

KEARNS METRO TOWNSHIP

Ordinance No. 2022-09-01

Date: September 27, 2022

AN ORDINANCE ADOPTING AMENDMENTS TO THE KEARNS METRO TOWNSHIP MODERATE-INCOME HOUSING PLAN, A COMPONENT OF THE KEARNS METRO TOWNSHIP GENERAL PLAN

WHEREAS, the Kearns Metro Township (“Kearns”) is a municipality pursuant to Utah Code Ann. § 10-2a-401, *et seq*; and

WHEREAS: Utah Code 10-9a-401(3)(b) requires each Metro Township in the State of Utah, with a population of five thousand or more residents, to conduct a review of and revise the Moderate-Income Housing Plan of its General Plan by October 1, 2022; and

WHEREAS, the Kearns Metro Township Council adopted the current Moderate Income Housing Element as part of the General Plan in November of 2019; and

WHEREAS, on June 3, 2022, the Kearns Metro Township Council sent notice of intent to amend the Moderate Income Housing Plan as a supplemental element of the Kearns General Plan Update to affected entities; and

WHEREAS, on September 1, 2022, the Kearns Planning Commission (the “Planning Commission”) sent mailed notices to affected entities to prepare recommended amendments to the Moderate Income Housing Plan as part of General Plan (collectively, the “Housing Plan”) that would address Kearns housing and meet state requirements pursuant to Utah Code § 10-9a-403; and

WHEREAS, on September 12, 2022, the Planning Commission held a public hearing to take public comment on the Housing Element after complying with the procedures in the Act, including but not limited to the public hearing and public meeting notice requirements of Utah Code Ann. §§ 10-9a-204 and 10-9a-404; and

WHEREAS, after taking public comment on the General Plan, the Planning Commission recommended the Housing Plan to the Kearns Metro Township Council as drafted; and

WHEREAS, on September 27, 2022, the Kearns Metro Township Council held a public meeting to review the Housing Plan; and

WHEREAS, the Kearns Metro Township Council has reviewed the Housing Plan as recommended by the Planning Commission and determined that it is necessary to amend the Housing Plan in the best interest of Kearns and its residents.

NOW, THEREFORE BE IT RESOLVED BY THE KEARNS METRO TOWNSHIP COUNCIL:

1. The Housing Plan and all other related documents and appendices, which are attached as Exhibit 1, are approved.
2. The prior Kearns Moderate Income Housing Plan adopted in 2019, is repealed in its entirety.
3. A copy of the Housing Plan will be filed and retained by the Kearns Metro Township Clerk, Recorder, and Auditor and posted to the Kearns Metro Township website.
4. If a court of competent jurisdiction determines that any of the sections, sentences, clauses, or provisions of the Housing Plan are invalid, such a ruling will not invalidate the remaining portion(s) of the Housing Plan or the General Plan.
5. An electronic copy of the Amendment “2022 Moderate Income Housing Plan” is hereby ordered to be filed with both the Wasatch Front Regional Council and the Housing and Community Development Division of the Utah Department of Workforce Services.
6. Staff is directed to identify those portions of the Kearns Metro Township Code that need to be updated to conform to the Housing Element and General Plan and to recommend proposed changes to the Council.
7. This ordinance, with attachment, shall become effective fifteen (15) days after it is passed and upon promulgation through the website of Kearns Metro Township or publication in a newspaper having general circulation in the Kearns Metro Township.

APPROVED AND ADOPTED in Kearns, Salt Lake County, Utah this 27th day of September, 2022.

KEARNS METRO TOWNSHIP COUNCIL

BY: Kelly S. Bush
Kelly Bush, Mayor

ATTEST:

Sherrie Swensen

SHERRIE SWENSEN
SALT LAKE COUNTY CLERK
METRO TOWNSHIP CLERK/RECORDER

APPROVED AS TO FORM:

Nathan S. Blue

VOTING:

Mayor Bush voting Yea

Councilmember Butterfield voting Yea

Councilmember Peterson voting Yea

Councilmember Schaeffer voting Yea

Councilmember Snow voting Yea

(Complete as Applicable)

Summary of ordinance posted on Utah Public Notice Website:

Date of posting: September 29, 2022

Effective date of ordinance: October 12, 2022

**SUMMARY OF
KEARNS METRO TOWNSHIP ORDINANCE NO. 2022-09-01**

On September 27, 2022, the Kearns Metro Township Council enacted Ordinance No. 2022-09-01 adopting amendments to the Moderate Income Housing Plan as a supplemental element of the Kearns General Plan and repealing the prior Moderate Income Housing Plan for Kearns, previously adopted in 2019.

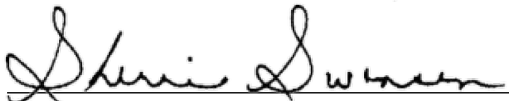
KEARNS METRO TOWNSHIP COUNCIL



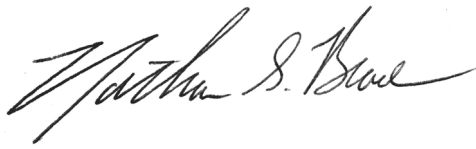
By: Kelly Bush, Mayor

ATTEST

APPROVED AS TO FORM:



Sherrie Swenson, Clerk/Recorder



Nathan Bracken, Metro Township Attorney

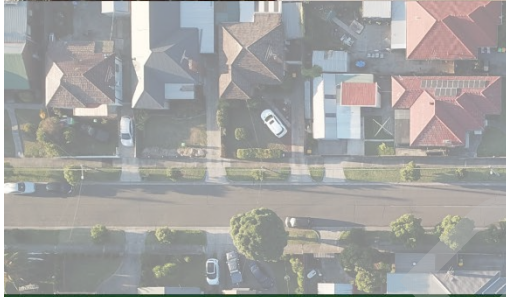
VOTING:

| | |
|----------------------------------|------------|
| Mayor Bush voting | <u>Yea</u> |
| Councilmember Butterfield voting | <u>Yea</u> |
| Councilmember Peterson voting | <u>Yea</u> |
| Councilmember Schaeffer voting | <u>Yea</u> |
| Councilmember Snow voting | <u>Yea</u> |

A complete copy of Ordinance No. 2022-09-01 is available in the office of the Kearns Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

Exhibit 1

2022



Kearns Moderate Income Housing Plan *An Element of the Kearns General Plan*



Acknowledgments

Kearns Council: Kelly Bush (Mayor), Tina Snow (Deputy Mayor), Chrystal Butterfield, Al Peterson, and Patrick Schaeffer.

Kearns Planning Commission: Joe Hatch (Chair), David Taylor (Vice Chair), Laura Koester, and Joy Nelson.

Greater Salt Lake Municipal Services District Staff / Project Team: Trent Sorenson (Director of Planning and Development Services), Brian Tucker (Planning Manager), Kayla Mauldin (Senior Long Range Planner – Project Co-Lead), Bianca Paulino (Summer Intern – Project Co-Lead), Wendy Gurr (Planning Coordinator), Erin O’Kelley (Long Range Planner), Matt Starley (Long Range Planner), Hannah Kalantari (Summer Intern), and Lilian Taft (Summer Intern).

Legal Review: Nathan Bracken (Smith-Hartvigsen)

And a huge thank you to the residents who participated in our engagement efforts!



G R E A T E R S A L T L A K E

**Municipal Services
District**

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Executive Summary

Purpose: The 2022 Kearns Moderate Income Housing Plan incorporates new requirements adopted by the State Legislature in 2022, through HB 462. The biggest changes between the Kearns' 2019 and 2022 Moderate Income Housing Plans are the modification of selected strategies and the addition of an implementation plan for each Moderate Income Housing (MIH) strategy.

Analysis: This Plan analyzes demographics and housing unit characteristics, housing supply and demand, affordability, and zoning. It also synthesizes community engagement data from the Kearns General Plan (2020), the 2019 Moderate Income Housing Plan, and 2022 Moderate Income Housing engagement efforts. Analysis by staff found that in 2020, 26.9% of Kearns households were cost-burdened (spending more than 30% of their monthly income on housing costs). When it comes to community vision and values related to housing, staff generally found that:

- Residents would prefer new development be focused in existing commercial centers or where infrastructure is already in place to minimize impacts.
- Kearns homeowners need additional support in maintaining their properties or making needed energy or accessibility retrofits.
- Neighborhood safety and beautification are highly valued by Kearns' residents.
- Community members generally support actions that would increase housing opportunities for residents, so long as those actions do not otherwise hinder quality of life.
- Residents are increasingly wary of land speculation and are interested in strategies that could preserve affordable housing in the long-term.

Selected Strategies: From the State's list of available Moderate Income Housing Strategies, Kearns selected the following:

- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
- F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;
- L. Reduce, waive, or eliminate impact fees related to moderate income housing;
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing. . .; and
- W. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

Next Steps: Following the adoption of the Moderate Income Housing Plan, staff will be required to submit a copy of the Plan to the Utah Department of Workforce Services, along with an annual report on implementation progress.

Introduction to the Moderate Income Housing Plan

What is Moderate Income Housing?

This Plan addresses Moderate Income Housing (MIH), which Utah defines as, “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 [municipality] is located.” (State Code 10-9a-103).

In 2020, the Area Median Income (AMI) for Salt Lake County (SLCo) was estimated at **\$77,128**. A household that would qualify as ‘moderate-income’ would earn \$61,702 or less per year. **In Kearns, there were 4,146 out of 10,126 households (41%) that earned 80% or less of the AMI** (ACS S2503). While planning for Moderate Income Housing helps all residents, this Plan is focused specifically on meeting the needs of those households.

Why do we plan for housing?

State Code 10-9a-403, which was amended by House Bill 462 in 2022, requires Kearns to prepare a General Plan with the following elements:

- Land Use;
- Transportation;
- Water Use and Preservation; and
- Moderate Income Housing.

All of these elements, with the exception of the newest Water Use and Preservation Element requirement, have been addressed through Kearns’ General Plan. However, the 2019 Moderate Income Housing Element needed to be updated in order to reflect the State’s newest requirements which include modified strategies for addressing Moderate Income Housing and the addition of an implementation plan that outlines how Kearns will advance its selected strategies. This Plan is intended to replace the 2019 Moderate Income Housing Plan. It is the State Legislature’s mandate that municipalities facilitate a reasonable opportunity for a variety of housing, including moderate income housing, to:

- Meet the needs of people of various income levels living, working or desiring to live or work in the community; and
- Allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life.

Required components of Kearns’ Moderate Income Housing Plan are explained throughout the document.

Regardless of State requirements, Kearns has a vested interest in addressing housing affordability. Safe, stable, and accessible shelter is critical to all residents – it is a basic human need. In addition, housing availability and cost can impact the municipality’s ability to attract and retain talented workers, friends, and family members. As problems of housing affordability rise (over half of Utah households could not afford a median-priced home in the State in 2022 according the Kem C. Gardner Policy Institute), every municipality and county has a role to play.

What is the scope of this plan?

Although housing affordability is a regional challenge, this plan addresses only Kearns and the strategies that staff, elected officials, and residents will pursue to meet their Moderate Income Housing needs. Plans related to land use, transportation, and more can be found in the following documents:

- [Kearns Resilience and Infrastructure Element \(2021\)](#): a supplementary element to the 2020 General Plan, which addresses social, digital, and brick-and-mortar infrastructure as well as the relationship of these infrastructure systems to community resilience.
- [Kearns General Plan \(2020\)](#): a visioning and advisory document for Kearns decision-makers. The General Plan addresses land use, transportation, and economic development.
- [Kearns Master Transportation Plan \(2020\)](#): an advisory document for decision-makers related to Kearns’ transportation infrastructure needs and recommended projects.
- [Kearns Town Center Master Plan \(2019\)](#): a visioning document for the proposed Town Center area of Kearns, located north and south of 5400 S between 4015 W and 4320 W.
- [Salt Lake County Multi-Jurisdictional Hazard Mitigation Plan, Kearns Annex \(2019\)](#): a hazard mitigation plan tailored to the unique conditions of the Kearns community.

