trails
    a. Build out 1200 W to TS-3 in Transportation Master Plan on West Side of the road
    b. Build out 1500 W to TS-9 in Transportation Master Plan on East Side of the road
        i. Sidewalk needs to go to the south of the property
    c. Transportation Master Plan shows 1300 W continuing South; this leg needs to be added:

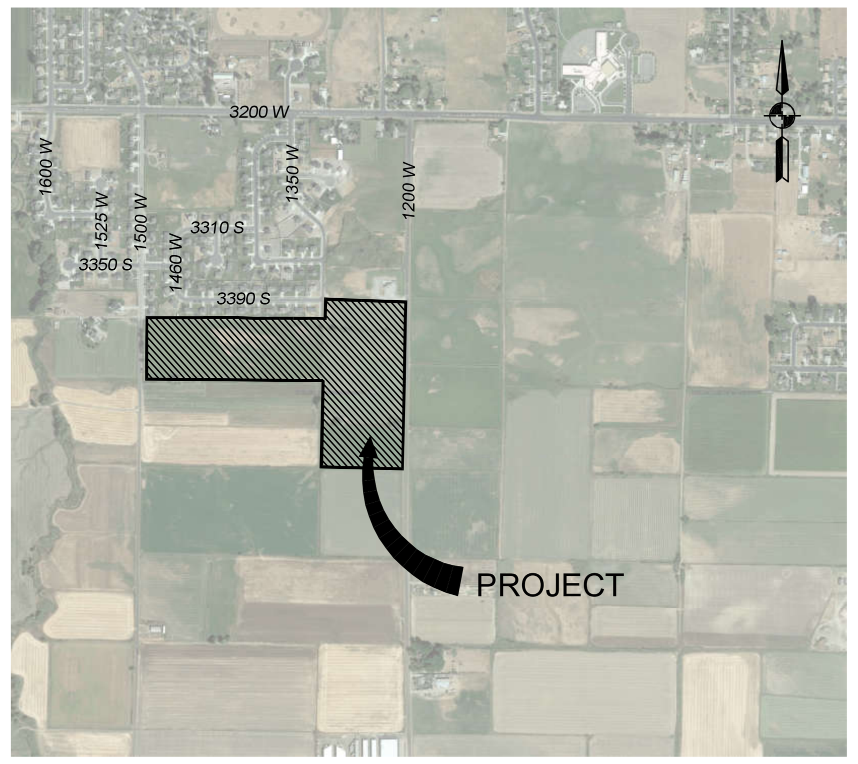
    d. Trail Master Plan shows a trail along the canal:

    i. Trail has been added but will want to see an update with the roadway and details in Maintenance Plan.

6. Get Utility layout approved by City Engineer and Public Works Departments
    a. Sewer and Water need to be shown on the south side of 1500 W
    b. Need to show any existing utility lines and connection points
7. No names and addresses of the owner and subdivider are listed on the Plat.
    a. The legal description has been added onto the plat. Name and address are not there.
8. Staff has concerns about stormwater because of the high groundwater and grading of subdivision
9. No Sensitive Areas Designation Plan Map as required in 21.10.020 (D)(3)
10. Maintenance Plan and Open Space Plan need the following:
    a. The proposed Ownership of the Open Space Land;
    b. The party that will be responsible for maintenance of the Open Space Land;
    c. The proposed use of the Open Space Land and how each parcel of Open Space Land meets the
    d. What Standards does it comply with;
    e. The proposed concept plan for landscaping of the Open Space Land.
11. Open Space: All Open Space Parcels must meet three of the criteria in 21.10.020 (I)
    a. Looking at the space, it could meet 1, 2, 3, 5, or 7. Just need to know how space is planned to be used so we can ensure if it meets City Code.
    b. This should be addressed in the Maintenance Plan
12. A Tree planting plan has been given but is lacking trees along 1200 W and 1500 W.

VICINITY MAP

N.T.S.



LEGEND

PHASE 1

PHASE 2

PHASE 3

PHASE 4

PHASE 5

PHASE 6

PHASE 7

NOTES

PUBLIC UTILITY EASEMENTS:

ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:
FRONT: 10 FEET
REAR: 10 FEET
SIDE: 5 FEET

ZONING INFORMATION

ZONE: R-2

APPROVED MINIMUM SETBACKS ARE AS FOLLOWS:
FRONT: 30 FEET
REAR: 25 FEET
SIDE: 10 FEET

CORNER LOTS ARE SUBJECT TO A 25 FOOT BUILDING SETBACK ON THE STREET THAT IS NOT BEING FRONTED ON. ALL SETBACKS ARE SUBJECT TO NIBLEY CITY ZONING ORDINANCE REQUIREMENTS AT THE TIME A BUILDING PERMIT IS ISSUED.

TABULATIONS

	ZONED	SUBDIVISION
MINIMUM LOT SIZE	7,800 sf	8,845 sf
AVERAGE LOT SIZE	9,200 sf	10,552 sf.
FRONTAGE	80'	80'

TOTAL GROSS ACRES SUBDIVIDED LAND	32.49 ac
TOTAL DEVELOPABLE ACRES	27.81 ac
TOTAL CONSERVATION LAND	10.84 ac
CONSERVATION PERCENTAGE	40.23%
INCENTIVE MULTIPLIER	1.35
TOTAL LOTS ALLOWED	76
ESTIMATED RIGHT-OF-WAY DEDICATION	4.68 ac

Size of parcel - 1415332.74 sf - 32.49 ac
Net developable (city default) = 32.49 ac x 0.8 = 26.0 ac
Net developable (calculated) = 32.49 ac - 4.68 = 27.81 ac
Max number of homes 27.81 x 2 = 56

Open space shown = 444,355 sf - 10.03 ac
Open space ratio = 11.189 / 27.81 = .4023
Incentive multiplier = 1.35

Max number of homes = 1.35 x 56 = 76 homes

65 lots designed
Min width = 80 ft

UTILITY LEGEND

EXISTING UTILITIES

EX WATER
EX SEWER
VALVE
SEWER MANHOLE

PROPOSED UTILITIES

WATER
SEWER
WATER METER
8" WTR WATERLINE LABEL
2" SS SEWER LINE LABEL
SEWER MANHOLE

BOUNDARY DESCRIPTION

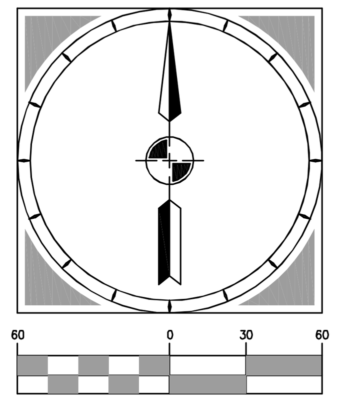
BEGINNING AT A POINT N89°55'25"E 839.35 FEET AND SOUTH 2,712.52 FEET FROM THE WEST ONE-QUARTER CORNER OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE S89°42'00"E 595.70 FEET;
THENCE S89°34'55"E 759.66 FEET;
THENCE N01°33'49"E 146.65 FEET;
THENCE S87°52'57"E 272.32 FEET;
THENCE S87°52'54"E 336.67 FEET;
THENCE S01°21'17"W 136.95 FEET;
THENCE S00°58'53"W 477.38 FEET;
THENCE EAST 0.00 FEET;
THENCE S01°06'13"W 652.51 FEET;
THENCE N88°40'16"W 617.35 FEET;
THENCE N01°19'57"E 655.44 FEET;
THENCE N89°24'28"W 1,343.42 FEET;
THENCE N00°10'05"E 467.72 FEET
TO THE POINT OF BEGINNING.

PARCEL CONTAINS 32.492 ACRES, OR 1,415,343 SQUARE FEET

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 89°55'25" EAST BETWEEN THE SURVEY MONUMENTS AT THE WEST AND EAST ONE-QUARTER CORNERS OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.



1 INCH = 60 FT
(SCALE IN FEET)

PROJECT
C19-025

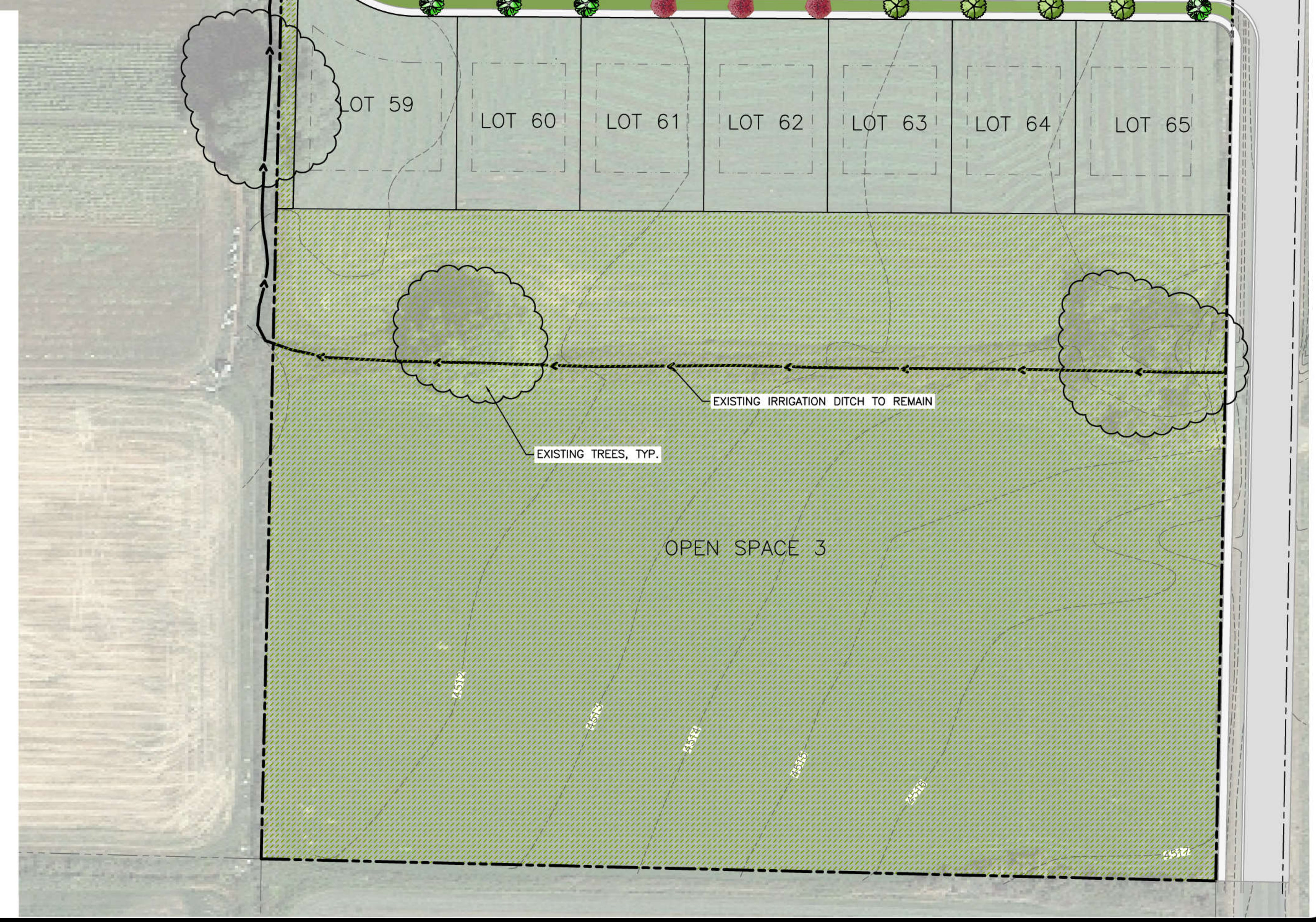
SHEET
1 OF 2

ISSUE DATE
08-14-19

Summit Engineering Group Inc.
Structural • Civil • Surveying
55 WEST CENTER • P.O. BOX 176
HEBER CITY, UTAH 84032
P: 435-654-9229 • F: 435-654-9231

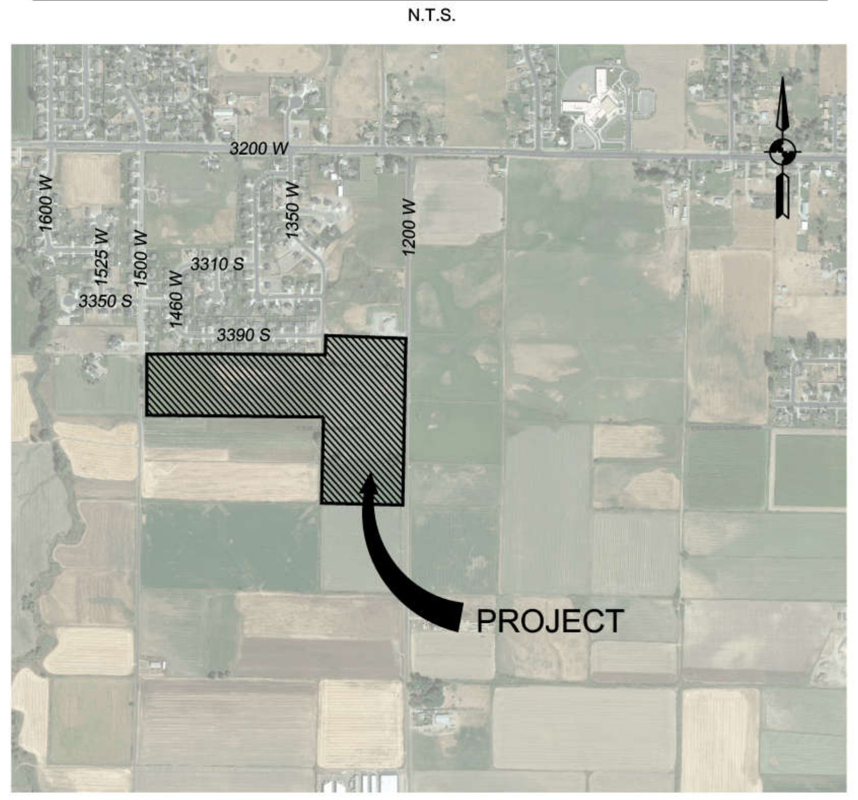
NIBLEY FARMS PRELIMINARY PLAT

LOCATED IN THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB&M,
NIBLEY CITY, CACHE COUNTY, UTAH

VICINITY MAP

N.T.S.