This Moderate Income Housing Plan looks at a five-year planning horizon. After five years, Kearns should review this Plan and evaluate whether it still fits the needs of residents. At that time, the implementation plan may need to be updated to reflect actions that Kearns will take to meet Moderate Income Housing needs after 2027.

How should this plan be used?

This Plan can be used by decision-makers to inform actions and policies related to housing in Kearns, by planning staff to meet State reporting requirements (explored in later sections), and by residents to learn about the vision for housing in their community. The rest of this document is divided into four (4) major sections:

1. [Kearns’ Existing Housing Conditions](#): this section examines the supply and demand of Moderate Income Housing in Kearns, as well as considering other conditions that influence the community’s housing market.

2. Kearns – Community Engagement and Housing Vision: the community engagement section outlines residents' vision for housing in their community. Resident input was drawn from a number of sources, including the recent General Plan effort.
3. Selected Strategies for Addressing Moderate Income Housing: this section explains the state requirements for addressing Moderate Income Housing and names the five (5) strategies that Kearns has selected to pursue to meet its requirements.
4. Moderate Income Housing Implementation Plan: the final section details how Kearns will implement the strategies it selected and provides an anticipated timeline for implementation.

Most important terminology is defined within the text of the Plan. However, additional definitions are provided for users in the Appendix.

Utah Fair Housing Act Acknowledgement

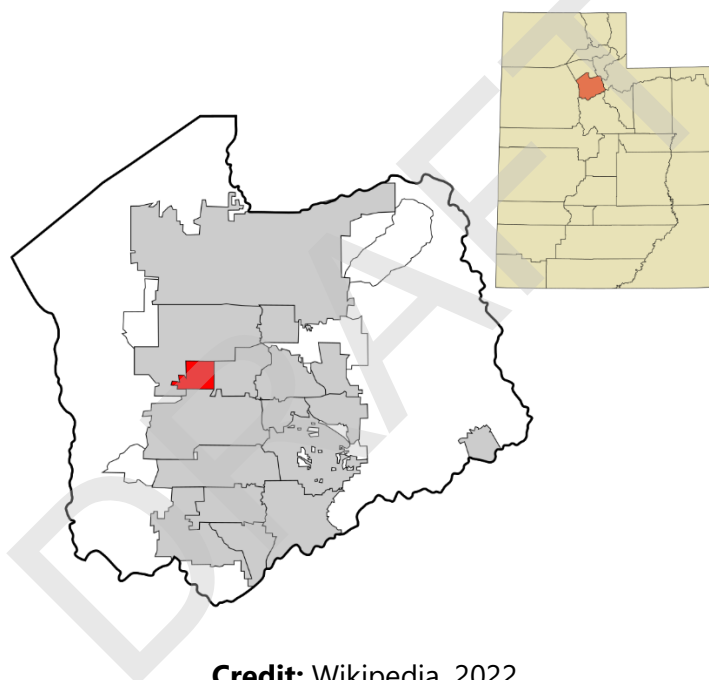
In accordance with State and Federal laws, Kearns exercises the authority to plan, zone, and regulate land-use within its jurisdiction in promoting the community's health, safety, and welfare. This Moderate Income Housing Plan acknowledges and upholds the Utah Fair Housing Act by promoting the equal protection and equitable treatment of all people who lawfully seek to rent, lease, purchase, or develop real property within its jurisdiction. Kearns' housing policies and plans strictly prohibit discrimination based on color, disability, ethnicity, familial status, gender identity, national origin, race, religion, sex, sexual orientation, source of income, or any other suspect classification. It is the policy of Kearns to report housing discrimination to the Utah Antidiscrimination Labor Division immediately. It is the goal of Kearns to prevent, eliminate, and/or mitigate any unfair housing practices that may result from its plans, policies, regulations, and ordinances. It is also the goal of Kearns to affirmatively further fair and affordable housing by reviewing the housing needs of its moderate-income households and its vulnerable populations regularly, and by proactively planning to meet their needs.

Kearns' Existing Housing Conditions

Introduction to Kearns

Kearns consists of 4.8 square miles of land-locked area, located in the west central portion of Salt Lake County (Figure 1). Kearns is surrounded by West Valley City to the north and west, West Jordan City to the south, and Taylorsville City to the east. In 2020, 36,457 people called Kearns home (U.S. Census, 2020). Kearns is one of the most diverse communities along the Wasatch Front ([CADCA](#), 2018). In 2020, almost half of the entire population identified as an ethnicity or race other than white and a third of the population spoke a language other than English at home (U.S. Census).

Figure 1: Boundaries of Kearns Metro Township.



Credit: Wikipedia, 2022.

In the 1940s, Kearns was home to "Camp Kearns", an Army Air Force Base that trained American troops for combat in World War II. After the closing of the base, land was converted to residential uses for returning veterans. In 2002, Salt Lake City hosted the Olympic Winter Games, and the official Olympic Oval for the events was built in Kearns. The U.S. Speed-Skating Team is still based there today.

Figure 2: Utah Olympic Oval in Kearns – “the Fastest Ice on Earth”.

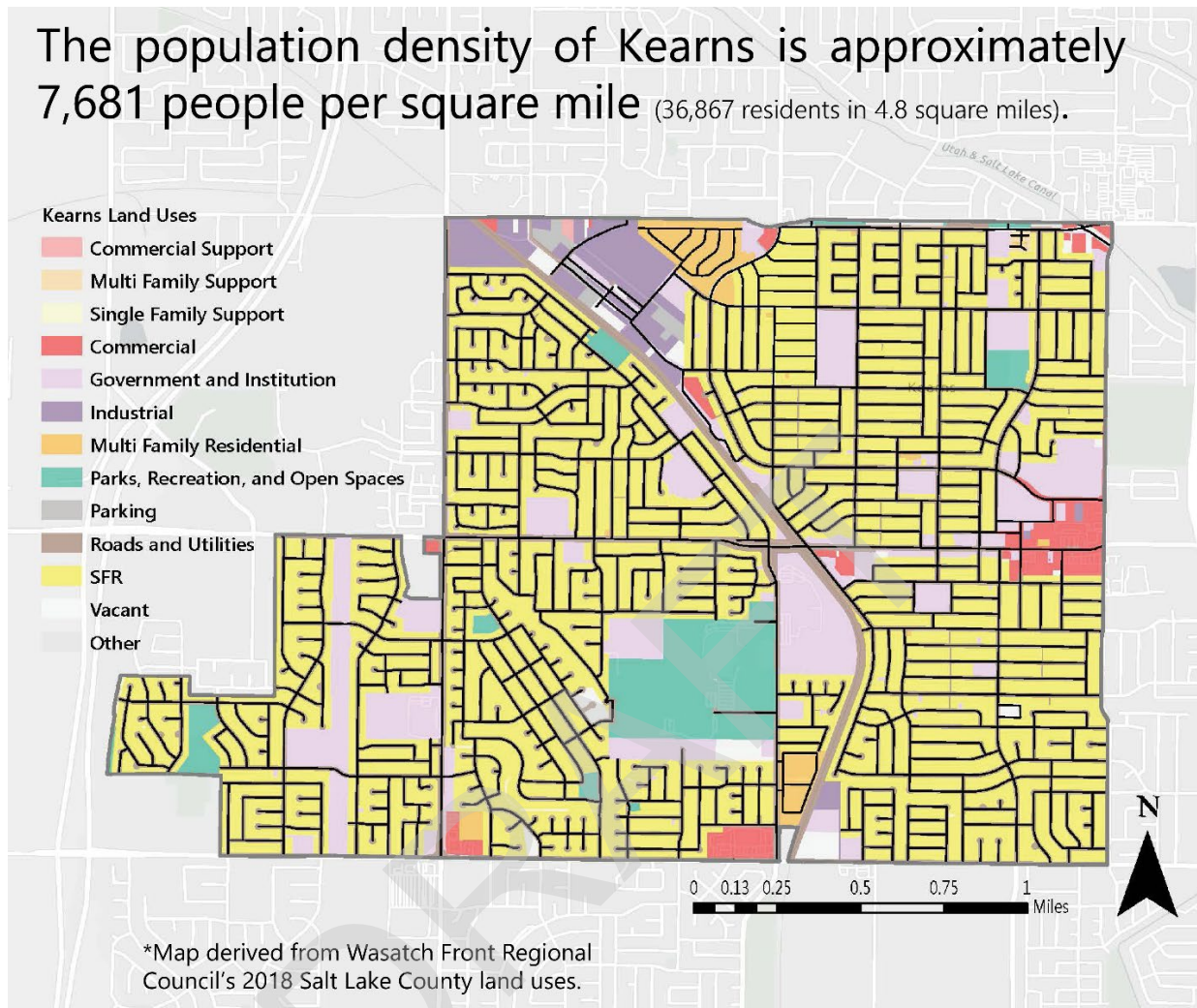


Credit: Visit Salt Lake, 2022.

Kearns is almost entirely built out, and the majority of its land is dedicated to residential uses, which places some constraints on its ability to incentivize moderate income housing. When it was incorporated in 2017, the community received very little in the way of commercial real estate. Residents proudly proclaim their identity as a “bedroom community”, commuting primarily to Salt Lake City or West Valley City for employment (Kearns General Plan, 2020). In recent years, however, the community has recognized the need to expand its access to jobs, food, shopping, and entertainment (Kearns General Plan, 2020). Programs like the Healthy Kearns Movement seek to improve community health by providing opportunities for food access and active transportation; the program was recently [awarded funding](#) to build Kearns’ first large-scale community garden. Because so little land is available in Kearns, few opportunities exist for new development. Only thirty-two (32) acres of land were vacant in 2020, and portions of that land south of Oquirrh Park have since been platted for development (Kearns General Plan, 2020). The community has opted to focus residential and infill development in its existing commercial clusters, where infrastructure exists to handle the impacts of development and where existing residents will not be displaced by new projects. Figure 3 shows land uses across Kearns.

Figure 3: Kearns Existing Land Uses, 2020.

The population density of Kearns is approximately 7,681 people per square mile (36,867 residents in 4.8 square miles).



Credit: MSD Long Range Planning, 2020.

Methodology

A variety of resources were used in the formation of this plan. Data were retrieved from the United States Census Bureau American Community Surveys, ESRI Community and Business Analyst Online, and Salt Lake County Geographic Information System. The Utah Department of Workforce Services, Housing, and Community Development Division provides a database of resources to assist municipalities in the creation of their moderate-income housing plans. The following resources were particularly critical in this assessment's development:

- ULCT and WFRC HB 462 Summary
- ULCT SB 34 and HB 462 Guidance
- DWS, ULCT, WFRC Moderate Income Housing Deep Dive of HB 462
- Updated 10-9a-403 General Plan Preparation

- Update 10-9a-409 Moderate Income Housing Report - Contents – Prioritization for fund or projects, ineligibility for funds after noncompliance - civil actions

Staff has also coordinated with multiple agencies and attended the Moderate Income Housing Deep Dive Workshop hosted in April 2022.

Other Housing Plans Reviewed:

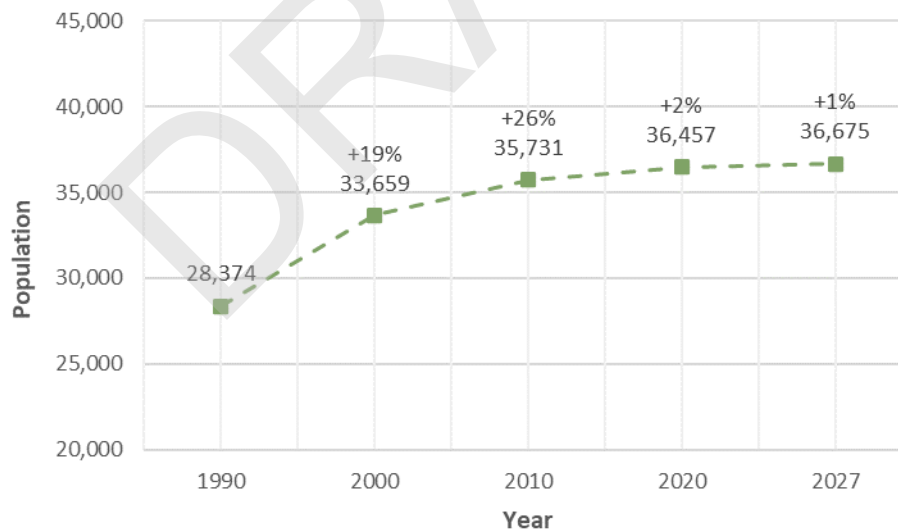
- Taylorsville MIH 2018
- West Valley City 2019
- Provo City 2019
- Draper City 2021
- Millcreek City 2021

Demographics and Housing Characteristics

Population

Population in 2020 numbered approximately **36,457**, a 2% increase from 2010's population of 35,731 (Figure 4). Population has remained steady in the last decade and is projected to grow by 1% between the 2020 – 2027 period, with a population estimate of 36,675 in 2027 (Esri Community Analyst).

Figure 4: Historic & Projected Population | 1990-2027



Credit: ACS DP01 & Esri Community Analyst "Demographic & Income Profile"

Household Size:

In 2020, the average household size in Kearns was 3.6 (ACS DP02), and household size is projected to remain steady through 2027 (Esri Community Analyst "Demographic & Income Profile"). Average household size has slightly decreased since 2017, when it was 3.8.

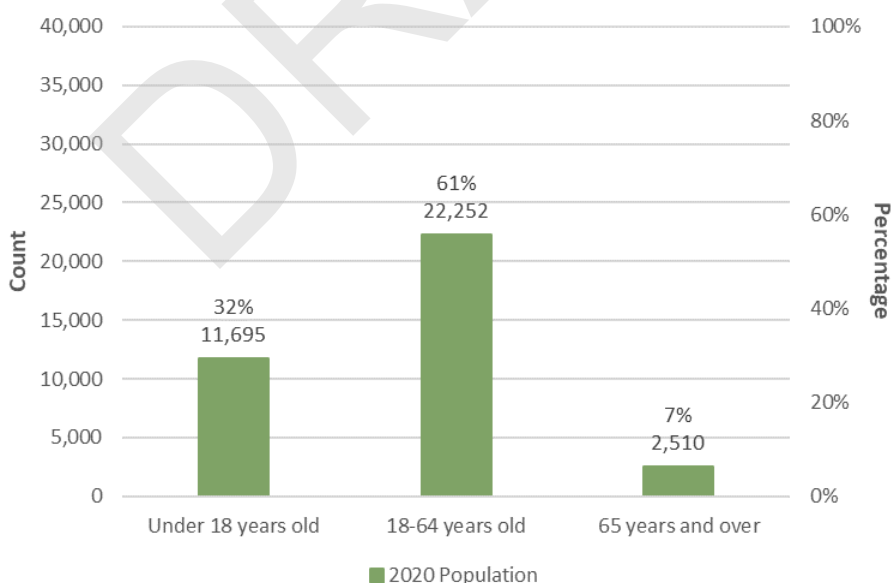
Age

The age distribution range of Kearns affects the housing needs of the municipality. The majority of Kearns's population falls within the 18 yrs. – 64 yrs. age category, making up 61% of the total population (Figure 5).

The community's population of people over the age 65 has steadily increased in recent years, in 2020, the 65 and older population made up 7% of the population. This was an increase from 2010 where the 65 and older population made up only 5% of the population. The 65 and older population is expected to increase to 9% of the total population by 2027 (Esri Community Analyst). An aging population could indicate the need for more senior housing or accessibility retrofits to meet the needs of a changing demographic.

In 2020, the under 18 population made up approximately 32% of the total population, higher than the under 18 population of Salt Lake County which was 27%. There was no increase in the median age between 2017 and 2020, and the median age is expected to increase from 29.6 to 30.8 by 2027 (Esri Community Analyst).

Figure 5: Age Distribution | 2020

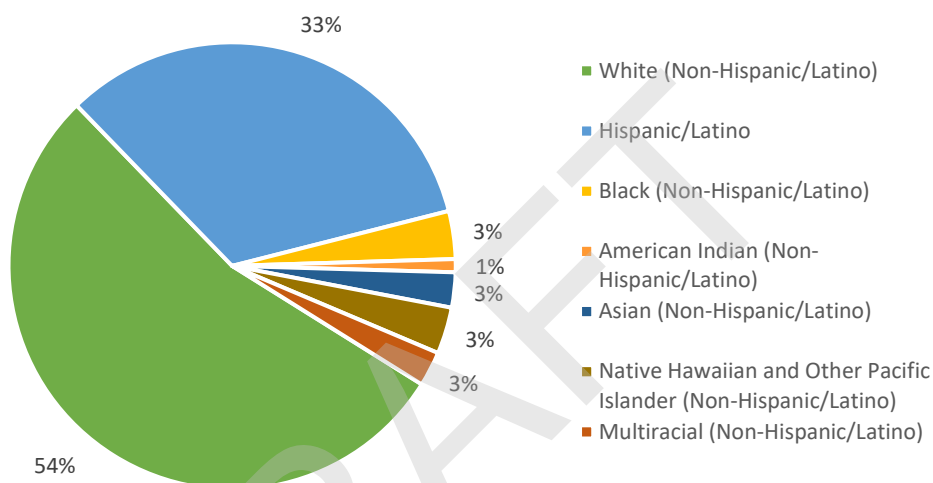


Credit: ACS DP01 & Esri Community Analyst "Demographic & Income Profile"

Race & Ethnicity

Kearns is a racially and ethnically diverse municipality where almost half (47%) of the entire population identifies as an ethnicity or race other than white (Figure 6). In 2020, 33% of residents of any race identified as Latino; this was 2% lower than in 2017 when Latino residents made up 35% of the population. The Native Hawaiian & Other Pacific Islander population made up 3% of the population. The White (non-Latino) population makes up 54% of the population and is projected to decrease by 2027 to 52% (Esri Community Analyst).

Figure 6: Race & Ethnicity Distribution | 2020

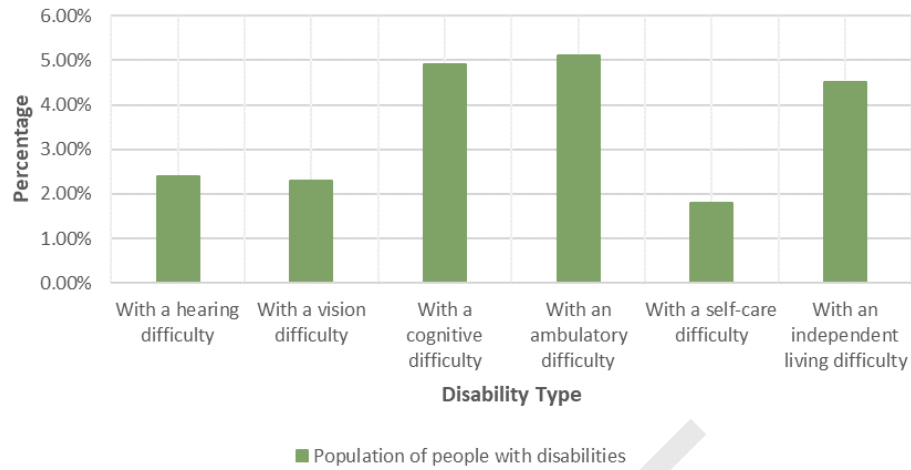


Credit: ACS DP05 & Esri Community Analyst "Demographic & Income Profile"

People with Disabilities

In 2020, approximately 11%, or 3,999 people, in Kearns had a disability and lived in a non-institutional setting (Figure 7). The table below indicates disability by type for people with disabilities living in an institutional setting and non-institutional setting, such as nursing homes, mental hospitals, prisons, jails, and juvenile correctional facilities (Census Bureau).

Figure 7: Disability Type | 2020

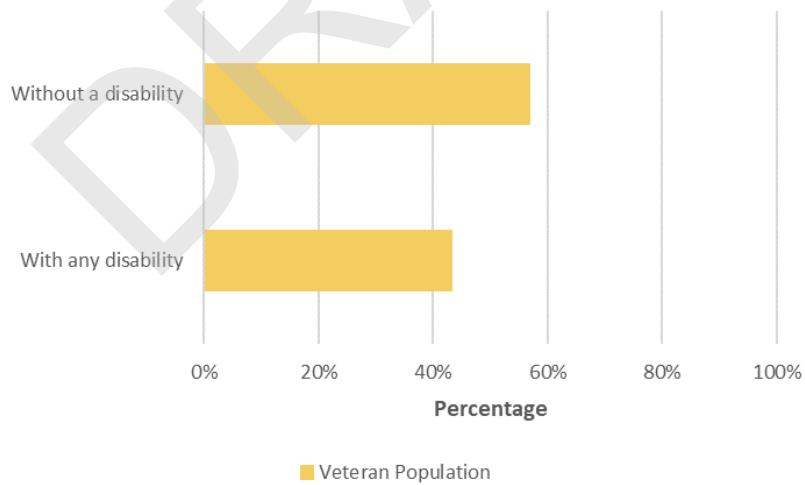


Credit: ACS S1810

Veterans

Kearns' veteran population in 2020 numbered approximately 1,188, making up 5% of the total population 18 years and over. Of this population of veterans, 513, or 43%, were living with a disability (Figure 8).

Figure 8: Veteran Population with a Disability | 2020



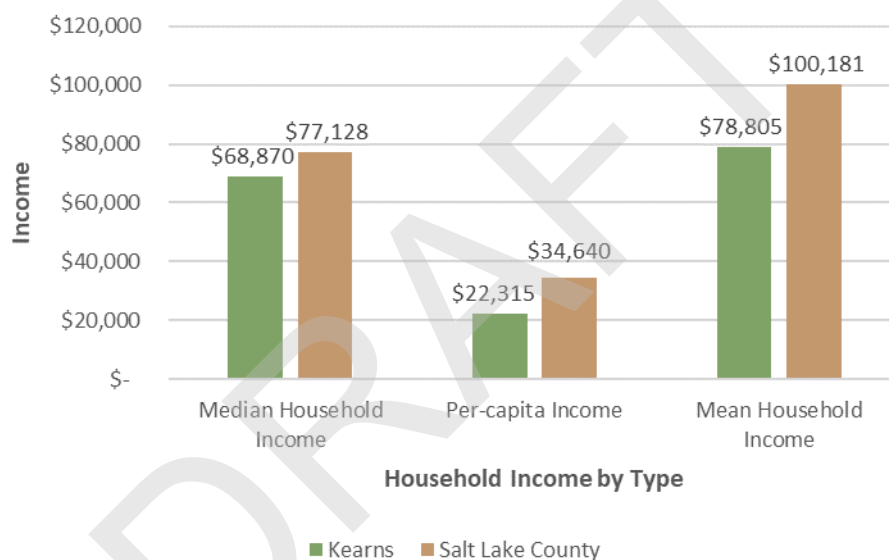
Credit: ACS S1810

Incomes and Housing Costs – Metrics on Affordability

Income

There are three main measures of household income: mean, per capita, and median. Mean household income averages the income of all households in an area of consideration. Kearns's 2020 mean household income was \$78,805. Per capita income is the total income divided by the total population; it conveys per person income assuming an even distribution. Kearns's 2020 per capita income was \$22,315. Median household income is the middle amount when listing all household incomes from low to high. Kearns's MHI in 2020 was **\$68,870**. Per State Code 10-9a-403, the AMI used in this study is based on the AMI for Salt Lake County. Salt Lake County's 2020 AMI was **\$77,128** (Figure 9).