STREET TREE LEGEND

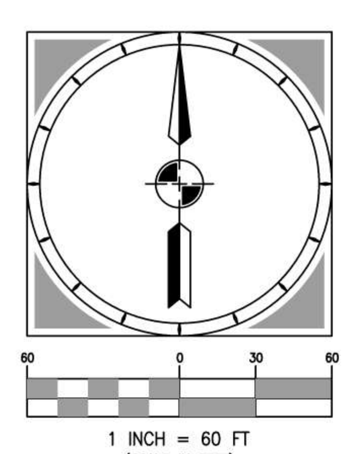
MALUS 'SPRING SNOW'– SPRING SNOW CRABAPPLE 1.5" CAL.

AMELANCHIER X GRANDIFLORA– AUTUMN BRILLIANCE SERVICEBERRY 1.5" CAL.

PRUNUS SUBHIRTELLA– HIGAN CHERRY 1.5" CAL.

NOTES:

OPEN SPACE TO REMAIN CONSERVATION OF LAND IN ITS NATURAL STATE.



PROJECT	C19-025
SHEET	2 OF 2
ISSUE DATE	08–14–19

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NIBLEY FARMS– LANDSCAPE PLAN / SENSITIVE LANDS

Agenda Item #3 and 4

Description	A Public Hearing to receive comment on the proposed update Moderate Income Housing Plan, an addition to Nibley City's General Plan. Discussion and Consideration of a recommendation for the proposed Moderate Income Housing Plan, an addition to Nibley City's General Plan.
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Public Hearing and Recommendation to City Council
Findings	N/A
Recommendation	Review and make a recommendation to the City Council
Reviewed By	City Planner

Background

This year, the State Legislature passed a bill requiring all municipality's that meet a specific size to update their Moderate Income Housing Plan as part of their General Plan. These Cities would need to adopt this update by December 1, 2019. Since Nibley City is located within a County of the third class and has a population of over 5,000 people, Nibley City is required to do this as well. The bill requires that the City will pursue and plan for three out of twenty-four options as listed in the law.

Full Bill: S.B. 34 Affordable Housing Modifications

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

(3) (a) The general plan of a municipality, other than a town, shall plan for moderate income housing growth.

(b) On or before December 1, 2019, each of the following that have a general plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with Subsection (3)(a):

(i) a city of the first, second, third, or fourth class;

(ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; and

(iii) a metro township with a population of 5,000 or more.

(c) The population figures described in Subsections (3)(b)(ii) and (iii) shall be derived from:
  (i) the most recent official census or census estimate of the United States Census Bureau; or
  (ii) if a population figure is not available under Subsection (3)(c)(i), an estimate of the Utah Population Committee.

What is Moderate Income Housing and Affordable Housing?

Housing is considered affordable when households, regardless of their income, spend no more than 30% of their monthly income on housing expenses. Therefore, the cost-burdened household is that household whose housing expenses exceed 30% of their monthly income.

Moderate Income Housing is based on the Area Median Income (AMI). Below is the Cache County's Area Median Income

	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2024 Projection	Difference between 2017 and 2024
Median HOUSEHOLD income (ACS Table B19019)	$0	$53,812	$3,925	$87,693	$ 33,881

The Moderate-Income Housing Plan should contain how the City's will address future growth and provide affordable housing for those making 30%, 50%, and 80% of the AMI.

The following highlighted sections will be the three requirements included in the recommended plan.

10-9a-403. General plan preparation.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
  (i) a land use element that:
    (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
    (B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories

covered by the plan;

(ii) a transportation and traffic circulation element that:

(A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;

(B) for a municipality that has access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce;

(C) for a municipality that does not have access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development in areas that will maintain and improve the connections between housing, transportation, employment, education, recreation, and commerce; and

(D) correlates with the population projections, the employment projections, and the proposed land use element of the general plan; and

(iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a realistic opportunity to meet the need for additional moderate income housing.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and

(B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;

(ii) for a town, may include, and for other municipalities, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;

(iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following strategies:

(A) rezone for densities necessary to assure the production of moderate income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

(C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city;

(E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;

(F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;

(G) encourage higher density or moderate income residential development near major transit investment corridors;

(H) 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) allow for single room occupancy developments;

(J) implement zoning incentives for low to moderate income units in new developments;

(K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis;

(L) preserve existing moderate income housing;

(M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate income housing;

(N) participate in a community land trust program for low or moderate income housing;

(O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality;

(P) 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;

(Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;

(R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;

(S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;

(T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;

(U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;

(V) utilize a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and

(W) any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income; and

(iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in Subsection (2)(b)(iii)(G) or (H).




Nibley City Moderate Income Housing Plan



INTRODUCTION

Nibley City is located on the south end of Cache County and located close to major employment areas in Logan City and is adjacent to Highway 89/91 which serve as the primary roadway to the Wasatch Front. Nibley City is also home to a young and growing population Nibley City is a bedroom community, and most land use contains residential homes or agricultural use. Four areas within the City include industrial and commercial business and activities. The remainder of the community is made up of residential use.

POPULATION AND FUTURE GROWTH

Nibley City population as of July 1, 2018, was 7,087 people, with a population of 5,466 as of April 1, 2010. That is a 29.7% growth over nine years. Nibley City's 2016 General Plan predicts that Nibley City will grow by 300% by 2060.

Census	Projections					Absolute Change 2010-2060	Percent Change 2015-2065
2010	2020	2030	2040	2050	2060		
5,438	8,796	14,136	15,725	18,597	21,905	16,467	303%

Source: Governor's Office of Planning & Budget, 2012 Baseline Projections

Nibley City location south of Logan and located next to Highway 89/91 and large future annexation area will allow for the continued growth of the City into the future. Nibley City currently contains over 900 acres of undeveloped property contains within Nibley City boundary's, most of which is presently under farm use; and just under 40,000 acres contain within Nibley City's annexation area. Nibley City anticipates that much of the land will be developed as property adjacent to communities and subdivision will subdivide first, and land adjacent to those developments will continue to grow.

Cache County and the surrounding City's are also anticipating substantial growth over the same period.

County	2015	2025	2035	2045	2055	2065	Absolute Change 2015-2065	Percent Change 2015-2065
Cache	121,855	146,338	171,969	195,325	212,908	234,744	112,890	93%

Source: (Kem C Gardner Policy Institute The University of Utah, July 2017)

Every County in Utah is anticipated to experience some level of growth over the next 40 years. The main components of this population growth are four-fold:

- *Utah's total fertility rate (average number of children born to a Utah woman in her lifetime) is projected to continue the existing trend of a slow decline. From 2015-2065, rates are projected to decline from 2.32 to 2.29. These rates are projected to remain higher than national rates that move from 1.87 to 1.86 over a similar period.*
- *In 2065, life expectancy in Utah is projected to be 86.3 for women and 85.2 for men. This is an increase of approximately 4 years for women and 6 years for men. The sharper increase for men narrows the life expectancy gap traditionally seen between the sexes.*
- *Natural increase (births minus deaths) is projected to remain positive and account for two-thirds of the cumulative population increase to 2065. However, given increased life expectancy and declining fertility, the rate and amount of natural increase are projected to slowly decline over time.*
- *Net migration accounts for one-third of the cumulative population increase to 2065. Projections show the contributions of natural increase and net migration converging over time.*
  (Kem C Gardner Policy Institute The University of Utah, July 2017)

These factors are apparent in Cache County and have a direct impact on projected population growth in Nibley City.

CURRENT HOUSING

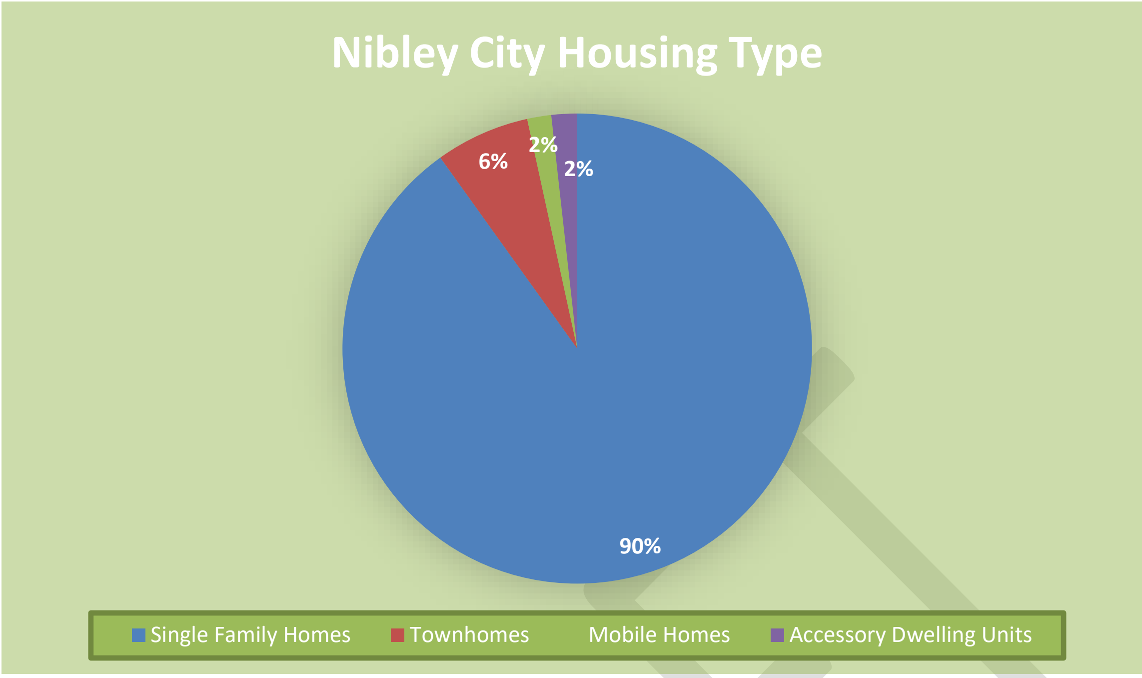
With the increase in population, it is essential to evaluate Nibley City's existing housing supply and housing stock.

Nibley City's 2017 Housing

Housing Type	Number of Units
Single Family Homes	1527
Townhomes	110
Mobile Homes	28
Accessory Dwelling Units	20-30*

Source 1: U.S. Census Bureau. Table B25001: Total housing units. American Community Survey.

*ADU number is an estimate based on the 2016 General Plan Update.



As shown in the table and graph above, 90% of homes within Nibley City are single-family homes. Single-family homes make up the majority of developed land use within Nibley City; they range from anywhere to be located on 5,000 sq. ft lot to five-acre lots, however, the vast majority of single-family homes are located on third to half-acre lots, with the majority of residential zoning on undeveloped parcels zoned for half-acre lots minimum.

Nibley City Residential Lots Sizes	
Average	**.993 Acres**
Mode	**.28 Acres**
Median	**.38 Acres**

Source: Data were taken for Cache County Recorder's Office on July 2, 2019

Nibley City has two housing development that are not traditional single-family homes

Spring Creek Crossing PUD: Townhomes

Spring Creek Crossing townhomes first started to be developed in 2007 and contains 120 units. The last four units are anticipated to be finished in the summer of 2019. The development is located at on Nibley Park Ave. (2350 S) and around 1250 W. The

Development was approved as an R-PUD. Spring Creek Crossing is the only development within Nibley City that contains townhomes.

Nibley City Mobile Home Park

This trailer park contains 28 units and is located on 2600 S and around 100 W. The park is fully developed and is currently listed as a non-conforming use within Nibley City. The City does not anticipate any further expansion of the park.

Housing Age

An assessment of structure age can, in some cases, reveal whether there is a need for housing rehabilitation. In Nibley 3.4% of residential structures were built in 1959 or earlier, 13% percent were built between 1960 and 1979, and 22.6% were built between 18980 and 1999, and 61% were built in the year 2000 or later. This show that the majority of homes are relitivily new and generally in good condition.

FUTURE HOUSING NEEDS

Because of Nibley City's location within Cache Valley, large annexation area, many acres of undeveloped land, and housing growth pressure in the surrounding area, Nibley City expected to continue to grow in population. The 2017 American Community Survey showed that an average household size of 4.04 people which decline slightly from 2009 which was 4.23 people, while Utah has an average household size of 3.14 people, which is the largest of any state in the nation.

To provide housing for the anticipated population in 2030, with an average of 4.04 people per-household, Nibley City would need to have an additional 1,745 homes built in that period. Nibley City over the past five years on average has issued 68 building permits a year, meaning in the same period, if the City stayed true to that pattern only 816 homes would be constructed. This is a shortfall of 929 homes over the course of 11 years. The problem is exaggerated further if the number of people per household continues to fall and comes in line closer to the state's average number of people per household.

MODERATE INCOME AND AFFORDABLE HOUSING

In addition to a potential housing shortage in the future with current growth rates, those seeking moderate income and affordable housing will likely have the hardest time finding housing within Nibley City. Housing is considered affordable when households, regardless of their income, spend no more than 30% of their monthly income on housing expenses. Therefore, the cost-burdened household is that household whose housing expenses exceed 30% of their monthly income. Nibley City Median Household income in the 2017 American Community Survey was at $80,125, compared to Cache County's Area Median Income (AMI) which was at $53,812. The projections for Nibley's Medium Household Income is to increase to $95,979, while the AMI in Cache County has grown under 3% for the last several. When planning for Moderate Income and Affordable Housing, it is essential to use the AMI instead of the City's Medium Household Income, since AMI is a more accurate picture of the needs of housing.

Summary of Affordability in 2018		
Household Income	**Maximum Monthly Income for Housing Expenses**	**Maximum Mortgage Loan Amount**
≤30% AMI	$437	$75,149
>30% to ≤ 50% AMI	$729	$125,249
>50% to ≤80% AMI	$1,166	$200,398
>80% to ≤100% AMI	$1,458	$250,497

Utah's Department of Work Force Services indicates that the Nibley would need to have around 7% of the housing stock for those in >50% to ≤80% AMI, 2% for those >30% to ≤ 50% AMI, and 1% for those ≤30% AMI.