Figure 9: Household Income by Type | 2020



Credit: ACS B25119 and S1903

It is important to note that the median income for Kearns is \$68,870 and significantly below that of Salt Lake County. Households of various types, such as renter households or single-female parent households, also have different median incomes (Figure 10).

Figure 10: Kearns Median Household Income | 2020

| Household Income by Type | Annual Income | Monthly Income |
|--|---------------|----------------|
| Area Median Household (SLCo) | \$77,128 | \$6,427 |
| Local Median Household (Kearns) | \$68,870 | \$5,739 |
| Area Median Homeowner Household (SLCo) | \$94,872 | \$7,906 |
| Local Median Homeowner Household (Kearns) | \$73,723 | \$6,144 |
| Area Median Renter Household (SLCo) | \$49,636 | \$4,136 |
| Local Median Renter Household (Kearns) | \$48,908 | \$4,076 |
| White Household | \$71,477 | \$5,956 |
| Black or African -American Household | \$23,875 | \$1,990 |
| Hispanic Household | \$58,391 | \$4,866 |
| Asian Household | \$72,227 | \$6,019 |
| Native Hawaiian and Other Pacific Islander | \$91,250 | \$7,604 |
| Some Other Race Household | \$57,931 | \$4,828 |
| Families with a single Female Householder | \$46,093 | \$3,841 |
| Families with a single Male Householder | \$59,628 | \$4,969 |
| Female Householder (Non-Family) | \$36,863 | \$3,072 |
| Male Householder (Non-Family) | \$60,707 | \$5,059 |
| Elderly Household | \$42,713 | \$3,559 |

Credit: ACS B25119 & S1903

Housing Value

In 2020, housing value in Kearns was concentrated in the range of \$100,000 to \$499,999 (Figure 11). Slightly over half (53.5%), or 4,463, of the 8,340 owner-occupied homes were valued between \$200,000 to \$299,99. The housing median value increased significantly from \$164,900 in 2017 to \$220,400 in 2020, a 34% increase in value.

Figure 11: Housing Values in Kearns | 2020

| Value | Count | Percentage |
|-----------------------------------|-----------|------------|
| <i>Total Owner-Occupied Units</i> | 8,340 | |
| Less than \$50,000 | 395 | 4.7% |
| \$50,000 to \$99,999 | 48 | 0.6% |
| \$100,000 to \$149,999 | 788 | 9.4% |
| \$150,000 to \$199,999 | 1,698 | 20.4% |
| \$200,000 to \$299,999 | 4,463 | 53.5% |
| \$300,000 to \$499,999 | 892 | 10.7% |
| \$500,000 to \$999,999 | 28 | 0.3% |
| \$1,000,000 or more | 28 | 0.3% |
| <i>Median Value</i> | \$220,400 | |

Credit: ACS DP04

Figure 12: Housing Values in Kearns | 2010 – 2027



Credit: ACS DP04 & Esri Community Analyst "Housing Profile"

Housing Types

Kearns held 10,126 occupied housing units in 2020 (Figure 13). The majority of units were detached single-family units (9,629 in total). The second most frequent type of unit was mobile homes; in 2020, there were 218 mobile home units. Most units have 6-8 rooms and 3-4 bedrooms (Figure 14).

Figure 13: Housing Types | 2017 - 2020

| Housing Type | 2017 | | 2020 | | Change 2017-2020 |
|-----------------------------|-------|---------|--------|---------|------------------|
| | Count | Percent | Count | Percent | |
| <i>Total Occupied Units</i> | 9,892 | 100% | 10,126 | 100% | 234 |
| 1-unit, detached | 9457 | 92.8% | 9,629 | 93.9% | 172 |
| 1-unit, attached | 100 | 1.0% | 128 | 1.2% | 28 |
| 2 units | 63 | 0.6% | 29 | 0.3% | -34 |
| 3 or 4 units | 26 | 0.3% | 0 | 0.0% | -26 |
| 5 to 9 units | 58 | 0.6% | 80 | 0.8% | 22 |
| 10 to 19 units | 185 | 1.8% | 92 | 0.9% | -93 |
| 20 or more units | 103 | 1.0% | 76 | 0.7% | -27 |
| Mobile home | 198 | 1.9% | 218 | 2.1% | 20 |
| Boat, RV, van, etc. | 0 | 0.0% | 0 | 0.0% | 0 |

Credit: ACS DP04

Figure 14: Number of Rooms and Bedrooms per Unit | 2020

| Bedrooms | Number | Percentage |
|--------------------|--------|------------|
| No bedroom | 13 | 0.1% |
| 1 bedroom | 49 | 0.5% |
| 2 bedrooms | 1148 | 11.2% |
| 3 bedrooms | 3634 | 35.4% |
| 4 bedrooms | 3738 | 36.5% |
| 5 or more bedrooms | 1670 | 16.3% |

Credit: ACS DP04

Housing Occupancy

There were 10,252 housing units in Kearns in 2020. Of these, were 10,126 occupied units and 126 were vacant units (Figure 15). There were 8,340 owner-occupied units and 1,786 renter-occupied units in 2020. It is projected that there will be a total of 10,178 occupied units in 2027, of which 8,372 will be owner-occupied and 1,807 renter-occupied.

Figure 15: Housing Occupancy in Kearns | 2020

| Year | Owner Units | Renter Units | Vacant Units | Total Occupied Units | Total Units |
|------|-------------|--------------|--------------|----------------------|-------------|
| 2000 | 7,607 | 1,036 | 210 | 9,191 | 9,401 |
| 2010 | 8,000 | 1,780 | 389 | 9,780 | 10,169 |
| 2017 | 8,102 | 1,790 | 298 | 9,892 | 10,190 |
| 2020 | 8,340 | 1,786 | 126 | 10,126 | 10,252 |
| 2027 | 8,372 | 1,806 | --- | 10,178 | --- |

Credit: ACS DP04 & Esri Community Analyst "Demographic & Income Profile"

Housing Year & Condition

The majority (59.4%, or 6,080 housing units) were built before 1980, with one-third of units (30.4% or 3,112 houses) built before 1960 (Figure 16). Given the age of the housing stock in Kearns, the community can expect upkeep and maintenance costs to be high. In addition, homes built prior to 1960 are at increased risk of unreinforced masonry and remnant lead paint.

Figure 16: Housing Age in Kearns | 2020

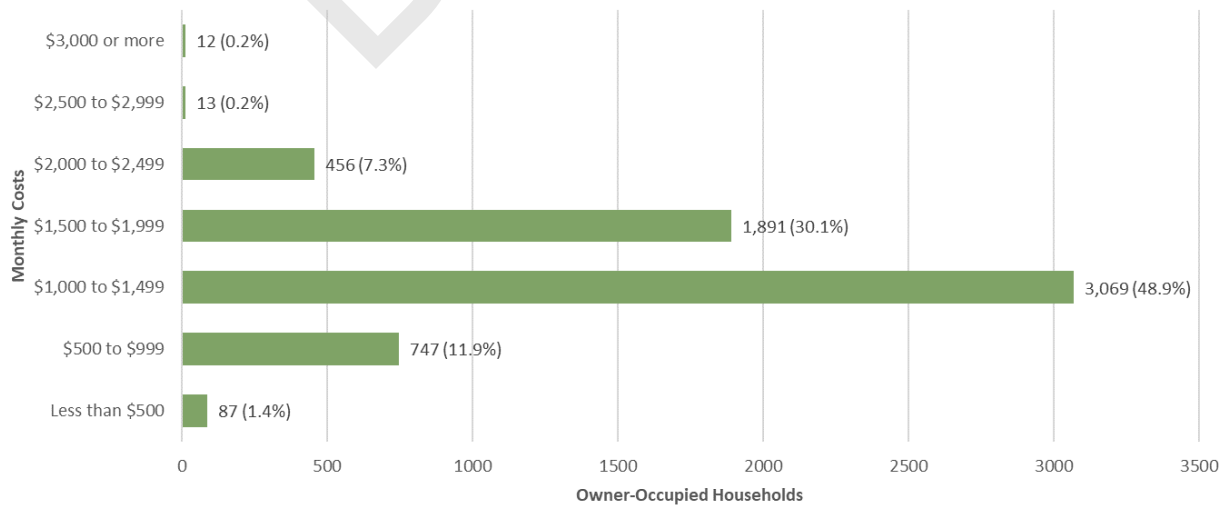
| Year Built | 2017 | | 2020 | |
|-----------------------|-------|---------|-------|---------|
| | Count | Percent | Count | Percent |
| Built Before 1980 | 6,516 | 64.0% | 6,080 | 59.4% |
| Built Before 1960 | 3,546 | 34.7% | 3,112 | 30.4% |
| Built 2014 or later | 8 | 0.1% | 60 | 0.6% |
| Built 2010 to 2013 | 13 | 0.1% | 8 | 0.1% |
| Built 2000 to 2009 | 579 | 5.7% | 745 | 7.3% |
| Built 1990 to 1999 | 1,572 | 15.4% | 1549 | 15.1% |
| Built 1980 to 1989 | 1,502 | 14.7% | 1810 | 17.7% |
| Built 1970 to 1979 | 2,633 | 25.8% | 2591 | 25.3% |
| Built 1960 to 1969 | 337 | 3.3% | 377 | 3.7% |
| Built 1950 to 1959 | 3,069 | 30.1% | 2901 | 28.3% |
| Built 1940 to 1949 | 306 | 3.0% | 120 | 1.2% |
| Built 1939 or earlier | 171 | 1.7% | 91 | 0.9% |

Credit: ACS DP04

Existing Housing Costs

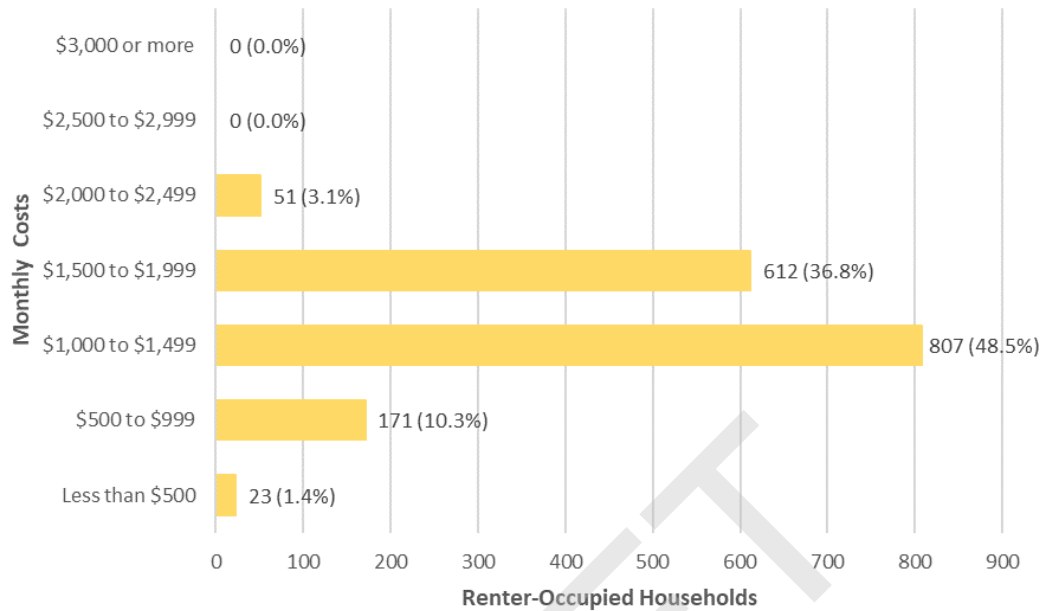
Nearly half (48%) of both renter and homeowner households paid between \$1,000 and \$1,499 every month on housing costs in 2020 (Figures 17 and 18). Additionally, over a third of both homeowner (37.8%) and renter (39.9%) households paid over \$1,500 in monthly housing costs. Homeowner and renter households paid similar monthly housing costs, while renter households had a significantly lower median household income than homeowner households.

Figure 17: Monthly Owner-Occupied Household Costs | 2020



Credit: ACS S2503

Figure 18: Monthly Renter-Occupied Household Costs | 2020



Credit: ACS S2503

Cost-Burdened Housing

HUD considers an affordable monthly housing payment for either an owner-occupied dwelling or rented unit to be *no greater than 30 percent of gross monthly income*. This includes utilities and other housing costs such as mortgage and hazard insurance. When monthly housing payments cost more than 30 percent of gross monthly income, that household is said to be *cost-burdened*. Households can be cost-burdened at any income level.

The table below shows the 2020 rate of cost-burdened households in Kearns (Figure 19). Almost a third (27.4%) of all households were cost-burdened, while another fourth (24.4%) of all households were at risk of being cost-burdened. Therefore, over half (51.8%) of all Kearns households were or were at risk of being burdened by housing costs in 2020. The most cost-burdened group were households with an income between \$20,000 to \$34,99 and \$50,000 to \$74,999 per year; a total of 1,621 households in these brackets were cost-burdened.

Between owners and renters, renters experience a greater housing cost-burden (Figure 20). Almost a half (48.4%) of renter households were cost-burdened, while a fourth (22.3%) of homeowner households were cost-burdened. Of particular concern is the second-lowest income bracket (\$20,000 to \$34,999) with almost a fourth of renters in this bracket being cost-burdened.

Figure 19: Percentage of Income going toward Housing Costs | 2020

| Income Range | Not Cost-burdened: <20% | | Cost-burden Risk: 20-29% | | Cost-burdened: >30% | |
|----------------------|-------------------------|--------------|--------------------------|--------------|---------------------|--------------|
| | Count | Percentage | Count | Percentage | Count | Percentage |
| Less than \$20,000 | 9 | 0.1% | 32 | 0.3% | 419 | 4.2% |
| \$20,000 to \$34,999 | 165 | 1.7% | 99 | 1.0% | 588 | 5.9% |
| \$35,000 to \$49,999 | 440 | 4.4% | 332 | 3.3% | 794 | 8.0% |
| \$50,000 to \$74,999 | 577 | 5.8% | 1,095 | 11.0% | 827 | 8.3% |
| \$75,000 or more | 3,625 | 36.3% | 875 | 8.8% | 103 | 1.0% |
| Total | 4,816 | 48.3% | 2,433 | 24.4% | 2,731 | 27.4% |

Credit: ACS S2503

Figure 20: Income Ranges who are Cost-Burdened with Housing by Occupancy | 2020

| Income Range | Total Cost-Burdened Households | | Total Cost-Burdened Owner Households | | Total Cost-Burdened Renter Households | |
|----------------------|--------------------------------|--------------|--------------------------------------|--------------|---------------------------------------|--------------|
| | Count | Percentage | Count | Percentage | Count | Percentage |
| Less than \$20,000 | 419 | 4.2% | 209 | 2.5% | 210 | 11.8% |
| \$20,000 to \$34,999 | 588 | 5.9% | 291 | 3.5% | 297 | 16.6% |
| \$35,000 to \$49,999 | 794 | 8.0% | 576 | 6.9% | 218 | 12.2% |
| \$50,000 to \$74,999 | 827 | 8.3% | 687 | 8.2% | 140 | 7.8% |
| \$75,000 or more | 103 | 1.0% | 103 | 1.2% | 0 | 0.0% |
| Total | 2,731 | 27.4% | 1,866 | 22.3% | 865 | 48.4% |

Credit: ACS S2503

Targeted Income Groups and Affordability Thresholds

Income levels at 30% of AMI are considered "very low-income," while those at 50% are "low-income" and those at 80% are "moderate-income." These 30, 50, and 80 percent groups are targeted income groups. In the following table, targeted income groups are calculated using both the area median income (Salt Lake County) value and the local median income (Kearns) value (Figure 21). Annual income was divided by twelve to give monthly household income. Monthly housing allowance represents total housing costs affordable at 30% of gross monthly income. This value is the upper limit that a household could pay without being housing cost-burdened.

Figure 21: 2020 Annual and Monthly Incomes and Housing Allowance

| Annual Median Household Income | | | | | |
|--|----------|---------------|----------------|-----------|----------------|
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Kearns | \$86,088 | \$68,870 | \$55,096 | \$34,435 | \$20,661 |
| Salt Lake County | \$96,410 | \$77,128 | \$61,702 | \$38,564 | \$23,138 |
| Monthly Household Income (Annual Income divided by 12) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Kearns | \$7,174 | \$5,739 | \$4,591 | \$2,870 | \$1,722 |
| Salt Lake County | \$8,034 | \$6,427 | \$5,142 | \$3,214 | \$1,928 |
| Monthly Housing Allowance (30 Percent Monthly Income) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Kearns | \$2,152 | \$1,722 | \$1,377 | \$861 | \$517 |
| Salt Lake County | \$2,410 | \$1,928 | \$1,543 | \$964 | \$578 |

Credit: ACS B25119

By using Salt Lake County's AMI, calculations for Kearns may overestimate the community's ability to afford housing. For example, as shown in Figure 21, 30% of Salt Lake County AMI is \$23,138, but 30% of Kearns's median income is \$20,661. Due to this discrepancy, this plan recommends that officials and decision-makers understand the calculations as conservative estimates and encourages communities to strive for making housing as affordable as possible.

The discrepancy is driven by differences in median household income: \$68,870 for Kearns while \$77,128 for Salt Lake (Figure 21). This discrepancy is seen even more when comparing renter and homeowner households, however, in all the target groups Salt Lake County's AMI is higher. Due to the difference between homeowner and renter households, targeted income groups were calculated separately for each (Figure 22 and Figure 23). To determine affordable rental rates, a household would subtract anticipated monthly utility costs from the total monthly housing allowance.

Figure 22: 2020 Annual and Monthly Incomes and Housing Allowance (Renter Household)

| Annual Median Household Income | | | | | |
|--|----------|---------------|----------------|-----------|----------------|
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Kearns | \$61,135 | \$48,908 | \$39,126 | \$24,454 | \$14,672 |
| Salt Lake County | \$62,045 | \$49,636 | \$39,709 | \$24,818 | \$14,891 |
| Monthly Household Income (Annual Income divided by 12) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Kearns | \$5,095 | \$4,076 | \$3,261 | \$2,038 | \$1,223 |
| Salt Lake County | \$5,170 | \$4,136 | \$3,309 | \$2,068 | \$1,241 |
| Monthly Housing Allowance (30 Percent Monthly Income) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Kearns | \$1,528 | \$1,223 | \$978 | \$611 | \$367 |
| Salt Lake County | \$1,551 | \$1,241 | \$993 | \$620 | \$372 |

Credit: ACS B25119

Figure 23: 2020 Annual and Monthly Incomes and Housing Allowance (Owner Household)

| Annual Median Household Income | | | | | |
|--|-----------|---------------|----------------|-----------|----------------|
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Kearns | \$92,154 | \$73,723 | \$58,978 | \$36,862 | \$22,117 |
| Salt Lake County | \$118,590 | \$94,872 | \$75,898 | \$47,436 | \$28,462 |
| Monthly Household Income (Annual Income divided by 12) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Kearns | \$7,679 | \$6,144 | \$4,915 | \$3,072 | \$1,843 |
| Salt Lake County | \$9,883 | \$7,906 | \$6,325 | \$3,953 | \$2,372 |
| Monthly Housing Allowance (30 Percent Monthly Income) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Kearns | \$2,304 | \$1,843 | \$1,474 | \$922 | \$553 |
| Salt Lake County | \$2,965 | \$2,372 | \$1,897 | \$1,186 | \$712 |

Credit: ACS B25119

Other Targeted Groups

When income is broken down according to demographic subsets, substantial differences among their median household incomes becomes visible. These annual income differences lead to monthly income differences and thus monthly housing allowance differences. This means that specific subsets of people have different affordability thresholds (Figure 24).

The discrepancies between median income of homeowners and renters, male and female householders, White and non-White households, elderly households, and others all translate into different thresholds for affordability. Six demographic subsets fall significantly below the Salt Lake County area median household income of \$77,128 (see Figure 10): renter householder (\$48,908), Black or African American householder (\$23,875), single female householder (\$46,093), female non-family householder (\$36,863), and elderly householder (\$42,713).

Figure 24: Other Targeted Groups – Monthly Incomes and Housing Allowance | 2020

| Household Income by Type | Monthly Income Levels | | | | | Monthly Housing Allowance | | | | |
|--|-----------------------|---------|---------|---------|---------|---------------------------|---------|---------|---------|---------|
| | 30% | 50% | 80% | 100% | 125% | 30% | 50% | 80% | 100% | 125% |
| Area Median Household (SLCo) | \$536 | \$3,214 | \$5,142 | \$6,427 | \$8,034 | \$161 | \$964 | \$1,543 | \$1,928 | \$2,410 |
| Local Median Household (Kearns) | \$478 | \$2,870 | \$4,591 | \$5,739 | \$7,174 | \$143 | \$861 | \$1,377 | \$1,722 | \$2,152 |
| Area Median Homeowner Household (SLCo) | \$659 | \$3,953 | \$6,325 | \$7,906 | \$9,883 | \$198 | \$1,186 | \$1,897 | \$2,372 | \$2,965 |
| Local Median Homeowner Household (Kearns) | \$512 | \$3,072 | \$4,915 | \$6,144 | \$7,679 | \$154 | \$922 | \$1,474 | \$1,843 | \$2,304 |
| Area Median Renter Household (SLCo) | \$345 | \$2,068 | \$3,309 | \$4,136 | \$5,170 | \$103 | \$620 | \$993 | \$1,241 | \$1,551 |
| Local Median Renter Household (Kearns) | \$340 | \$2,038 | \$3,261 | \$4,076 | \$5,095 | \$102 | \$611 | \$978 | \$1,223 | \$1,528 |
| White Household | \$496 | \$2,978 | \$4,765 | \$5,956 | \$7,446 | \$149 | \$893 | \$1,430 | \$1,787 | \$2,234 |
| Black or African-American Household | \$597 | \$995 | \$1,592 | \$1,990 | \$2,487 | \$179 | \$298 | \$478 | \$597 | \$746 |
| Hispanic Household | \$405 | \$2,433 | \$3,893 | \$4,866 | \$6,082 | \$122 | \$730 | \$1,168 | \$1,460 | \$1,825 |
| Asian Household | \$502 | \$3,009 | \$4,815 | \$6,019 | \$7,524 | \$150 | \$903 | \$1,445 | \$1,806 | \$2,257 |
| Some Other Race Household | \$402 | \$2,414 | \$3,862 | \$4,828 | \$6,034 | \$121 | \$724 | \$1,159 | \$1,448 | \$1,810 |
| Native Hawaiian and Other Pacific Islander | \$634 | \$3,802 | \$6,083 | \$7,604 | \$9,505 | \$190 | \$1,141 | \$1,825 | \$2,281 | \$2,852 |
| Families with a single Female Householder | \$320 | \$1,921 | \$3,073 | \$3,841 | \$4,801 | \$96 | \$576 | \$922 | \$1,152 | \$1,440 |
| Families with a single Male Householder | \$414 | \$2,485 | \$3,975 | \$4,969 | \$6,211 | \$124 | \$745 | \$1,193 | \$1,491 | \$1,863 |
| Female Householder (Non-Family) | \$256 | \$1,536 | \$2,458 | \$3,072 | \$3,840 | \$77 | \$461 | \$737 | \$922 | \$1,152 |
| Male Householder (Non-Family) | \$422 | \$2,529 | \$4,047 | \$5,059 | \$6,324 | \$126 | \$759 | \$1,214 | \$1,518 | \$1,897 |
| Elderly Household | \$297 | \$1,780 | \$2,848 | \$3,559 | \$4,449 | \$89 | \$534 | \$854 | \$1,068 | \$1,335 |