Household Income	Current Building Rate of 68 Home Building Permits a Year	Building Rate at a 145 Home Building Permits a year (predicted population growth)
≤30% AMI	.68 permits a year	1.45
>30% to ≤ 50% AMI	1.36	2.9
>50% to ≤80% AMI	4.76	10.15

NIBLEY CITY ZONING AND SUBDIVISION OPTIONS

Nibley City currently provides for a few zoning options for residential development. The table below shows the standard by right zoning with the minimum lot size, frontage, and setbacks.

NCC 19.22.010 Space Requirement Chart

		A	**R-E**	**R-1**	**R-1A**	**R-2**	**R-2A**
A.	Minimum lot area	5 acres	2 acres	1 acre	3/4 acre	1/2 acre	12,000 sq. ft. average size of 14,000 sq. ft.
	Minimum lot width, measured at setback line	200	200	200	150	100	100
B.	**Setback principal uses**						
	Front yard	30(35)[3]	30(35)[3]	30(35)[3]	30(35)[3]	30(35)[3]	30(35)[3]
	Side yard, interior	15[3]	15	10	10	10	10
	Side yard, street	25(35)[3]	25(35)[3]	25(35)[3]	25(35)[3]	25(35)[3]	25(35)[3]
	Rear yard	30	30	30	30	25	25

Within these standard zones, single-family units are the main housing type, but duplexes and attached Accessory Dwelling Units are both permitted as long as they comply with standards listed in Title 10. In addition to standard zoning, Nibley City allows for three other forms of subdivisions that are currently allowed and one type that has been repealed.

CLUSTER SUBDIVISIONS

A cluster Subdivision allows for a developer to be able to decrease their lot size in exchange for preserved open space. This open space can take the form of a park or aggicuturel land. There is no density bounus that accompanies these types of developments within Nibley City.

Current Cluster Subdivision

- Stonebridge located at 1200 W and 2980 S

PLANNED UNIT DEVELOPMENT (PUD) REPEALED

Nibley City's Planned Unit Development Code was repealed in 2011. Nibley City has approved a new Residential-Planned Unit Development in May of 2019 that will be discussed below. This ordinance allowed for greater density and flexibility for developers to negotiate with the City for density and open space. There are three subdivision that have been approved and developed under the former PUD Ordinance.

- Spring Creek Crossing located at Nibley Park Ave. (2350 S) and around 1250 W
- Sunset Parks located at 1000 W and 2770 S
- The Cottages Community located at 250 W and 3515 S

RURAL PRESERVATION SUBDIVISION/CONSERVATION SUBDIVISION

The Rural Preservation Subdivision (renamed from Conservation Subdivision) is a subdivision option that allows for development in R-1, R-1A, R-2, and to some extent R-2A to receive a higher density and smaller lot size in exchange for preserved open space. The lot size and density bonus are tiered based on the percentage of the project that is dedicated as open space.

- Maple View Estates Located east of 1200 W and south of 2600 S
- The Cottonwoods located at Hollow RD and 4030 S
- Apple Creek located south of 3200 S and at 500 W
- Meadow Creek located at 2850 S and 150 E

RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD)

In May of 2019, Nibley City adopted Nibley City Code 19.32 Residential Planned Unit Development. This new section of code allows for a developer to apply for an overlay zone in six sections of town zoned for half acre lots, three-quarter acres lots, or full acres lots minimums and would allow a developer to develop up to twelve units pre net developable acre. At the time of this writing, no R-PUDs have been applied or approved.

GOALS, PROJECTS, AND ACTION ITEMS

ALLOW FOR AND REDUCE REGULATION RELATED TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES.

Nibley City currently allows for attached accessory dwelling units (ADUs). These ADUs mostly take form of basement apartments. Nibley City should consider expanding allowances for detached ADUs with most residential zones. ADUs can be a great way to expand moderate income housing stock with minimal impacts to neighborhoods and spread them throughout the City. As established above, many of Nibley City lots are larger than half arcs.

Moderate Income Housing Considerations

- How large would the City allow an ADU be in reference to the primary structure
- What zones and/or lot sizes would a detached ADU be allowed?

- Parking requirements? Having no or minimal parking requirements would allow for more homeowners to build ADUs
- Property owner
- Make ADUs for short-term rentals as a prohibited use
- Registration of ADUs so the City could track number of units.

Timeframe: Early 2020

ALLOW FOR HIGHER DENSITY OF MODERATE INCOME RESIDENTIAL DEVELOPMENTS IN COMMERCIAL AND MIXED-UDE ZONES TOWN CENTER, NEIGHBOR COMMERCIAL, AND OTHER EMPLOYMMENT AREAS

Nibley City 2016 General Plan recommends establishing and creating a town-center area the would be composed of commercial, residential and open space uses. The City in May of 2019 passed an R-PUD that would allow for the beginning development of a town center area. This R-PUD would allow for some commercial areas within the R-PUD and allow for townhomes and single-family homes. The City should continue to plan and update City zoning code for a town-center that would allow mix use within Commercial and Neighborhood Commercial Zones.

Moderate Income Housing Considerations

- Create mix use areas within the future Town-Center
- Allow for apartments and condominiums within Nationhood Commercial Zones attached to commercial buildings

Timeframe: End of 2020

REZONE FOR DENSITIES NECESSARY TO ASSURE THE PRODUCTION OF MODERATE INCOME HOUSING

Nibley City has recently passed an R-PUD ordinance with increased density within areas of the City. The R-PUD Overlay Zone increases the density from half to full acre lots depending on the area of town, to allowing up to twelve units pre-net developable acre. The City should work with property owners and developers in approving an appropriate amount of R-PUD Overlay Zones and Developments to help achieve the needs of affordable housing.

Nibley City should also continue working on the Town Center Planning and Zoning Ordinance and allow for a variety of housing types, including single family homes, townhomes, condominiums and apartments as part of that zoning criteria and development. Nibley City should involve Cache County Transit District (CVTD) in these plans to provide for sufficient public transportation in the area. This would allow for residents of the Town Center to have easy access to major employment, recreation and shopping centers in Cache Valley, including Utah State University.

Moderate Income Housing Considerations

- Create a Town Center Zoning Ordinance that would allow for mix use, condominiums, townhomes, and single-family homes in addition to open space and commercial uses.
- Involve (CVTD) with Town Center and provide areas for bus stopes and active transportation within the development.
- Work closely with Developers and property owners and make appropriate rezones for R-PUD developments.

ENCOURAGE AND REFFER RESIDENTS TO SEEK HELP THROUGH BRAG

Low income rent asstiance: Housing voucher

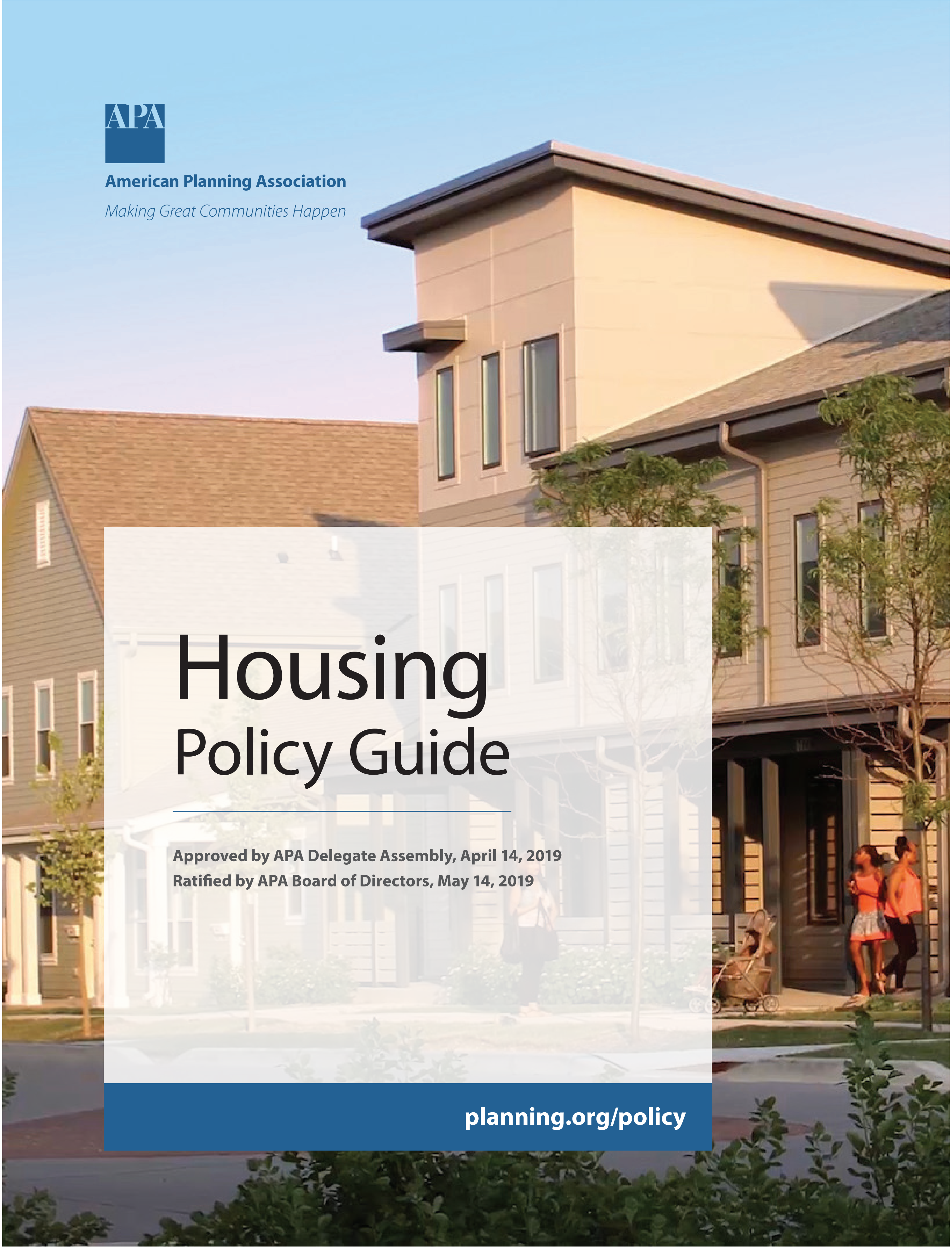
Emergnecy Housing Assitance: Can pay first months rent, once in a life time type of thing. Needs an evection notice. Homeless prevestion step.

Heat Assistance:

Weatherization Program: Housholds can resvice help providing weatherization, installiation.

Frist time home buyer assistance: Can come in and get a small loan to help cover down payment or

Single Family repair program: things like roofs or other safety repairs. Must be for owner occupied.



APA

American Planning Association

Making Great Communities Happen

Housing Policy Guide

Approved by APA Delegate Assembly, April 14, 2019
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The American Planning Association advocates for public policies that create just, healthy, and prosperous communities that expand opportunity for all through good planning. APA's advocacy is based on adopted positions and principles contained in policy guides. These guides address the critical policy issues confronting planners and communities by identifying solutions for local, state, and federal policy makers. Policy guides are led by the APA Legislative and Policy Committee, ratified by the APA Board of Directors, and developed through the careful and extensive involvement of planners across the country. APA policy guides articulate and advance the principles of good planning in law and regulation.

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Cover: Westlawn Gardens in Milwaukee, recipient of a 2018 APA National Planning Excellence Award, created 250 new affordable housing options in a community where they were needed most. Born out of a master-planning process, Westlawn Gardens is an example of the type of housing options possible when planners, community members, and public and private partners work together to create a shared vision.

Introduction

> ***"In order for communities to function, there must be an adequate supply of housing in proximity to employment, public transportation, and community facilities, such as public schools. The housing stock must include affordable and accessible for sale and rental units, not only to meet social equity goals, but in order to ensure community viability. The development of a diverse and affordable housing stock must be carried out without sacrificing sound regulations that are in place to protect the environment and public health."***
>
> ***— Housing Policy Guide, 2006***

While the goals of the 2006 Housing Policy Guide remain as valid as ever, progress has been mixed over the past 13 years. Many of the same challenges remain and some, particularly housing availability and affordability, have worsened. Many desirable communities are out of reach for those earning an average wage and too many Americans must spend an inordinate amount of their income on housing expenses. In addition, the long-term adverse effects of discriminatory financial lending practices and exclusionary zoning—including redlining—continue to impact the social, cultural, ethnographic, and economic diversity of our urban, exurban, and suburban regions in ways that negatively impact low-income and minority households disproportionately.

Emerging Trends

1. Inventory and conditions

The nation's housing supply has continued to rise from 122.7 million units in 2004 to 134.1 million in 2016 but at a slower rate than previous years. While housing stock keeps ahead of overall household growth, it fails to meet the needs of changing socioeconomic characteristics of the population.

Housing starts have slowed, with an average of 0.8 million units built annually from 2010 through 2016 compared to a 1.1 million average previously. The percentages of unit types in the national housing supply varied slightly: The number of single-unit structures rose from 67 percent to 67.4 percent; multiunit structures were constant at 26 percent; and mobile homes declined from seven to 6.3 percent.

According to the U.S. Census Bureau's Characteristics of New Single-Family Houses Completed, the average size of single-family homes constructed nationally declined during the Great Recession from a high of 2,528 square feet in 2008 to a low of 2,402 in 2009, then steadily increased to 2,637 square feet in 2016. Beyond increased space, most of these new homes contain additional amenities such as multiple bathrooms.

The national average single-family home price was $356,160 in 2016, increasing 34 percent over a five-year period. While there are variations in household income, cost burden is measured as not paying more than 30 percent on housing costs. For an average owner not to be cost burdened, their income would have to be $103,200 annually to have afforded the "average" single-family home constructed in 2016. Renters can face an even higher burden.