Credit: ACS B25119 and S1903

Availability of Housing Units

Using Salt Lake County's AMI, there is a deficit in owner units available for the income range \$96,410 of 2034 units. The reasoning for this could be households earning this amount are spending significantly less than 30% of their income, living in housing units that are more affordable. This limits the amount of affordable housing units for lower income ranges. There is a similar situation for rental units, however, our calculation demonstrates a deficit for rental housing units for the income ranges of less than 30% AMI (\$23,138) and 30-50% AMI (\$23,138-\$38,564).

Figure 25: Availability and Need of Existing Owner Housing, using SLCo AMI | 2020

| Income Range | Maximum Affordable Monthly Housing Allowance | Maximum Affordable Monthly Housing Costs (Housing cost minus utilities) | # of Owner Households | # of Owner Units Available at that Price | Surplus/Deficit of Units Available |
|------------------------------------|--|---|-----------------------|--|------------------------------------|
| Less than 30% AMHI (<\$23,138) | \$578 | \$310 | 346 | 487 | 141 |
| 30%-50% AMHI (\$23,138-\$38,564) | \$964 | \$696 | 735 | 1655 | 920 |
| 50%-80% AMHI (\$38,564-\$61,702) | \$1,543 | \$1,275 | 1970 | 2413 | 442 |
| 80%-100% AMHI (\$61,702-\$77,128) | \$1,928 | \$1,660 | 1313 | 2019 | 706 |
| 100%-125% AMHI (\$77,128-\$96,410) | \$2,410 | \$2,142 | 1590 | 1414 | -176 |
| >125% AMHI (> \$96,410) | >\$2,410 | >\$2,142 | 2385 | 351 | -2034 |

Credit: ACS B25118, B25119, B25056, S250

Figure 26: Availability and Need of Existing Renter Housing, using SLCo AMI | 2020

| Income Range | Maximum Affordable Monthly Housing Allowance | Maximum Affordable Monthly Housing Costs (Housing cost minus utilities) | # of Renter Households | # of Renter Units Available at that Price | Surplus/Deficit of Units Available |
|------------------------------------|--|---|------------------------|---|------------------------------------|
| Less than 30% AMHI (<\$23,138) | \$578 | \$310 | 404 | 136 | -268 |
| 30%-50% AMHI (\$23,138-\$38,564) | \$964 | \$696 | 292 | 119 | -173 |
| 50%-80% AMHI (\$38,564-\$61,702) | \$1,543 | \$1,275 | 397 | 505 | 108 |
| 80%-100% AMHI (\$61,702-\$77,128) | \$1,928 | \$1,660 | 187 | 558 | 371 |
| 100%-125% AMHI (\$77,128-\$96,410) | \$2,410 | \$2,142 | 196 | 430 | 234 |
| >125% AMHI (> \$96,410) | >\$2,410 | >\$2,142 | 309 | 36 | -273 |

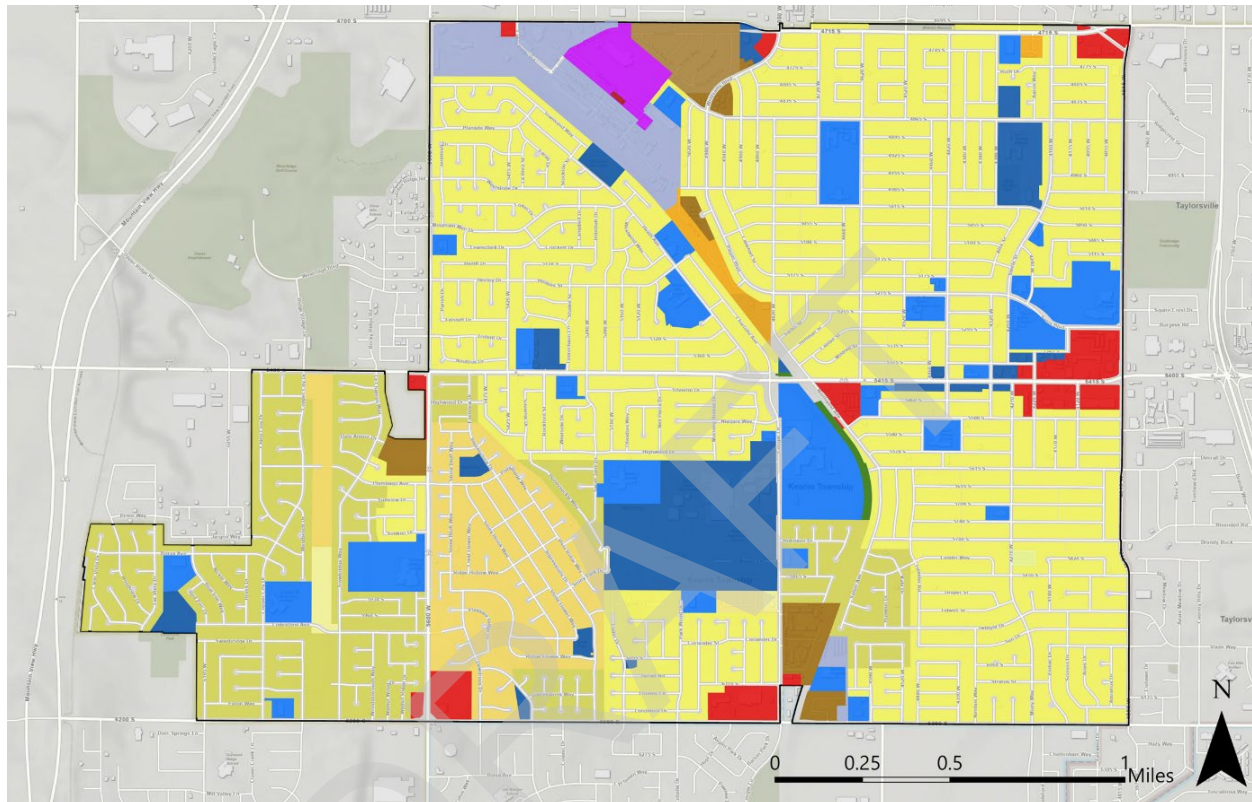
Credit: ACS B25118, B25119, B25056, S250

Zoning and Housing Choice

Figures 27 and 28 show Kearns' zoning patterns and housing choices available in each zone. The majority of Kearns is zoned for single-family residential, although there are opportunities for multi-family development spread throughout the community. Most of the sites zoned RM have already been developed for multi-family residential uses. Kearns allows internal accessory dwelling units (iADUs) to occupy the building footprint of an already existing home in any single-family residential zone with a lot size of at least 6,000 sq. ft. Detached accessory dwelling units are allowed in single family zones with a lot size of 5,000 sq. ft. or greater. Kearns requires owner-occupancy on any site that has an accessory dwelling unit.


















In the north central portion of Kearns, there is an existing mobile home park that provides additional opportunities for low- and moderate-income housing. During the 2020 General Plan process, residents were clear that they wanted the mobile home park use preserved in order to maintain diverse opportunities for community residents.

Figure 27: Kearns Zoning Map.



Credit: MSD Long Range Planning, 2022.

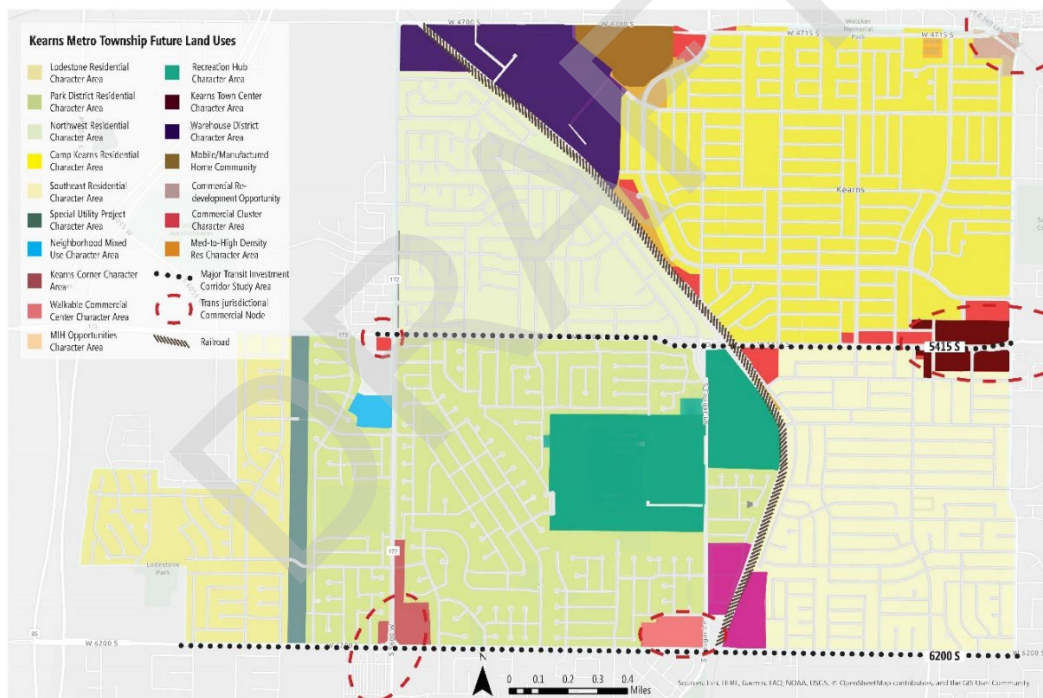
Figure 28: Kearns Zoning Description.