Average home lot sizes decreased from a high of 18,871 square feet in 2009 to a low of 15,167 in 2013, rising the following years to 16,381 in 2015 and dropping to 15,641 in 2016. The National Association of Home Builders/Wells Fargo Housing Market Index found that the percentage of builders reporting a low or very-low supply of lots in their markets rose to 64 percent in 2017 from nine percent in 2009.

National annual average multifamily housing construction more than doubled from 2010 (155,000 units) to 2016 (358,000 units). Newly constructed units, unless subsidized as affordable housing, had higher sales and rental prices consistent with increased pricing of the newly constructed single-family homes. The deviation of construction and land cost increases and stagnating incomes put much of the newly constructed multifamily dwelling units beyond the reach of even those of median income.

According to the *State of the Nation's Housing 2018*, there are four primary impediments to stronger housing construction. The first is a deficient supply of skilled workers. The second is a rise in cost of building materials. Third is the depletion of developable lots and fourth, the impact of land-use regulations and zoning on the density and type of construction. Productivity gains in housing construction have lagged against other industries, an additional impediment to the market.

Lowered vacancy rates from 2010 to 2016, 2.4 to 1.8 percent in owner-occupied housing and 7.8 to 6.2 percent in rental housing, signal a tightening of the housing market. Vacancy rates are lowest in lower-cost housing, relaxing as the price of units increase.

Overcrowded conditions are reported slightly higher in the 2016 American Community Survey data, rising from 3.4 to 3.9 percent. The survey shows 3.3 percent of households live with more than one person per room while 1.2 million households or 1.1 percent live with more than 1.5 persons per room.

The National Housing Preservation Database indicates that of the nearly 4.7 million publicly supported rental homes, more than 10 percent with affordability restrictions will expire in the next five years. With more than 8.1 million extremely low-income households spending more than half of their income on rent, there is a shortage of approximately 7.4 million homes affordable to the extremely low-income households in need.

There has been an uptick in a loss of older housing inventory. A Hudson Institute analysis found that about 60 percent of low-cost units in 1985 were lost from the U.S. housing stock by 2013 through a combination of permanent removals (27 percent), conversions to other uses (18 percent), and upgrading to higher rents (12 percent). Moreover, just under a third of affordable rentals in 2013 had been low-cost units in 1985, underscoring the importance of affordable housing preservation.

2. Affordability

Perhaps the most significant economic trend of the last 12 years is the widening gap between the highest earners and the average wage. Those at the top of the income curve have seen their earnings increase while the majority has experienced stagnation or reduction. This has directly affected the housing supply, which is steadily bifurcating into strong or weaker markets while the middle range is shrinking.

Over 41 million households in the United States (approximately 35 percent) are described as cost burdened, meaning these households are spending more than 30 percent of their income on housing expenses. The numbers are increasingly dire for those households that earn roughly a minimum wage income. Assume the breadwinner in a household earns $10 per hour at a full-time job; this equates to an annual household income of $20,000 per year. This income cohort represents 15 percent of U.S. households and more than 80 percent of these low-income households are cost burdened.

Further complicating the issue is the fact that wages have not increased proportionally to housing costs. After adjusting for inflation, wages are only 10 percent higher in 2017 than they were in 1973 (with annual real wage growth just below 0.2 percent). During that same period, the cost of housing increased almost 30 percent nationally and at significantly higher percentages in markets such as New York City, Los Angeles, San Francisco, Seattle, and Washington, D.C. According to the ***State of the Nation's Housing 2018*** report by the Joint Center for Housing Studies of Harvard University, "In 1988, when the first *State of the Nation's Housing* report highlighted historically high homeownership costs, the national home price-to-income ratio was 3.2, with just one metro posting a ratio above 6.0. In 2017, the national price-to-income ratio stood at 4.2, and 22 metros had ratios above 6.0." As a rule of thumb, most banks consider a home price-to-income ratio in the 3.0–3.5 range generally financeable (assuming minimal outstanding debt obligations for car loans, student loans, credit cards, etc.).

As the cost per square foot to build housing continues to increase, a greater number of units built by the private market have moved to higher rent or for-sale units while losing lower rent or for sale units. With the average cost per square foot for new construction in the $150 to $300 range (geography dependent), it is impossible to build a new 1,500-square-foot single-family house that is affordable to households earning the U.S. median income of $57,652 (in 2017) without a public subsidy in the form of land, money, or both. Unfortunately, many of the state and federal programs are limited to assisting only those households at 60 percent area median income (AMI) or less. The reality is that housing is often unaffordable to households earning up to 120 percent AMI (and higher in many markets). A tiered approach to the provision of subsidies and economic incentives, especially at the local level, is necessary to ensure the construction and preservation of a wide range of affordable housing types in our nation's communities.

Scaling back the size of newly constructed housing offers some cost savings provided the minimum buildable lot size is reduced accordingly to realize a savings on land acquisition. Homes in the 900- to 1,200-square-foot range are becoming more commonplace, but the trend in America is still toward larger houses. According to the U.S. Census, the size of the average single-family house increased from 1,535 square feet in 1975 to 2,169 square feet in 2010—an increase of 41 percent.

3. Housing Location

There is an increasing disconnect between job location and housing supply, placing greater demands on our transportation system and causing a greater proportion of time and income to be spent on commuting.

Long Commutes. Driven in part by the search for affordable housing, rising commute times are an issue both regionally and nationwide, adding even more expenses to full-time workers. Brookings Institution research found that between 2000 and 2012, more Americans took on outsized commutes: The number of jobs within the typical commute distance for residents in a major metro area fell by seven percent nationwide. The 2015 American Community Survey found that the country's average commute rose to 26.4 minutes in 2015, and the number of Americans who live in one county and work in another soared from 23.5 million to 40.1 million between 1990 and 2014, a 71 percent increase. More time behind the wheel or on a bus or train is taking more money from the working poor.

The census data shows the longest commutes are also the fastest growing. The number of workers who are over the age of 16 grew by roughly 1.7 percent from 2014 to 2015 (a total of 148.3 million workers). But the number of workers with 45-minute commutes grew even faster (3.5 percent). The number with hour-long commutes grew even faster than that (5.1 percent). And workers with extreme commutes—90 minutes or more—grew by the fastest rate of all (eight percent). At the other end of the spectrum, the number of workers with commutes less than 10 minutes actually shrank.

But research increasingly finds that for many, longer drives are a direct result of a dearth of housing near jobs, especially in increasingly expensive downtown districts. Our dreary national commute reflects larger choices about zoning, housing development, and infrastructure investments which add to the affordability crisis that has gotten worse over the last decade, especially for the poor and the middle class.

The median commute distance for those earning $15,000 a year or less has jumped from 12 to 21 miles between 2006 and 2013. There's also a pronounced racial dimension to the increase in commuting time: Brookings Institution research found that as more lower-income urban Americans are pushed to suburban areas due to rising rents, the number of jobs near the typical Hispanic (17 percent decline) and black (14 percent decline) resident in major metro areas declined much more steeply than for white residents (six percent decline).

Production. Nationally, the number of households grew by 11.2 million between 2005 and 2015, while only 9.9 million new housing units were constructed during the same period. Only 10 of the nation's 50 largest metros have produced enough new housing to keep pace with job growth in recent years. Job growth tends to be centered in the counties containing a core city while a greater share of housing units is added to the surrounding suburbs—leading to heightened levels of undersupply in the core cities.

There is a strong correlation between the number of jobs and rent growth from 2005 to 2015. Real estate values plummeted following the Great Recession and construction came to a near halt across the country, with the number of new housing units permitted to be constructed dropping to the lowest level on record in May 2009. Since then, the housing market and the overall economy have recovered, but new construction continues to lag. The number of companies building homes dropped by 50 percent from 2007 to 2012, and the construction industry is currently facing a serious labor shortage. The resulting lack of new construction is contributing to rising rents, which are creating an affordability crisis in many parts of the country.

In the postrecession period, most large metros areas are lacking in housing supply but are high in demand. When we focus on the postrecession period from 2010 to 2015, only 10 of the 50 largest metros added fewer than two jobs per residential building permit.

Cost/Income. Out of 30 metro areas that increased economic productivity, average wages, and standard of living since 2010, only 11 were able to distribute that growth across income groups.

4. Housing Needs for All

Over the past 12 years, home design has evolved to building homes that accommodate the changing demographics of our nation. More housing is being developed for a mix of life stages and at a range of price points, including extended families and caretakers, those who may need first-floor living and zero-step entries, larger families, and single-person households. A diversity of housing types accommodates all needs.

Universal Design and Visitability Principles. Creating a range of housing options for residents in a community is one way for older adults to not only remain in their homes, but also remain in their communities. Over the past decade, builders have implemented more Universal Design and Visitability elements in housing design as standard rather than as an option. The principles emphasize the design of buildings and environments that are accessible to all people, regardless of age, disability, or other factors.

Aging in Community. According to AARP's Public Policy Institute, the vast majority of people age 50 and older want to stay in their homes and communities for as long as possible. However, Fannie Mae's research anticipates that aging baby boomers will trigger an exodus in the housing market. Fannie Mae states: "The beginning of a mass exodus looms on the horizon, fueling fears of a 'generational housing bubble.'" Such a scenario "would reverberate through the housing market and economy." Fannie Mae's report states that "the number of homeowners who reach age 65 by the year 2026 will drop by 10.5 million to 11.9 million, more than the loss of 9.2 million in that age bracket from 2006 to 2016." A broader range of housing options benefits a broader range of people and households, including accessory dwelling units and smaller rental homes. Community planning should incorporate access to amenities such as parks, trails, and transportation networks near existing housing for older populations.

Cost Burden. Housing and transportation are the two biggest expenses in a typical U.S. household. Statistics suggest that the combination of housing affordability and affordable transportation is an issue for more than two-thirds of Americans, with the nation's lowest-income households absorbing the greatest costs. Access to alternative modes of affordable transportation, particularly transit, is critical to these households.

Future Home Owners. More than 32 percent of Americans age 18 to 35 currently reside with their family. There may be a number of reasons for this. The first is the lack of a range of housing options in regions throughout the United States. The second is the increased economic instability of young adults due to increased personal debt burden and, in some locations, lack of access to job growth opportunities. These two issues combined present barriers to future home ownership and economic stability.

Impacts of Immigration. For decades, immigration has affected communities throughout the United States. According to Joint Center for Housing Studies data, immigrants currently make up 20 percent of renter households and 12 percent of home owners. From 2006 through 2016, these households have been shown to stabilize both urban and rural communities that might have otherwise lost populations.

Sustainable Design. In the past few years, efforts to create more sustainable homes have increased. There has been progress in the use of cleaner fuels and renewable energy for home heating. From 2010 to 2016 electric heat increased from 34.2 percent of the market to 37.7; solar increased from 1.26 to 1.82 percent. Utility gas/bottled/LP gas decreased from 63.1 percent to 62.5; however, fuel oil/kerosene increased from 15.6 to 16.1 percent and use of wood from 9.3 to 10.3 percent.

Increased interest in carbon reduction leads to greater focus on energy efficiency of lighting, plug loads, HVAC systems, and water-saving devices as well as improved building codes. While there is considerable variation in state policies, most encourage use of the measures cited above.

This factor and carbon reduction strategies in all other sectors is reflected in the steady decline of annual per capita energy use (300 million BTU) and CO_2 emissions (15.8 metric tons of CO_2) in 2017, lower than any year after 1970.

Clear indications of the energy market transformation is the rapid increase in the number of passive house and net-zero building projects in the country. Projects exist in states with more stringent building codes such as California and Florida, but are gaining traction in other states and localities that are committed to reducing greenhouse gases substantially by 2030 and 2050.

A passive house combines a high level of comfort with very low energy consumption through an efficient envelope requiring less heating and cooling. The number of passive house projects certified or in construction rose from 25 in 2011 to 350 in 2016, providing approximately 3,000 housing units. Net-zero buildings, very efficient buildings with solar and batteries that produce as much energy as they use, are increasing as states adopt more stringent energy codes. Currently the Net-Zero Energy Coalition estimates there are more than 5,000 NZE single-family homes and 7,000 NZE multifamily units nationwide. For example, by 2020 all new buildings in California will meet these standards, producing 100,000 NZE homes annually.

Homelessness. In 2017, the U.S. Department of Housing and Urban Development (HUD) reported that 553,742 people experienced homelessness in the United States on a single night. Two-thirds of the homeless were located in transitional housing or emergency shelters, with the remaining third in unsheltered locations. Thirty-three percent of the homeless were in families with children; the remaining 67 percent were single individuals. Most of the families were in sheltered situations.

From 2016 to 2017, there was an overall increase in the homeless population of one percent, consisting of a rise in homeless individuals counterbalanced by a five percent decline in the number of homeless families. This is the first reported increase in national homelessness in seven years. The increase occurred in major cities, with a decrease in the homeless in smaller towns and statewide. Across the nation there was an increase in the persons experiencing homelessness who were unsheltered. On a particular night in January 2017, approximately 24 percent of those experiencing homelessness were chronically homeless, a decline of five percent from 2007. However, the share of unsheltered chronically homeless increased from 65 percent to 69 percent.

Approximately half of the homeless are located in one of five states: California (25 percent), New York (16 percent), Florida (six percent), and Texas and Washington (four percent). There are also wide variances by state in the percentage of homeless unsheltered, ranging from a high of 77.8 percent in California to a low of 6.9 percent in Iowa.

Policy Positions

POSITION 1 Modernize state and local laws to ensure housing opportunities are available, accessible, and affordable to all.

Position 1A The American Planning Association and its Chapters and Divisions support the modernization of state planning laws to ensure that state enabling statutes for zoning promote local planning efforts and provide housing resources to solve our most pressing affordability challenges. State involvement and resources are needed to ensure consistency and universal participation among municipalities. States should require binding comprehensive plans or a specific community-wide housing plan that both understand current and future housing trends and actively plan for the availability and affordability of housing. Further, states should not prohibit jurisdictions from establishing inclusionary housing and zoning programs and related rules and regulations aimed at creating and preserving housing. Mandates, funding, technical assistance, or other incentives may be used. Further, states should designate a single agency to oversee housing policy, support local planning, and achieve key production and affordability goals.

Position 1B The American Planning Association and its Chapters and Divisions support the modernization of local zoning bylaws and ordinances to increase housing production, while taking local context and conditions into account. While challenging to confront and, ultimately, amend or dismantle exclusionary zoning, rules, and practices, planners must take the lead in modernizing zoning. Local jurisdictions should adopt bylaws or ordinances, policies, and incentives that facilitate a range of housing types and densities and that serve a diversity of housing needs. Local jurisdictions should review and modernize bylaws and ordinances and planners need resources to make updates happen and to ensure adequate public engagement occurs.

Updates to bylaws and ordinances should address mixed use and multifamily development, including affordability. Updates should also include rezoning for higher densities where there may be existing lower densities. Local jurisdictions should consider reducing or eliminating minimum lot-size requirements, reducing minimum dwelling unit requirements, allowing greater height and density and reducing or eliminating off-street minimum parking requirements, and they should specifically identify and eliminate or minimize regulatory obstacles to the establishment of accessory dwelling units, whether attached to or detached from the principal dwelling unit. Local jurisdictions should also allow for and encourage adaptive reuse and use conversions to encourage housing production. Local jurisdictions should also research and analyze, and as part of any zoning amendment, preempt all restrictive covenants and barriers to fair housing and access to housing choice, including barriers to on-street, overnight parking.

Location should be addressed without compromising equity or resiliency. Local jurisdictions should consider incorporating into bylaws and ordinances transit-oriented development principles and principles that address the importance of housing location in relation to access and proximity to schools, jobs, parks, transportation, and other critical amenities and resources. States should consider moving to a Housing + Transportation Index when determining affordability.

Position 1C The American Planning Association and its Chapters and Divisions support a better regional location balance for jobs, schools, and housing. Planners should support a regional fair-share distribution of housing, in general, and affordable housing, in particular, in proximity to employment opportunities. Planners recognize that housing markets closely align with labor markets, and function on a regional scale. Addressing any misalignment between them calls for interjurisdictional dialogue and cooperation. Local jurisdictions should amend zoning and regulations to encourage better balance of jobs and housing, including an increase of mixed uses in downtown and commercial areas, and establishing home occupation standards that have a low regulatory burden.

Position 1D The American Planning Association and its Chapters and Divisions recognize and support ongoing and expanded efforts to build market-rate and workforce housing in rural locations. Aging demographics and declining wages, combined with an older unmaintained housing stock, contribute to the need to ensure an equitable supply of safe housing in these areas. State, county, and local planners must ensure that resources, including capital, are directed to housing efforts in these locations, including funding for utilities and infrastructure, such as water and wastewater systems and roads, particularly in areas with lower-income populations.

Position 1E The American Planning Association and its Chapters and Divisions emphasize the importance of having an adequate supply of housing, and especially affordable housing, in economic development strategies. State and local jurisdictions should engage with business leaders to provide public messaging on the importance of housing and housing development to meet the needs of economic growth. Examples of potential strategies include: preserving existing mixed-income, multifamily housing stock near major employers and transit hubs in order to create housing opportunities in close proximity to new suburban, exurban, and rural employment and service centers; performing housing impact studies, in conjunction with large employers, to analyze the availability of affordable housing for their workforce in proximity to work locations; encouraging employers to invest in their workforce and neighborhoods by supporting employer-assisted housing programs; and supporting transportation and transit improvements to increase job access and tracking and managing impacts from short-term rentals.

Position 1F The American Planning Association and its Chapters and Divisions support inclusionary growth to ensure fair opportunities to access affordable housing and economic prosperity, while addressing the negative effects of gentrification. Fair share increases opportunity such as access and proximity to jobs, accredited schools, community centers, and mobility options. State should remove barriers and create enabling legislation to allow local jurisdictions to adopt inclusionary growth and related requirements which may: mandate a minimum percentage of affordable units in a development are set aside in exchange for greater density, allow for a prorated number of affordable units that may be provided off-site, allow for payment to a dedicated fund for use by other developers, and require a diversity of housing unit sizes, including housing units with at least three bedrooms in support of families and households that include caregivers.

Position 1G The American Planning Association and its Chapters and Divisions should eliminate barriers to affordable and multifamily housing development and exclusionary zoning, rules, and practices, especially in areas where such development is supported by the necessary transportation, social, cultural, utility, and economic infrastructure. Local jurisdictions should allow multifamily, mixed-income housing as a by-right use and reduce permitting barriers that create development uncertainty, increase the cost of land and development, and stimulate opposition. Local jurisdictions should streamline approval processes that coincide with identified housing needs and demand and establish higher thresholds that are subject to special permit reviews.

Position 1H The American Planning Association and its Chapters and Divisions support "enabling design"—design that enables residents of varying levels of physical ability to live in all multifamily housing and single-family residential, and recommends requiring its use in housing assisted with federal subsidies.

Position 1I The American Planning Association and its Chapters and Divisions should work to transform the community engagement process relative to multifamily and mixed-income housing preservation and development. Local jurisdictions should move to active implementation of housing policy and development and build public support for housing affordability. Local jurisdictions should consider developing outreach and engagement strategies to establish a framework and guide dialogue with the public and key stakeholders about housing need, demand, and trends, as well as the consequences of inaction. Local jurisdictions should be inclusive and responsive to a broad range of constituents, while promoting best practices and educating the public with attention to ensuring all populations have access to information in a variety of formats.

Position 1J The American Planning Association and its Chapters and Divisions support efforts to combat housing discrimination and support efforts that foster racial and economic integration. This includes support for the inclusive goals of the National Housing Act of 1949 and the Fair Housing Act of 1968, specifically including the latter's objective of affirmatively furthering fair housing. It also includes support for the adoption of federal and state laws that would prohibit and provide additional protections against housing discrimination based on the source of income/ receiving public assistance and other protected classes, including but not limited to additional protections for ancestry, age, gender identity, genetic information, marital status, sexual orientation, and veteran/ military history. Finally, APA supports the dismantling of exclusionary land use and zoning practice and policies that contribute to and continue historic patterns of segregation, which includes discriminatory definitions of family in local zoning and ordinances.

Position 1K The American Planning Association and its Chapters and Divisions support better understanding of the variations in acceptable housing occupancy standards across cultures to encourage and support flexibility in housing occupancy standards while ensuring safe, humane, and reasonable standards of living. Housing occupancy varies across different sociocultural groups including different preferences for multigenerational and larger households.

Position 1L The American Planning Association and its Chapters and Divisions have a special responsibility to establish affordable, accessible and available housing as core values in states and localities. Engagement of community leaders, elected officials, and the public in support of these core values can lay the groundwork for modernization of state enabling statutes and reform of local plans and codes that may inhibit housing affordability and availability. Effective engagement can also diminish concerns regarding increased density and new housing forms in existing neighborhoods.

POSITION 2 Preserve existing housing to maintain the quality and overall supply of affordable housing.

Position 2A The American Planning Association and its Chapters and Divisions recognize that preservation of the existing affordable housing stock is critical for protecting older owner-occupied and renter-occupied housing. These types of housing units are often the dominant building fabric and largest source of naturally occurring affordable housing for many inner-ring neighborhoods. Communities should develop plans for substandard and abandoned housing and identify properties that risk falling into substandard conditions. Local jurisdictions should ensure that comprehensive housing plan policy recommendations support the preservation of existing housing stock as a key component of those plans. Incentivizing and/or mandating the preservation of existing affordable housing is also often the most sustainable way a municipality can ensure housing provision. The only exception to this position would be in the case of existing housing that is substandard, the removal of which would give way to higher-density multifamily developments.

Position 2B The American Planning Association and its Chapters and Divisions support the preservation of existing affordable housing. In order to stem the loss of existing affordable units in gentrifying neighborhoods due to permanent removal, conversion to other uses, and rent increases, local jurisdictions should support the preservation or replacement of these units. Planners and local policy makers should consider a package of incentives to ensure some level of affordability remains associated with these units. Planners should encourage models to preserve affordable housing units, such as low-equity cooperatives and community land trusts. Local jurisdictions should consider the impact of redevelopment proposals on existing neighborhoods, particularly with regard to the potential for residential displacement of low- to middle-income households. Planners should encourage adoption of inclusionary zoning and regulatory measures that proactively preserve housing that is affordable to low- and very-low income households along current and future transit corridors, downtowns, and village or community centers. This ensures that transit-dependent populations in developing or redeveloping areas will have continued access to amenities such as jobs, schools, health care, and goods and services.

Position 2C The American Planning Association and its Chapters and Divisions support monitoring of existing affordable housing units in state and local jurisdictions. Many communities nationwide have successfully used inclusionary zoning as a means to ensure that a specified percent of new market units developed are rent- or sale-restricted for households earning less than 100 percent of Area Median Income. Planners should ensure that units remain affordable through the term of their deed restriction.

Position 2D The American Planning Association and its Chapters and Divisions support options for older adults to age in community. Local jurisdictions should encourage the maintenance and modernization of existing housing by providing or identifying options for financial assistance from loan and grant programs, home modification programs for people with disabilities, and weatherization and home energy assistance programs.

Position 2E The American Planning Association and its Chapters and Divisions support options for public education on home ownership, maintenance, and repair. First-time home owners should understand the benefits and responsibility of home ownership.

POSITION 3 Encourage environmental sustainability and resiliency as critical elements of housing availability and affordability.

Position 3A: The American Planning Association and its Chapters and Divisions encourage sustainability, resiliency, and energy and water efficiency in the housing sector. States and local jurisdictions should investigate opportunities to amend zoning and building requirements to increase production of net-zero and passive homes, and homes with water harvesting and gray water systems. Planners should work with the developers to educate energy end users about choosing renewable energy, water conservation and reuse, and sustainable lifestyles.

Position 3B The American Planning Association and its Chapters and Divisions encourage additional housing to be located in walkable, transit-rich areas to support broader low-carbon emission choices and goals.

Position 3C The American Planning Association and its Chapters and Divisions encourage the siting and design of housing away from flood-prone areas and areas prone to natural disasters and hazards, incorporating green infrastructure into future development. Planners should encourage compact development and mixed use housing to reduce impacts on watersheds and environmentally sensitive areas and in areas prone to natural disasters and hazards.

Position 3D The American Planning Association and its Chapters and Divisions should work to ensure that environmental sustainability and resilience are incorporated into the design and construction of all housing typologies.

POSITION 4 Ensure that public and private finance keeps pace and innovates to support increased housing availability and affordability.

Position 4A The American Planning Association and its Chapters and Divisions support increased financial resources from the federal government to support the preservation and production of housing. Planners should advocate for the continued reauthorization and increased funding for federal housing programs, such as the HOME Investment Partnerships Program, the Community Development Block Grant, Housing Choice Vouchers, and the Native American Housing and Self-Determination Act funding. Planners should support the continued allocation of funds to the National Housing Trust Fund from the profits of Fannie Mae and Freddie Mac. Planners should support increases to the Low-Income Housing Tax Credit Program and reforms to simplify that program. Planners should support the preservation and modernization of federally assisted housing for older residents, including

Section 202 Supportive Housing for the Elderly and the U.S. Department of Agriculture 515 and 521 programs. Finally, planners should support full federal funding for public housing capital and administrative funds.

Position 4B The American Planning Association and its Chapters and Divisions support reforms to private financial resources to support the preservation and production of housing. Lending institutions often have inflexible standards or periods of restricted lending. Planners should encourage lending institutions to support mixed use and other nontraditional development formats while avoiding risky lending practices and lax regulation. Lenders also can support housing affordability by reducing requirements for parking spaces. Planners should advocate for reforms to the Community Reinvestment Act to ensure fair lending practices and greater investment in lower-income communities. Lenders must address historic patterns of discrimination practices, particularly against mortgage applicants who are black and Hispanic to ensure that the opportunity of home ownership is available to all.

Position 4C The American Planning Association and its Chapters and Divisions support the establishment and growth of creative and flexible housing programs, such as the Rental Assistance Demonstration Program (recapitalization of public housing) and the Moving to Work Program (flexible use of housing choice vouchers). As much as possible, planners should seek to use regulatory tools to leverage the power of private capital to create affordable housing, and significant gains can be made through robust inclusionary zoning incentives in areas where the market supports new housing development.

Position 4D The American Planning Association and its Chapters and Divisions should support the continued role of the federal government in ensuring access to residential mortgage capital support to the housing market either indirectly through existing government sponsored enterprises (Fannie Mae and Freddie Mac), or through some other similar mechanism that also provides ongoing market stability. Planners should support the Duty to Serve program of the Federal Housing Finance Agency as a means of providing access to mortgage financing for low-income home purchasers, including purchasers of manufactured housing. Planners should support the establishment and use of innovative approaches that create home ownership opportunities, such as shared-equity home ownership, resident-owned manufactured housing communities, life-cycle underwriting, and portable and assumable mortgages. Planners should support changes to the mortgage interest tax deduction that directly benefit low- and moderate-income home owners.

Position 4E The American Planning Association and its Chapters and Divisions support increased coordination among existing federal planning programs, such as the Consolidated Plan required for HUD funds, with state and local plans. Planners should support the alignment of funding cycles among different programs and matching regulatory requirements to simplify developer compliance and to expedite both reviews and approvals of funding applications. Unified application processes will reduce developer regulatory burdens and increase program utility to improve the efficiency of funds deployed. Planners should advocate to their federal representatives the importance of restoring and increasing HUD funding. Further, planners should advocate for federal representatives to address the impacts of recent tax reform on a range of tax credits and related financing tools for housing.

Position 4F The American Planning Association and its Chapters and Divisions support innovations to government assessment and tax policies. State and local jurisdictions should work together to create reforms to tax assessment policies, creating model frameworks and local assessment categories. Planners should educate assessors and others engaged in local tax policy setting with affordable housing assessment policies. At the federal level, planners should support the establishment of a project-based low-income renters' tax credit, to be administered at the state level to maximize coordination with other programs such as the Low-Income Housing Tax Credit. Planners should also support the establishment of a middle-income housing tax credit.