| Symbol | Zone | Description | Acreage | Percentage of Total Land |
|---|----------------|--|---------|--------------------------|
|  | A-1 | Low-density residential development and limited agricultural uses. Minimum lot size for residential is 10,000 sq ft. | 5.2 | 0.2% |
|  | C-2 | Community commercial development. No minimum lot size, except for multi-family residential. | 72.2 | 3.1% |
|  | C-3 | Commercial uses, warehousing, and wholesale business. No minimum lot size, except for multi-family residential. | 0.4 | 0.0% |
|  | M-1 | Light-industrial uses. No minimum lot size, except for residential uses. Industrial development over one acre subject to review as a conditional use. | 91.3 | 3.9% |
|  | M-2 | Heavy-industrial uses. No minimum lot size, except for residential uses. Industrial development over one acre subject to review as a conditional use. | 27.3 | 1.2% |
|  | R-1-3 | Single-family neighborhood. Minimum lot size is 3,000 sq ft. | 2.0 | 0.1% |
|  | R-1-43 | Single-family neighborhood. Minimum lot size is 43,560 sq ft. | 10.3 | 0.4% |
|  | R-1-5 | Single-family neighborhood. Minimum lot size is 5,000 sq ft. | 5.7 | 0.2% |
|  | R-1-6 | Single-family neighborhood. Minimum lot size is 6,000 sq ft. | 1148.9 | 49.6% |
|  | R-1-7 | Single-family neighborhood. Minimum lot size is 7,000 sq ft. | 327.9 | 14.1% |
|  | R-1-8 | Single-family neighborhood. Minimum lot size is 8,000 sq ft. | 163.6 | 7.1% |
|  | R-2-6.5 | Low- to medium-density residential neighborhood. Minimum lot size of 6,000 sq ft. for a single-family home; 6,500 sq ft. for a duplex. See Code for lot sizes of other residential uses. | 12.1 | 0.5% |
|  | R-4-8.5 | Medium-density residential development. Minimum lot size is 6,000 sq ft. for single-family home; 6,500 sq ft. for a duplex; and additional 1,000 sq ft. for every extra unit. | 5.1 | 0.2% |
|  | R-M | High-density residential development. Minimum lot size is 5,000 sq ft. for a single-family home and additional 750 sq ft. per extra unit. | 39.2 | 1.7% |
|  | RMH | Mobile home parks and mobile home subdivisions. Minimum area for mobile home subdivision is 5 acres; no lot requirements. | 29.2 | 1.3% |
|  | PF | Public and quasi-public facilities on large tracts of land. Minimum lot size of 10,000 sq ft. | 167.4 | 7.2% |
|  | PI | Set aside for public institutions to use to host organized team sports. Minimum lot size of 5 acres. | 210.8 | 9.1% |

Credit: MSD Long Range Planning, 2022.

Kearns adopted its first Moderate Income Housing Plan in 2019. The vision of that Plan is described more in following sections. Since the adoption of the 2019 Plan, Kearns made several significant accomplishments in addressing housing:

Figure 29: Kearns Character Area Map, Adopted in 2020.



Adoption of an Accessory Dwelling Unit Ordinance: prior to 2020, accessory dwelling units (ADUs) were prohibited in Kearns. In keeping with the community's 2019 Moderate Income Housing Strategy to 'create or allow for ADUs', Kearns adopted an ordinance permitting both internal and detached accessory dwelling units by right, when specified standards are met. ADUs are permitted in most of Kearns' residential zones, but require that owner-occupancy of either the primary building or ADU be maintained as a condition of the permit.

Kearns – Community Engagement and Housing Vision

Although the State-mandated timeline for making the required changes to the Moderate Income Housing Plan was limited, planning staff recognized the importance of seeking and synthesizing resident input on housing. Residents had the opportunity to engage through two in-person events and one online survey during the Summer of 2022. Staff also relied on engagement results from past planning efforts, including the 2019 Moderate Income Housing Plan and the 2020 General Plan.

The 2019 Moderate Income Housing Plan

During the 2019 Moderate Income Housing planning process, Kearns residents had the opportunity to engage with staff and regional partners at an in-person workshop. Participants were provided with an overview of the moderate income housing requirements and a list of the available strategies for addressing housing. From the options that were available at that time, Kearns selected six strategies that they were interested in pursuing:

- B) Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH;
- C) Facilitate the rehabilitation of existing uninhabitable housing stock into MIH;
- E) Create or allow for, and reduce regulations related to, accessory dwelling units (ADUs) 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; and
- L) Preserve existing MIH.

At the time the Plan was adopted, accessory dwelling units were not permitted in Kearns; Since then, Kearns authorized both internal and external ADUs as permitted uses in most residential zones. The intent of selecting Strategy G was to examine bus routes in Kearns and focus development near major stops; however, since the adoption of the 2019 Plan, the 2020 General Plan was completed and provides an outline for future land uses, including where density would be supported by residents. Strategy L, 'preserve existing MIH', encouraged Kearns to partner with the County's Green and Healthy Homes Program to assist residents in making needed repairs and retrofits.

Note that the strategies listed above vary slightly from the language of the strategies now available to Kearns. The State Legislature updated its strategy requirement language in 2022.

Housing in the 2020 General Plan

Kearns' vision statement was adopted in 2020 and serves as the guiding principle for planning and decision-making. The statement recognizes Kearns' diversity and emphasizes resident participation in planning and decision-making processes:

Kearns is a community of diverse individuals and families dedicated to health, safety, quality education, economic opportunity, environmental sustainability, sincere friendship, service to others, pursuit of happiness, and finding pleasure in activities for all ages. The Kearns community celebrates its military and Olympic history and takes responsibility for the future by fostering a strong sense of shared identity. To support a high quality of life for all residents, Kearns promotes shared decision-making regarding housing, transportation, environment and economic growth. (Kearns General Plan, 2020)

The 2020 General Plan referred to the Moderate Income Housing Plan for its housing element. However, there were several recommended action items in the Plan's Land Use Chapter that relate to housing. Recommendations included:

- Adjust zoning policies to allow for diverse housing types, including attached single-family housing, triplexes and fourplexes, courtyard apartments, and other 'missing middle housing types' in the Moderate Income Housing Opportunities Character Area.
- Establish a working group with the goal of assisting low-income homeowners with ADU construction through funding or other resources.
- Adjust zoning ordinance to allow for mixed-use residential development in the Kearns Town Center.

The 2021 supplementary amendment to the General Plan, the *Resilience and Infrastructure Element*, also included recommendations related to housing:

- Connect residents to resources for home repair and maintenance, including energy-saving retrofits.
- Educate residents on the risk of lead paint, lead plumbing, and radon in homes, and how to monitor and mitigate.

Significant resident engagement shaped the General Plan, and Kearns' leadership rely on its vision to guide planning and decision-making for the community.

2022 Community Engagement Results

Workshops: Community members in Kearns had the opportunity to participate in two in-person public workshops – on June 29th and July 13th, 2022 at the Salt Lake County Government Center. These events were advertised on the MSD Website, MSD Social Media (K-Town Facebook Group), through the MSD newsletter, and also by email invite to Kearns Planning Commission and Council members. Flyers were also distributed at the Kearns Library, and announcements were given at library events. Two Kearns' representatives attended the first event, where staff gave an overview of recent Moderate Income Housing legislation and introduced and received feedback on the available strategies. At the second event, six Kearns residents were in attendance, and staff facilitated more in-depth conversations around desired moderate income housing strategies and potential actions for implementation.

Focus Group: On July 28th, staff facilitated a focus group with three Spanish-speaking residents in Kearns. Two of these community members are renters and one is a homeowner. Their responses were translated and analyzed, the following are themes that emerged from the discussion:

- *Housing/Land Speculation:* Community members shared concerns about investors and developers buying and flipping homes/properties which makes it unaffordable for current community members, specifically renter households. This same concern was brought up by community members during the public workshops.

"Investors don't know what the community needs, like what is affordable or what we need."
(2022 Focus Group Participant)

"My rent has doubled, I never know when my landlord will choose not to renew my lease so it feels unstable." (2022 Focus Group Participant)

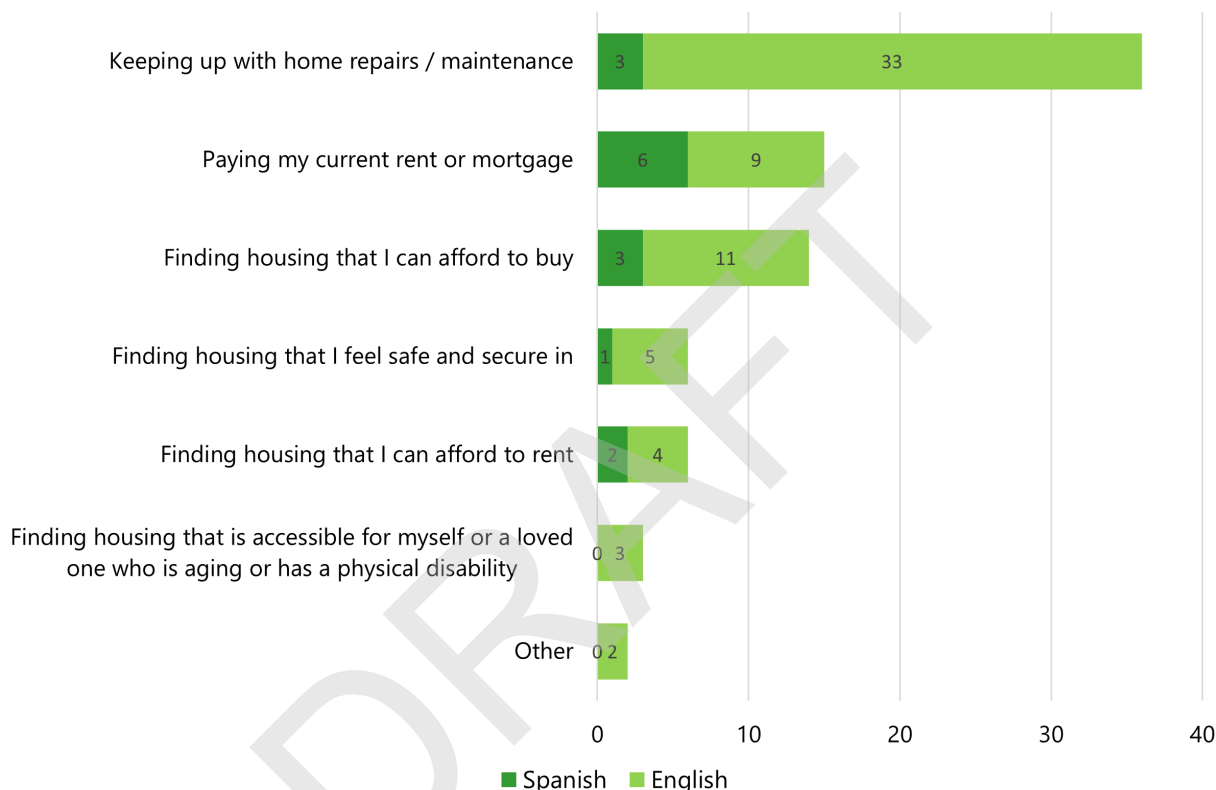
- *Displacement:* Kearns residents have observed community members no longer being able to afford living in Kearns and having to move out of the community.

"I have two friends who had to move out because it got too expensive living here and they were renting."

Survey: In addition to the in-person events, community members were invited to share input through an online and paper survey. The survey was available in English or Spanish and was advertised through MSD communications and at the Kearns Library, including through various Library-based programs and classes. Sixty-seven (67) Kearns residents submitted responses to the English version of the survey, and sixteen (16) Kearns residents took the Spanish version.

When asked what their *most significant housing challenge* was, the majority of residents answered, “Keeping up with home repairs / maintenance” (see Figure 30). After home repairs, affordability (including buying a home or making current payments) was the most frequently cited challenge. Responses to this question should be used by the municipality to better understand the moderate-income housing needs of existing residents. Even for those already in housing, it can be difficult to make payments or keep up with needed maintenance.

Figure 30: 2022 Most Significant Housing Challenges Among Kearns Residents.



Credit: MSD Long Range Planning, 2022.