Position 4G The American Planning Association and its Chapters and Divisions should support the establishment of programs at the state and local levels to provide financing for or subsidize development of accessory dwelling units that are targeted for occupancy by lower-income households, including those with Housing Choice (Section 8) and Veterans Affairs Supportive Housing Vouchers, or that have below-market rents.

Position 4H The American Planning Association and its Chapters and Divisions continue to support the federal Low Income Housing Tax Credit program that provides equity for new and rehab housing developments directed at households earning below 60 percent or 50 percent of Area Median Income. Planners should support the ongoing reform of the associated Qualified Allocation Plans that are a requirement for each state for the allocation of these tax credits. In particular, states should consider the inclusion of criteria that ensure equal representation for rural and urban housing as well as additional locational preferences.

Position 4I The American Planning Association and its Chapters and Divisions support the ongoing creation and funding of Housing Trust Funds (HTFs) around the country, specifically and solely for the purpose of housing-related expenditures. Whether these funds are established at the local, county, or state level, they are designed to receive ongoing sources of public funding to support the preservation and production of affordable housing and increase opportunities for families and individuals to access decent affordable homes. Planners support funding HTFs via direct allocation from general funds (budgetary line items) as well as the issuance of housing bonds at both the local and state level. Planners should prioritize dedicated funding streams to fund HTFs when possible in addition to annual allocations from general funds. Dedicated funding streams prevent volatile changes in funding based on an administration's political views. All HTF funds should be limited to expenditures related to creating or preserving affordable housing; use of these funds should not be directed to other projects or budget items.

Position 4J The American Planning Association and its Chapters and Divisions support the cultivation of partnerships to best utilize the full range of available resources to develop affordable housing. Local jurisdictions should seek to pair potential partners to broaden community involvement in the production of affordable housing. Organizations and individuals that are not typically involved in housing production, such as arts groups, medical associations, or education coalitions, should be sought out for potential partnerships in addition to nonprofit community foundations.

POSITION 5 Support funding and program flexibility to provide services, shelters, and permanent supportive housing for people experiencing homelessness, veterans, immigrants, and the formerly incarcerated.

Position 5A The American Planning Association and its Chapters and Divisions support continued reauthorization and full funding of federal programs that directly benefit America's homeless population, including the HUD Continuum of Care Homeless Assistance and Emergency Solutions Grant Programs, and also continued funding of the National Housing Trust Fund, which is used to produce new housing that targets extremely low-income people. Planners should also support the creative and flexible use of other federal, state, and local housing resources that are used to establish and operate shelters and permanent supportive housing for people experiencing homelessness, including but not limited to veterans, immigrants, and the formerly incarcerated.

Related Policy Guides

In addition to housing, APA has recently or is currently issuing guides on topics as diverse as social equity, water, food policy, and autonomous vehicles. Almost no topic stands completely apart from the others and housing touches upon every other topic. A sampling of relevant Policy Guides includes the following:

Equity

The Planning for Equity Policy Guide, adopted in 2019, is a comprehensive assessment of the growing disparities in income, opportunity, mobility and choice. Specific to housing, the Policy Guide cites the principal goal of the National Housing Act of 1949 as "realization as soon as feasible of the goal of a decent home and suitable living environment for every American family" and examines where we, as a nation, have fallen short.

Public Health

The Healthy Communities Policy Guide, adopted in October 2017, defines healthy communities as "places where all individuals have access to healthy built, social, economic, and natural environments that give them the opportunity to live to their fullest potential regardless of their race, ethnicity, gender, income, age, abilities, or other socially defined circumstances." The Policy Guide emphasizes neighborhood design that is conducive to walking and bicycling.

Sustainability

The Sustainability Policy Framework, adopted in January 2016, is intended to supersede the Planning for Sustainability Policy Guide adopted in 2000. Among the key elements of the Framework is the goal to "ensure that all elements of the built environment, including land use, transportation, housing, energy, and infrastructure, work together to provide sustainable, green places for living, working, and recreation, with a high quality of life" and specifically that local development codes include "provisions for a variety of housing types (e.g., accessory dwelling units, cohousing, multiplexes, row houses, and mixed use buildings) for neighborhood residents of all ages, with different incomes, needs, and physical abilities."

Water

The Water Policy Guide, second update adopted July 2016, stressed the need to evolve from planning for hazard mitigation and flood control to considering the supply, demand, and quality of our drinking water. The recommendations for integrated resource management include community land-use planning that seeks to achieve development that results in sustainable land-use patterns coupled with the efficient use of scarce and/or oversubscribed water supplies. Beyond the obvious recommendations to avoid or minimize housing construction within flood hazard areas, the Policy Guide emphasizes the need to consider proximity to water supply and to incorporate sustainable design practices to reduce water demand.

Aging in Community

Implementing housing policies is critical to advancing the Aging in Community Policy Guide, adopted in April 2014. The guide states that planners should aim to "provide a range of affordable and accessible housing options. Promote housing development of differing sizes and costs. Better utilize existing housing resources, and advance universal design and visitability standards to promote accessibility in new housing."

Surface Transportation

The Surface Transportation Policy Guide, adopted in 2019, emphasizes the role of transportation in mitigating the effects of climate change, how data can be leveraged to make equitable and effective transit decisions, and transportation revenue amid a changing policy landscape. The location of housing relative to job sites is undoubtedly the single most important factor in assessing transportation needs.

Please refer directly to these closely allied policy guides for additional information on these topics: http://planning.org/policy.

Contents of a Model Housing Element for a Comprehensive General Plan

Excerpted from:
American Planning Association. (2002). Section 4-208.9: Contents of a housing element. In Stuart Meck (ed.), *Growing smart legislative guidebook, 2002 Edition* (pp. 4.92-4.95). Chicago, IL: American Planning Association.

Contents of a Housing Element

1) The housing element of the local government's comprehensive plan is intended to provide an analysis and identification of existing and prospective housing needs, especially for middle-, moderate-, and low-income housing, in its housing region and to set forth implementing measures for the preservation, improvement and development of housing. The housing element shall include all of the following, none of which may serve as a basis for excusing a local government from fulfilling its regional fair-share obligation:
   a) an inventory of the local government's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to middle-, moderate-, and low-income households and the number of substandard housing units capable of being rehabilitated;
   b) a projection of the local government's housing stock, including the probable future construction of middle-, moderate-, and low-income housing for the next [5] years, taking into account, but not necessarily limited to, construction permits issued, preliminary as well as final approvals of applications for development, and all lands identified by the local government for probable residential development;
   c) an analysis of the local government's demographic characteristics, including but not necessarily limited to, household size, income level, and age of residents;
   d) an analysis of the existing and probable future employment characteristics and opportunities within the boundaries of the local government, especially those jobs that will pay moderate or low wages;
   e) an analysis of the existing and planned infrastructure capacity, including, but not limited to sewage and water treatment, sewer and water lines, and roads;
   f) a statement of the local government's own assessment of its present and prospective housing needs for all income levels, including its regional fair share for low- and moderate-income housing, and its capacity to accommodate those needs. The regional fair share as determined by the [Council *or* regional planning agency] shall form the minimum basis for the local government's determination of its own fair share;
   g) an identification of lands within the local government that are most appropriate for the construction of low- and moderate-income housing and of existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income

housing, including a consideration of lands and structures of developers who have expressed a commitment to provide low- and moderate-income housing and lands and structures that are publicly or semi-publicly owned;

h) a statement of the local government's housing goals and policies;

♦ As part of the housing element, the local government can provide for its fair share by any technique or combination of techniques which provides a realistic opportunity for the provision of its fair share. The housing element should contain an analysis demonstrating that it will provide such a realistic opportunity. The local government should review its land-use and other relevant ordinances to incorporate provisions for low-and moderate-income housing and remove any unnecessary cost generating features that would affect whether housing is affordable. The model legislation provides, in (i) below, for the elimination or reduction of unnecessary cost generating features for all housing or affordable housing (on the theory that such action would reduce housing costs overall) or for only inclusionary developments (on the theory that it would ensure project feasibility).

i) the text of adopted or proposed ordinances or regulations of the local government that are intended to eliminate or reduce unnecessary cost generating requirements for [all housing *or* affordable housing *or* inclusionary developments]; and

j) the text of adopted or proposed ordinances or regulations of the local government that are intended to provide a realistic opportunity for the development of low- and moderate-income housing. Such ordinances or regulations shall consider the following techniques, as well as others that may be proposed by the local government or recommended by the Council as a means of assuring the achievement of the local government's regional fair share, removing barriers to and providing incentives for the construction of low- and moderate-income housing and generally removing constraints that unnecessarily contribute to housing costs or unreasonably restrict land supply:
   1. expanding or rehabilitating public infrastructure;
   2. reserving infrastructure capacity for low- and moderate-income housing;
   3. establishing a process by which the local government may consider, before adoption, policies, procedures, ordinances, regulations, or plan provisions that may have a significant impact on the cost of housing;
   4. designating a sufficient supply of sites in the housing element that will be zoned at densities that may accommodate low- and moderate-income housing, rezoning lands for densities necessary to assure the economic viability of any inclusionary developments, and giving density bonuses for mandatory set-asides of low- and moderate-income dwelling units as a condition of development approval;130
   5. establishing controls to ensure that once low- and moderate-income housing is built or rehabilitated through subsidies or other means, its availability will be maintained through measures such as, but not limited to, those that establish income qualifications for low- and moderate-income housing residents, promote affirmative marketing measures, and regulate the price and rents of such housing, including the resale price, pursuant to Section [4-208.22] below;

6. establishing development or linkage fees, where appropriate, authorizing such other land dedications or cash contributions by a nonresidential developer in lieu of constructing or rehabilitating low- and moderate-income housing, the need for which arises from the nonresidential development, generating other dedicated revenue sources, or committing other financial resources to provide funding for low- and moderate-income housing. Such development or linkage fees, land dedications, cash contributions, and dedicated revenue sources may be used for the following activities or other activities approved by the Council: rehabilitation; new construction; purchase of land for low- and moderate-income housing; improvement of land for low- and moderate-income housing; and assistance designed to render units to be more affordable;
7. modifying procedures to expedite the processing of permits for inclusionary developments and modifying development fee requirements, including reduction or waiver of fees and alternative methods of fee payment;
8. using funds obtained from any state or federal subsidy toward the construction of low- and moderate- income housing; and
9. providing tax abatements or other incentives, as appropriate, for the purposes of providing low- and moderate-income housing.

MODERATE INCOME HOUSING

State code 10-9a-403* requires:
for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a realistic opportunity to meet the need for additional **moderate income housing**

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live in the community; and

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) for a town, may include, and for other municipalities, shall include, an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the next five years, which means or techniques may include a recommendation to:

(A) rezone for densities necessary to assure the production of moderate income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

(C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;

(E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;

(F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; [and]

(G) consider utilization of affordable housing programs administered by the Department of Workforce Services; and

(H) consider utilization of programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

The housing section of the general plan highlights the quality, affordability, and types of housing that currently exist in the community, and which the community hopes to develop. Your housing plan should coordinate with your land use and transportation plans.

* 10-9a-403 was amended by HB 259, Moderate Income Housing Amendments in the 2018 legislative session. This bill also changed the population threshold from 1,000 or greater to 5,000 or greater, if the city is located in a county of the first, second, or third class; a metro township of 5,000 or more; a metro township with a population of 5,000 or less if located in a county of the first, second, or third class–effective May 8, 2018.

SECTION CONTENTS:

Moderate-income housing: 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.

Plan for moderate income housing: a written document adopted by a city legislative body that includes:

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

(b) an estimate of the need for moderate income housing in the city for the next five years as revised biennially;

(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 city's program to encourage an adequate supply of moderate income housing.

UTAH CITY / COUNTY CLASSIFICATIONS

Class	Municipalities	Counties
1st	>100,000	>700,000
2nd	65,000–100,000	125,000–700,000
3rd	30,000–65,000	31,000–125,000
4th	10,000–30,000	11,000–31,000
5th	1,000–10,000	4,000–11,000
Town / 6th	< 1,000	< 4,000

NOTE: *Some of the content suggested here may be found already in the plan background section. You may need to repeat the information. We encourage communities conducting moderate income planning to use tools available through the Housing and Community Development's Affordable Housing shared Google Drive folder:* ***https://goo.gl/z4hm8Y***.

PRO TIP : AMI GROUPS

Area Median Income is the midpoint of a region's income distribution. This means that half of households in the area of examination earn less and half earn more than the median. These different groups are typically grouped by percentages of that area median income: ≤80%, ≤50%, ≤30%.

THIS SECTION SHOULD ANSWER...

- What's the current population of target income groups?
- How has it changed over time?

THIS SECTION SHOULD ANSWER...

- What is the amount, availability, and condition of the current moderate-income housing stock?
- How many units have received Low Income Housing Tax Credit (LIHTC) or Olene Walker Housing Loan Fund (OWHLF) money?
- How many households have a Section 8 voucher?

INTRODUCTION

Begin by stating the purpose of the moderate income housing section. Since state law requires a moderate income housing plan for many communities, legal compliance is often cited as a primary purpose. All towns should consider including a housing section. Some towns under 5000 embrace the benefits of understanding and planning for moderate income and workforce housing. You can also describe how the moderate-income housing plan fits within the general plan's context and how these planning efforts fit within regional efforts.

If not previously addressed, it may be helpful to describe current community background information: growth patterns, community sentiments towards housing, local economic conditions, or other factors which may influence the supply or demand for moderate income housing.

Examine your current land use ordinances, and regulations for how they impact the availability of affordable housing. Discuss any other potential barriers to affordable or moderate income housing.

EXAMPLE // *Affordable housing for towns* // Torrey

As a town with a population of less than 1,000, this particular section of the Utah Code does not technically apply to Torrey. However, in keeping with the spirit of the law, Torrey Town wants to serve all present and future residents and businesses by ensuring that an adequate supply of affordable homes and rental units exist within town and the annexation area.

CURRENT MODERATE-INCOME POPULATION

In order to determine the current demand for moderate income housing, include current demographic data, how it has changed over time, and the number of households which fall into targeted income groups (≤80% AMI, ≤50% AMI, and ≤30% AMI). When combined with current moderate income housing supply, this will be used later to calculate current and anticipated moderate income housing need.

CURRENT HOUSING STOCK

In order to calculate the total supply of moderate income housing units, list the total number of housing units available, then break down the data by occupancy (renter-occupied or owner-occupied), size (number of bedrooms), and quality (“new,” “dilapidated,” etc.). This might be best accomplished by using a simple table (see below). This should include the number of Low Income Housing Tax Credit units and the number of housing vouchers.

# AVAILABLE HOUSING UNITS	RENTER-OCCUPIED	OWNER-OCCUPIED	# BEDROOMS	AGE	#	# LIHTC	# VOUCHERS
19,879	5,622 (28.3%)	9,513 (47.9%)	Studio: 270 1bd: 761 2bd: 1616 3bd: 2101 4bd: 503 5bd: 247	>2000: 1980-1999: 1960-1979: 1940-1959: <1939:	1236 2020 1396 429 417	2125	1436

CURRENT AVAILABILITY AND NEED

After defining the number of housing units, you must determine the availability of existing housing for targeted income groups (≤80% AMI, ≤50% AMI, and ≤30% AMI). This can be done through searches on real estate listing websites like realtor.com or zillow.com.

Next by using household growth estimates and current housing availability, determine the number of current moderate income units available and additional units needed, breaking it down by targeted income groups (homeless, disabled, veterans, elderly, youth aging out of foster care, victims of domestic violence, etc.), race and ethnicity, housing size, and special needs groups.

THIS SECTION SHOULD ANSWER...

- What is the current demand for moderate-income housing?
- What is the current supply of moderate-income housing?
- How many additional units are required to meet current demand?

FORECAST OF MODERATE-INCOME HOUSING NEED

Using the current statistics as a baseline, project low, medium, and high household growth for the next five and ten years. Then estimate the percentage of the population that will fall within targeted income levels and special needs groups over the next five and ten years.

Next compare the projected growth of households and expected housing construction for the next five and ten years. Note that optimal housing is to have one household per housing unit. If the average household size is 3.15 people, you'd need one housing unit per 3.15 people. Housing production that significantly lags behind household formation is a key affordability indicator.

Estimate of the number of housing units needed by residents within targeted income levels and special needs groups for the next five and ten years.

THIS SECTION SHOULD ANSWER...

- What is the demand for moderate-income housing in the near future?
- How many units are needed to meet future demand?

DEVELOPMENT PLAN TO MEET NEED

After understanding all the previous data, draft goals, objectives, and plans to strategically meet forecasted affordable housing needs, and to eliminate regulatory barriers to affordable housing. This should include the number of affordable housing units to be built, possible locations for new affordable housing units, and community resources that can be used to support development (RDA/EDA housing set-aside funds, fee waivers, local CDBG funds, donated land, etc.).

EXAMPLE // *Moderate income housing plan //*
The Meropis City Moderate-Income Housing Plan is held up as an example of a well structured plan. This plan is available at https://goo.gl/z4hm8Y.

THIS SECTION SHOULD ANSWER...

- How will your community meet moderate-income housing demand in the future?

PRESERVATION PLAN TO MEET NEED

Communities should not rely on new development to meet housing needs. Units exiting subsidy programs are the second biggest cause of affordable housing loss. Older housing stock is one of the primary sources for affordable housing. Communities should make efforts to keep current housing affordable.

FAIR HOUSING SECTION

This section is an explicit statement of the city's fair housing policies and practices. It should expressly acknowledge support of the State's fair housing laws and U.S. fair housing laws. This section should include a base map of the city with residential zoning layers (excluding other layers). The section should also include basic maps of the city broken into census block groups, if possible. Including the following:

- Minority owner median income
- Minority renter median income
- Median rental costs
- Median ownership costs

Cities that are too small to have more than one census block do not need these maps.

THIS SECTION SHOULD ANSWER...

- What types of housing exist in our community? What types to we want to see?
- Are we aware of any threats to housing, such as floodplains or fault lines?
- Do we understand the housing needs of our residents?
- Can people of different financial means afford to live here?
- Are there areas where we should not allow housing?
- How does our housing element coordinate with our land-use and transportation section?

BEYOND AFFORDABILITY

Beyond addressing moderate-income housing, this section can include discussions on treatment of subdivisions, encouragement or discouragement of certain housing types, and projected housing build out. This section should also address the coordination and collaboration efforts of local governments to ensure that no single community bares a disproportionate share of regional moderate income housing needs.

Agenda Item #5

Description	Workshop: Dark Sky Ordinance
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner

Background

Nibley City staff is proposing that the Planning Commission consider a recommendation to the City Council about adopting a new lighting ordinance that would address light pollution. Light pollution can be defined as the following:

> *The inappropriate or excessive use of artificial light…[and] can have serious environmental consequences for humans, wildlife, and our climate. Components of light pollution include:*
>
> ***Glare** – excessive brightness that causes visual discomfort*
>
> ***Skyglow** – brightening of the night sky over inhabited areas*
>
> ***Light trespass** – light falling where it is not intended or needed*
>
> ***Clutter** – bright, confusing and excessive groupings of light sources*
>
> (IDA, n.d.)

Light pollution is a significant problem across the United States and has a negative impact on humans and wildlife alike. Some of the main reasons Nibley City staff recommends consideration of the proposed ordinance is for the following:

1. Help protect the health of Nibley City Residents
2. Protect wildlife, particularly the fireflies located in firefly park and other parts of the community.
3. To help protect the rural feeling within Nibley City.
4. Set a precedent for other communities in Cache County.

5. Help light fixtures become more efficient

Firefly Park Buffer Area

Fireflies are incredibly vulnerable to light pollution. During the mating season, fireflies will use bioluminescence to attract mates. When light pollution is present, this can cause fireflies to fly towards the artificial light instead of another firefly. Because of these reasons, the proposed code would create a 500' buffer area around firefly park. The City is also considering offering some incentive to residents around Firefly Park to voluntary switch out their lights for dark sky compliant lighting. The proposed ordinance would give resident within the buffer area until January 1, 2024.

More about Dark Sky Policy

Learn more about light pollution and the Dark Sky Movement at the following links:

Why We Are Losing the Night Sky: By It's Okay to Be Smart

The International Dark Sky Alliance

Examples of Acceptable / Unacceptable Lighting Fixtures

Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

NIBLEY CITY LIGHTING ORDINANCE (draft)

10-12-14 LIGHTING

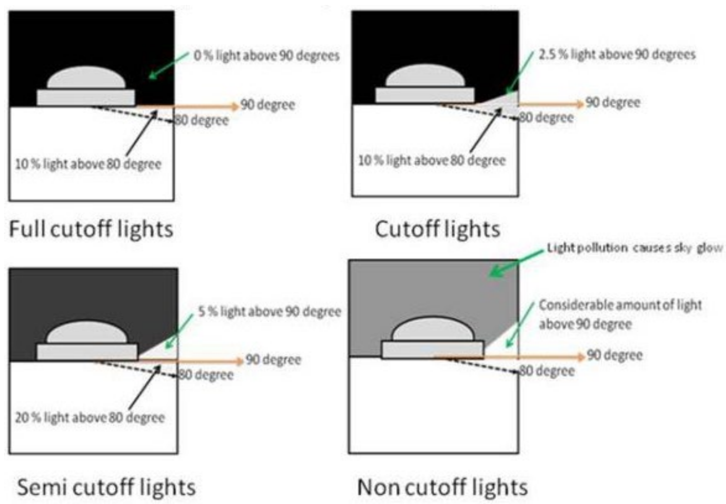
A. PURPOSE: The purposes of this chapter are to:

1. Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow in order
2. to preserve the natural dark of the night sky and to prevent lighting nuisances on properties.
3. Promote energy conservation.
4. Maintain nighttime safety, utility and security.
5. Prevent unnecessary or inappropriate outdoor lighting.
6. Maintain the rural atmosphere and character of the city.
7. Protect the fragile ecosystem in and around Firefly Park.

B. DEFINITIONS: For the purpose of this chapter, certain words, phrases and terms used herein shall have the meanings assigned to them by this section:

1. ACCENT OR ARCHITECTURAL LIGHTING: Lighting of building surfaces, landscape features, statues and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees or customers on a property.
2. CORRELATED COLOR TEMPERATURE (CCT): A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees kelvin (K).
3. DIRECT ILLUMINATION: Illumination resulting from light emitted directly from a lamp, luminary or reflector. This does not include light reflected from other surfaces, such as the ground or building faces.
4. FLOODLIGHT: A fixture or lamp designed to "flood" an area with light. A specific form of lamp or fixture designed to direct its output in a specific direction. Such lamps are often designated by the manufacturer and are commonly used in residential outdoor lighting.

5. FULL CUTOFF FIXTURE: An outdoor light fixture designed so that the installed fixture emits no light above the horizontal plane. Full cutoff light fixtures must



be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is full cutoff. Full cutoff fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.

6. INTERNALLY ILLUMINATED: As it relates to signs, any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.

7. LIGHT POLLUTION: Any adverse effect of manmade light. Often used to denote "sky glow" from cities, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.

8. LIGHT SOURCE: The part of a lighting fixture that produces light, e.g., the bulb.

9. LIGHT TRESPASS: Light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

10. MANUFACTURER'S CATALOG CUTS: A publication or other printed material of a lamp or lighting manufacturer offering visual and technical information about a lighting fixture or lamp.

11. OUTDOOR LIGHT FIXTURE: An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs or other similar outdoor lighting uses.

12. RECREATIONAL LIGHTING: Lighting used to illuminate sports fields, ball courts, playgrounds or similar outdoor recreational facilities.

13. SECURITY LIGHTS: Lighting designed to illuminate a property or grounds for the purpose of visual security.

14. SPOTLIGHT: A fixture or lamp designed to light a small area very brightly. See definition of Floodlight.

15. TOWER: Any monopole, antenna or the like that exceeds eighteen feet (18') in height.

16. UNSHIELDED FIXTURE: A fixture that allows light to be emitted above the horizontal either directly from the lamp or indirectly from the fixture or reflector. Any fixture not full cutoff.

C. SCOPE AND APPLICABILITY:

1. Compliance: All exterior outdoor lighting of properties within the Firefly Park 500ft buffer zone (See Annex 1) need to be in compliance before January 1, 2024. All exterior outdoor lighting installed after the effective date hereof in all zones in the city shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited. For information on rebates on retrofits, go to: https://www.rockymountainpower.net/content/dam/rocky_mountain_power/doc/Business/Save_Energy_Money/UT_wattsmartBusiness_Lighting_Catalog.pdf

2. Nonconforming Uses: All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use. The city will encourage property owners to voluntarily bring nonconforming exterior lighting into compliance with this chapter. Where appropriate, the city may also provide assistance and expertise to homeowners in bringing their exterior lighting fixtures into compliance with this chapter.

3. 3. Modifications; Compliance Through Building Permit Process: The city may require exterior lighting fixtures to be brought into compliance, through the building permit process, if substantial modifications are made to the exterior of the building or if the footprint of the structure is enlarged.

4. Change Of Ownership: Properties that change ownership, whether residential or commercial, must bring exterior lighting into compliance with this chapter.

5. Conflicts: Should this chapter be found to conflict with other ordinances of the city, the more restrictive shall apply.

D. D. APPLICATION AND REVIEW PROCEDURE:

1. Lighting Plans Required: All sign permit applications, building permit applications and design development review applications shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources will comply with this chapter and shall include the following:

a) Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.

b) Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this chapter.

c) A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, temperature (Kelvin), and lamp type.

2. Approval Procedure:

a) The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.

b) A certificate of occupancy shall not be issued until such time as the property is subject to a postinstallation nighttime inspection by the building inspector.

E. FULL CUTOFF FIXTURE REQUIREMENTS:

1. Required: Unless specifically exempted by this chapter, all outdoor lighting shall use full cutoff fixtures that are designed and constructed so that no light is emitted from the top or sides of the fixture. Lighting must be placed at a location, angle or height to prevent direct illumination outside the property boundaries where the light fixtures are located.

2. Characteristics: In order to qualify as a "full cutoff" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify as full cutoff.

3. Restrictions On Total Amount Of Unshielded Lighting: Outdoor lighting that is not subject to the shielding requirement in subsection 10-12-14 C of this chapter shall not exceed five thousand (5000) lumens per net acre for commercial properties, and one thousand (1000) lumens per net acre for residential properties.

4. Exemptions To Full Cutoff Fixture Requirements:

a) Fixtures having a total light output less than one thousand (1000) lumens (approximately equal to a 60 watt incandescent bulb or a 15 watt compact fluorescent) are exempted from the full cutoff requirement provided:

b) The fixture has a top that is completely opaque such that no light is directed upward.

c) The fixture has sides that completely cover the light source and are made of opaque or semi opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi opaque material, such as dark tinted glass or translucent plastic, may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear glass, are not allowed.

d) The light source (light bulb or filament) must not be visible from any point outside the property on which the fixture is located.

e) Spotlights controlled by motion sensors having a light output less than one thousand (1000) lumens per lamp (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempt from the full cutoff requirement, provided:

f) The fixture is a spotlight or other type of directed light that shall be directed at a forty five degree (45°) angle or less, where the zero angle is pointing straight down.

g) The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.

h) The fixture must be hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.

5. Pathway lights less than eighteen inches (18") in height are exempted from the full cutoff fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens and the lights have opaque caps that direct light downward.

6. Architectural lights, water feature illumination and sign illumination are all exempted from the full cutoff fixture requirement, provided such illumination meets all other applicable standards of this chapter.

F. CONDITIONS AND STANDARDS GENERALLY:

1. Minimum Necessary: Outdoor lighting should be the minimum necessary to provide for safety and functionality. The lowest wattage light source necessary for a lighting application should be used.

2. Maximum Color Temperature Of All Lighting Fixtures: The correlated color temperature of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3000°K).

3. Maximum Lighting Allowed: The total amount of outdoor lighting, whether shielded or unshielded, shall not exceed twenty five thousand (25 000) lumens per net acre for commercial properties and five thousand (5000) lumens per acre for residential properties.
4. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:

a) To illuminate the entrances to buildings (including garage entrances).

b) To illuminate pathways and walkways.

c) To illuminate parking areas and parking area access lanes.

d) To illuminate outdoor gathering areas, such as patios, pool and hot tub areas, outdoor dining areas and recreation areas.

e) For security purposes, provided all the following conditions are met:

f) The lighting is activated by motion sensors and shuts off fifteen (15) minutes after each disturbance or when the activity involved is completed.

g) The lighting is placed and directed such that no direct illumination falls outside the property boundaries where the security lighting is placed.

h) To illuminate signage.

i) For architectural lighting, provided all of the following conditions are met:

5. The property where the architectural lighting is placed is on a property designated as commercial by the city.
6. The architectural lighting is compatible with the purposes of this chapter as determined by the planning commission.
7. All architectural lighting is mounted on and directed onto the front of a commercial building facing the street.
8. The architectural lighting is sufficiently shielded such that the light source is not visible beyond the property boundaries.
9. The architectural lighting is directed such that all light falls on the front of the building, and not on the adjacent ground or into the night sky.
10. The architectural lighting uses low wattage light sources.
11. The architectural lighting is not used to illuminate landscape, statues or other similar features.

a) To illuminate outdoor water features, provided all of the following conditions are met:

12. The lighting is angled below the horizontal plane.
13. The lighting is placed underneath or behind the water such that the water diffuses the light from all points where the light is visible.
14. Each light source has a total light output of one thousand (1000) lumens or less and the total lighting is not greater than necessary to achieve the desired artistic effect.
15. Light Curfews:

a) Commercial establishments shall turn off all outdoor lighting, except that listed below, by one hour after closing. (For the purposes of this section, motels and hotels are considered open around the clock when they are open for the season.)

16. Lighting to illuminate the entrance to the commercial establishment.

17. Parking lot and pathway lighting required for the safety of guests.

18. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M., except to conclude a community approved sporting event that is underway.

G. SPECIALIZED OUTDOOR LIGHTING:

1. Gas Station Canopies: Gas station canopies may be illuminated, provided all light fixtures are mounted on the undersurface of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.

2. Roadway/Streetlights: Streetlights are allowable as recommended by the city engineer or city council. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting.

3. Parking Lots:

a) Spot or flood lighting of parking lots from a building or other structure is prohibited.

b) The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed fourteen feet (14'). All post mounted parking lot lights shall be set back from property lines a distance that is determined appropriate by the planning commission.

c) The overall height of any light post used to illuminate parking lots in residential zones shall not exceed six feet (6').

d) All parking lot lighting shall use full cutoff fixtures.

e) Recreational Lighting:

f) The planning commission shall review all requests for new recreational lighting fixtures for fields or courts. The planning commission shall approve such requests only after finding:

4. The recreational lighting has provisions for minimizing glare, spill light and up-light using louvers, hoods or shielding.

5. The recreational lighting does not exceed illumination levels for class IV sports lighting set by the Illuminating Engineering Society of North America.

6. The recreational lighting will only illuminate the field or court area and shall be shielded to prevent illumination falling outside of those areas.
7. The light source for the recreational light will not be visible from adjacent properties.

a) Pole mounted recreational lighting shall be limited to eighteen feet (18') in height. Pole mounted recreational lighting must be set back an appropriate distance from neighboring properties as determined in consultation with the planning commission.

b) The lighting for non-field and non-court areas shall conform to all provisions of this chapter.

8. Amphitheater Lighting: Outdoor amphitheaters may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:

a) Lighting used to illuminate the performance area must be either directed spotlighting or full cutoff lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.

b) Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.

c) Lighting used to illuminate the seating areas, pathways and other areas of the amphitheater must meet all standards of this chapter.

9. Signs: Signs may be unlighted, lighted externally, lighted internally or backlit. All sign lighting must be designed, directed and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. (Note: For additional information on sign lighting standards, please refer to the city sign ordinance, chapter 3 of this title.)

a) Standards for Externally Illuminated Signs:

10. Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
11. Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a building mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.

a) Standards for Internally Illuminated Signs - Lighting Is Visible On Both Sides Of Sign:

12. Only sign copy areas and logos may be illuminated on an internally illuminated sign.
13. Internally illuminated signs shall use semi-opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Non-copy portions of the

sign (e.g., background and graphics) shall be made of completely opaque material.

a) Standards for Backlit Signs - Only One Side Of Sign Is Lit:

14. Backlit signs shall be designed such that the light source is not visible.

15. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.

16. Backlit signs shall use low wattage light sources.

17. d. Illuminated Window Signage: Illuminated window signs positioned to be primarily visible outside the business structure are allowed only if there are no more than two (2) signs per business space and each sign measures less than three and one-half (31/2) square feet in area. Such signs must not be illuminated when the business is closed.

H. HILLSIDES, RIDGELINES AND SPECIAL CASES:

1. In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the review process performed by the planning commission prior to approval of any business or residence.

I. TOWERS:

1. All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.

2. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.

3. All other lighting used on the property not regulated by the FAA or FCC shall conform to this chapter.

J. EXEMPTIONS: The Follow shall have exceptiong to this chapter

1. Holiday lighting from November 15 to January 15 providing it does not create a hazard or nuisance to surrounding businesses or residences.

2. Traffic control signals and devices.

3. Temporary emergency lighting in use by law enforcement or government agencies, or at their direction.

4. The lighting of federal or state flags; provided, that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light the flag, while at the same time fulfilling the purposes of this chapter.

5. Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen

inches (18") above the adjacent ground level and have caps that direct the light downward.

6. The planning commission, as part of its review as outlined in this chapter, may approve lighting that does not conform to these standards if need is established. An applicant requesting such lighting is required to provide proof of requirements of property insurance or findings of competent research demonstrating the need for the requested lighting. The planning commission may attach other conditions to the approval of such lighting that will make the lighting comply with the spirit of this chapter.

K. K. PROHIBITED LIGHTING:

1. The following are prohibited:

a) Up-lighting to illuminate buildings and other structures, or vegetation, except as allowed by other provisions in this chapter.

b) Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.

c) Floodlights or spotlights affixed to buildings for lighting parking lots or sales display lot areas.

d) Searchlights, laser source lights or any similar high intensity light.

e) Except when used in window signage pursuant to subsection 9-4-7F4 of this chapter, neon or luminous tube lighting, either when outdoor mounted or indoor mounted if visible beyond the property boundaries.

L. VIOLATIONS:

1. The following constitute violations of this chapter:

a) The installation, maintenance or operation of any lighting fixture not in compliance with the provisions of this chapter if such fixture is installed after this chapter is formally adopted.

b) The alteration of outdoor lighting fixtures after a certificate of occupancy has been issued without the review and approval of the planning commission when such alteration does not conform to the provisions of this chapter.

c) Failure to shield, correct or remove lighting that is installed, operated, maintained or altered in violation of this chapter.

2. PENALTIES:

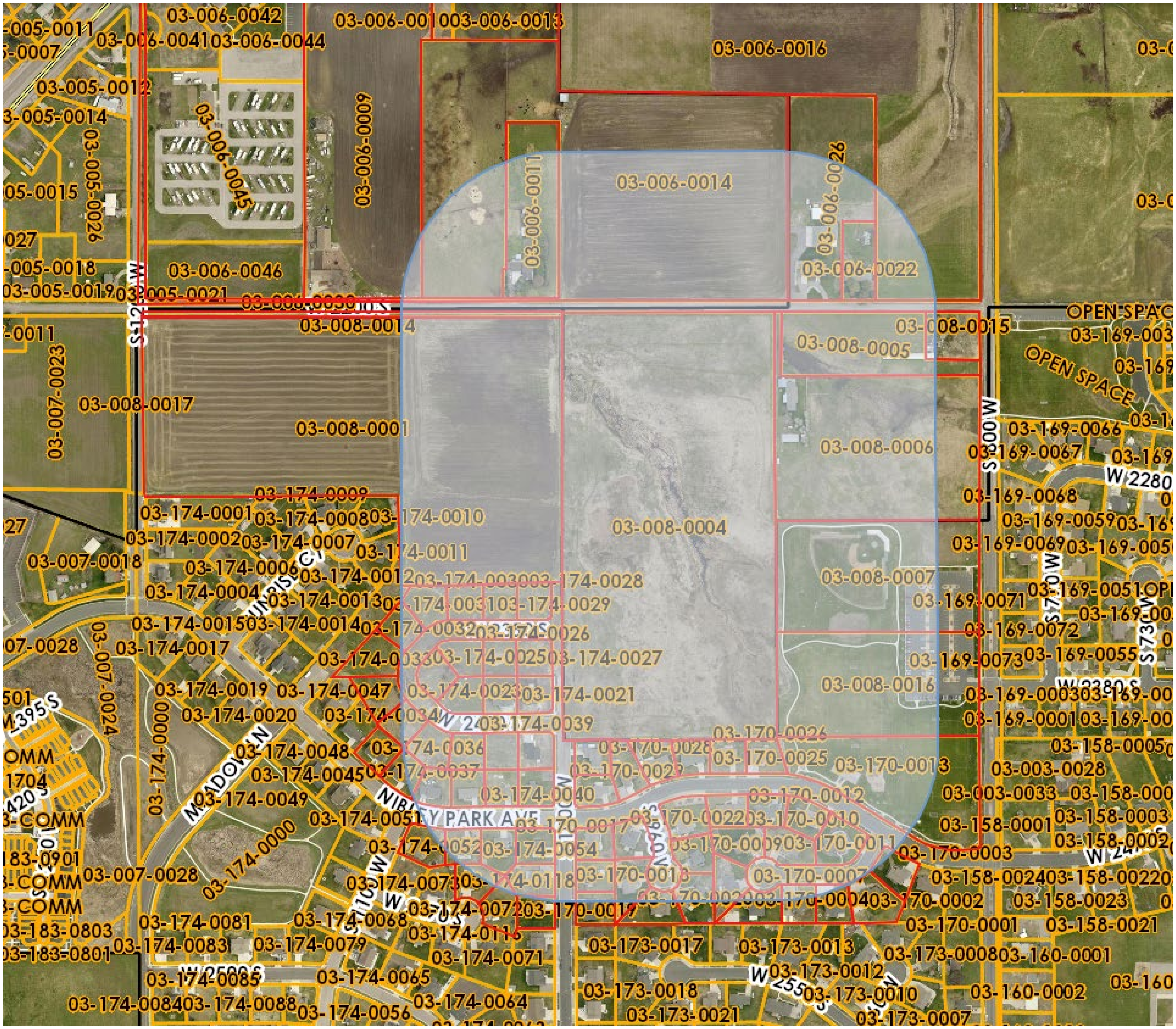
3. 1. Violations and Legal actions. If, after investigation, the planning director finds that any provision of this chapter is being violated, the planning director or designee shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or

occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The planning department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the 30-day period, the planning director or designee may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter and to collect penalties for such violations.

4. 2. Penalties. A violation of this chapter, or any provision thereof, shall be punishable by a civil penalty of $75.00 per day, and each day of violation after the expiration of the 30-day period shall constitute a separate offense for the purpose of calculating the civil penalty.

APPENDIX

1. 500 foot buffer zone around Firefly Park with accompanying mailing list for properties touched by buffer.



2. Illustrative examples for purposes of compliance

Agenda Item #6

Description	Workshop: Rural Preservation Subdivision
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner

Background

Since the City adopted the Rural Preservation Subdivision Ordinance back in July of 2019, the City has received two application for the new ordinance, the Mountain Vista Subdivision and the Rural Preservation Subdivision. Based on these subdivisions, there has been some general feedback from the public, members of the Planning Commission, and members of the City Council. Based on this feedback, Commissioner Mansell asked that the Rural Preservation Subdivision be placed back on the agenda for a workshop.

As Commissioner Mansell and the City Planner have discussed, there are some perceived faults within the ordinance. The City's General Plan, the City Council, the Planning Commission, and the residents want to preserve the open space in the City, but there are unresolved concerns about ownership and maintenance of the land. The City is generally are reluctant to take ownership, and the City Council and Planning Commission have been hesitant in the past to trust an HOA or trust a private property owner to manage it. The real question is how the City foresees the future of housing and open space.

- Does the City want to see standard R-2 and R-2A developments with little shared open space but for a few parks and stormwater ponds?
- Would the City rather take ownership of open space like parks, or have open space in private ownership either as HOA or part of private property with specific restriction?
- Would the City rather have parks as open space or farm fields?
- Do we want open space scattered throughout the City in these smaller open spaces, or should the City attempt to buy larger pieces of land for preservation?

The current RPS tries to do a little of each of these policies and is not committed to one or the other.

One of the other main concerns is that Conservation and Rural Preservation Subdivision Ordinances has had significant push back from surrounding neighborhoods when proposed. It is hard to say how much of it is from increased density, the smaller lots sizes, or just development in general, but these subdivisions tend to get more negative feedback than standard subdivisions. Staff has not asked neighbors or those that have commented about how they feel after the neighborhood has been developed. However, one of the main concerns that staff has is that citizens of Nibley are generally not aware of the RPS.

The City has a couple of options, some of which could be implemented separately or together to address some of these concerns:

1) We can revisit the standards and lot sizes listed within the RPS Ordinance if the City feel the listed criteria are not what the City wanted. This could include different open space requirements, larger lot sizes, etc.
2) We could also increase our efforts in communicating what the goals of the RPS are and how the ordinance addresses those goals. We could also add a note on the Zoning Map stating which zones are elidable for an RPS.
3) We could change the code to require a rezoning. We could do this either through an Overlay Zone like the R-PUD, or create a Rural Preservation Zone that a property owner would then come in and request.
4) Lastly, we could repeal the ordinance and lean on the R-PUD to fulfill our density needs.

Staff would propose that on September 19, the Planning Commission participate in a mobile tour of the City to view open space and lot sizes within Nibley City. We have several subdivisions that have been developed with smaller lots and increased density in exchange for open space. These included Conservation Subdivisions, PUDs, and a single Cluster Subdivision.

The goal of this discussion is to give direction to staff about moving forward with any changes to the Rural Preservation Subdivision.