The survey also asked respondents if they would support the addition of accessory dwelling units, townhomes, courtyard housing, or mixed-use in their community if it helped with housing choice and affordability. Residents open-ended responses were analyzed and are presented in Figure 31. The majority of respondents (60%) said that they would support the addition of these housing types, although certain criteria were often included in responses. For example, some respondents would only support townhomes or only support mixed-use. Others still would support diverse housing types, but only if those units were made affordable and held affordable for the long-term.

For respondents who said that they would not support the listed housing types, the most frequently cited reason was anticipated negative impacts on infrastructure and services. Others felt that the community should focus on fixing up its existing buildings before building anything new (Figure 31).

Figure 31: Resident Responses to the Question: Would You Support the Addition of ADUs, Townhomes, Courtyard Housing, or Mixed-Use in Your Community?

| Response Theme | Representative Comment | Count |
|--|--|-------|
| No, because of impacts on infrastructure or services. | "No, it adds too much traffic and crime." | 14 |
| No, we should just fix what we have. | "No, we don't need more building, we have enough housing in our community we just need to be able to afford and fix the ones we have!" | 5 |
| No, because those units are not truly affordable. | "No ,these are designed only for the owner to make lots of money on rent. Will do nothing to improve my neighborhood." | 4 |
| No, we don't want those housing types. | "No because then there's less places for houses. No one want more apartments." | 3 |
| Total No: 26 | | |
| Yes, in general. | "Yes because it will address the housing challenge." | 15 |
| Yes, if it's truly affordable and helping the housing situation. | "If they made it affordable for single parents or low income families, then yes." | 11 |
| Yes, if focused on infill or the rehab of existing buildings. | "Yes, but not if it displaces people. Maybe infill?" | 2 |
| Yes, if adequate infrastructure and services are in place. | "Absolutely, but only if our traffic flow can handle it!" | 4 |
| Yes, if the development is high-quality. | "Sure as long as the construction was done well enough that you couldn't hear every word from your neighbors through the walls" (continued. . .) | 1 |
| Yes, but only mixed-use. | "Mixed-use housing only. We really really need more stores in our community." | 3 |
| Yes, but only townhomes. | "Townhomes I could handle, but absolutely no any mixed-use." (continued. . .) | 2 |
| Yes, but only ADUs. | "Accessory housing." | 1 |
| Total Yes: 39 | | |

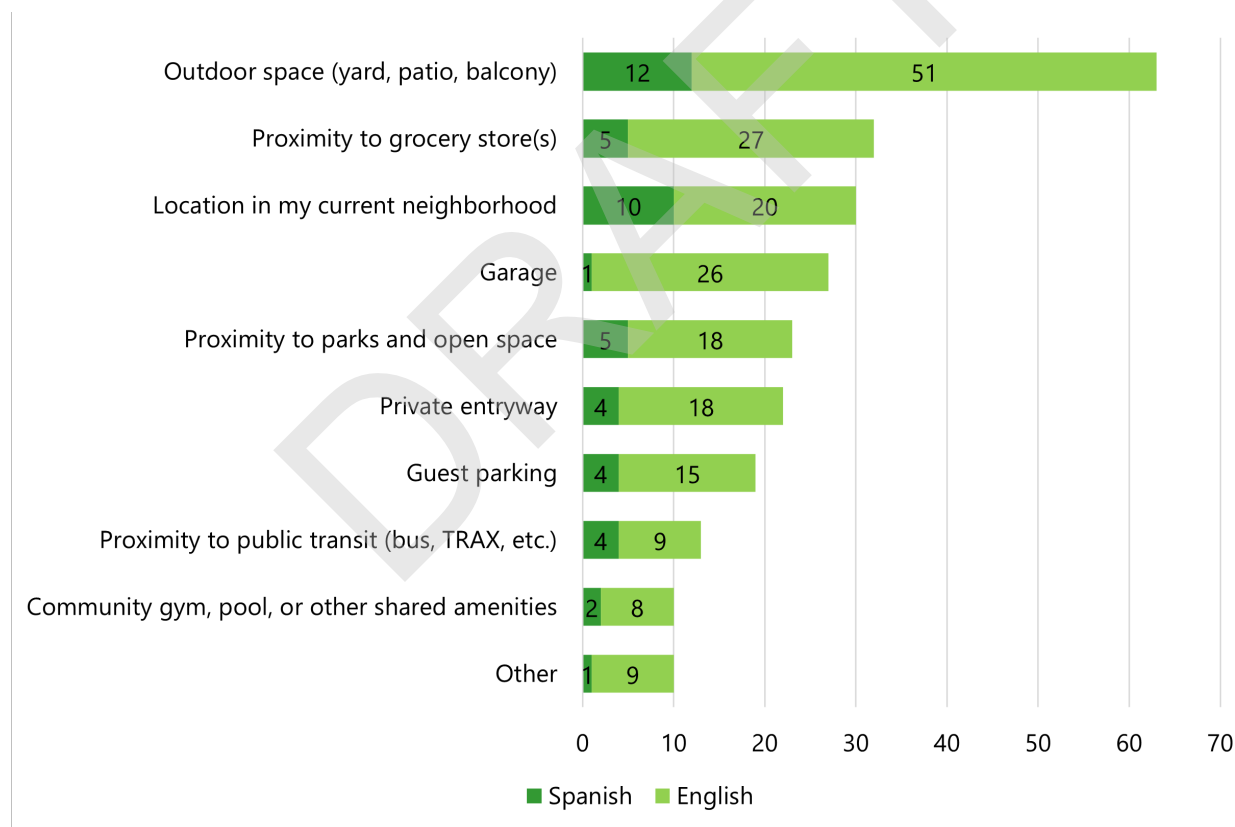
Credit: MSD Long Range Planning, 2022.

When asked which housing features were *most important* to them, the top five features selected by residents were:

1. Outdoor space (yard, patio, balcony);
2. Proximity to grocery store(s);
3. Location in their current neighborhood;
4. Garage; and
5. Proximity to parks and open space.

These results show a preference toward open space, proximity to needed goods and services, and preservation of social ties (location in current neighborhood). The results could be used by the municipality to influence zoning standards related to new housing construction, to ensure new development in Kearns is of a high-quality and meets resident needs and wants.

Figure 32: Housing Features Most Important to Kearns Residents.



Credit: MSD Long Range Planning, 2022.

The final question in the 2022 Moderate Income Housing Survey asked the following: “What is one reasonable action you think your community could take in the next year to improve housing conditions and options?” Fifty-seven (57) residents responded to this question, and their comments are grouped into policies, programs, and projects (Figure 33).

Many responses were related to code enforcement and other general activities to improve neighborhood quality of life (Figure 33). A few responses related to zoning changes, such as new provisions for ADUs, mixed-use zoning districts, and zoning for diverse housing types. Residents were also interested in any policies that may be able to address land speculation.

Funding programs were also a top recommendation by respondents, who were particularly interested in resources for the rehabilitation of homes or home maintenance.

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Figure 33: Respondent Recommended Actions for Addressing Housing Conditions and Opportunities.

| Response Theme | Representative Comment | Count |
|---|---|-------|
| POLICIES | | |
| Provisions related to ADUs | "Provision for ADUs" | 1 |
| Lower taxes | "Lower taxes" | 2 |
| Policy to prevent land speculation | "Outlaw corporate owned houses that raise prices and are often just rentals or Airbnb only homes." | 3 |
| Stop building until adequate infrastructure is in place | "Stop building until [the roads] are better or they reconfigure lights so neighborhoods aren't cut off." | 2 |
| Create an ordinance for mixed-use | "There's empty fields that can be used for the mixed housing off of 56th W near Holiday. Zone that long strip of land for mixed community use. Use it for affordable senior or disabled housing." | 2 |
| Put rent control in place | "Rent control" | 2 |
| Zone for housing diversity | "Change in zoning to allow more housing options such as multi-unit buildings, townhomes, multi-use/mixed-use buildings." (continued. . .) | 2 |
| Comments Related to Policy: 14 | | |
| PROGRAMS | | |
| Funding and resources for rehabilitation of homes or home | "Fund and or support repairs and improvements to existing houses." | 6 |
| Funding, in general | "Funding opportunities" | 8 |
| Mortgage and downpayment assistance, including programs for lower interest rates | "Lower the interest rates on houses so that more people have the opportunity to get a house." | 2 |
| Funding specifically for the construction of ADUs | "Funding to add accessory house to my property." | 1 |
| Comments Related to Programs: 17 | | |
| PROJECTS | | |
| Re-utilize existing vacant buildings | "Convert the warehouse on 47th and 56th into mixed used housing. Improves the housing and the availability of new stores." | 4 |
| Build new housing supply and subsidized / affordable units | "High capacity low income housing." | 5 |
| Increase code enforcement and make other improvements related to neighborhood quality of life | "Enforcing the laws regarding parking. Too many people park on the streets and it makes it difficult to even drive down the street." | 16 |
| Stop building luxury or other unaffordable units | "Stop building expensive [...] apartments no one can afford and driving up the price of rent!" | 1 |
| Comments Related to Projects: 26 | | |

Credit: MSD Long Range Planning, 2022.

Emergent Themes from Engagement Analysis

Across previous planning efforts and in the 2022 engagement results, resident values and opinions related to housing generally align:

1. Residents prefer that any new housing development occur near commercial centers, in underutilized spaces (such as vacant buildings), and in places where the infrastructure is already available to support development. Residents are particularly concerned about traffic impacts, crime, and displacement.
2. Many Kearns residents already own their homes and need additional support in maintaining them or making needed energy or accessibility retrofits.
3. Residents value safety and beautification in their residential neighborhoods and expect any new development to contribute its fair share to quality of life.
4. Kearns residents recognize that their community is home to a racially and economically diverse population with different housing needs and support taking actions that would increase housing opportunities for residents, while enhancing quality of life.
5. Residents are increasingly concerned about land speculation and are looking for ways to preserve moderate income housing and market rate affordable housing on a long-term basis.

Selected Strategies for Addressing Moderate Income Housing

The State-Offered Strategies

House Bill 462 (2022) amended the list of strategies that municipalities could choose from in addressing Moderate Income Housing. The twenty-three (23) strategies have been re-worded to become more actionable. For example, Strategy C – Facilitate the rehabilitation of existing uninhabitable housing stock into MIH – became, “demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing”. This places a higher burden of proof on municipalities to show that they are taking steps to rehabilitate MIH units.

In addition to changing strategy language, HB462 added new provisions related to the number of strategies municipalities must select and report on. The minimum number of strategies a municipality can choose is still three (3). However, a municipality must choose five (5) in order to receive priority consideration for important funding sources including those from the State Transportation Commission and Governor’s Office of Planning and Budget (COVID-19 Local Assistance Matching Grants). Grant funding is essential to the upkeep of infrastructure and services. Thus, five strategies are included in this Moderate Income Housing Plan.

From the list of available strategies show in Figure 34, Kearns plans to implement the following:

- “E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
- F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;
- L. Reduce, waive, or eliminate impact fees related to moderate income housing;
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing. . .; and
- W. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.”

Alternatives:

There were two additional strategies that were supported based on survey results and in-person engagement at the Moderate Income Housing Workshops. Kearns may work toward these strategies in the future, but existing resource and capacity limitations make it impossible to identify a timeline for implementation.

K. Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund

M. Demonstrate creation of, or participation in, a community land trust program for moderate income housing;

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Figure 34: Available State Strategies and Applicability to Kearns.

| STRATEGY | APPLICABILITY |
|---|---|
| (A) rezone for densities necessary to facilitate the production of moderate income housing | See Strategies F and W. |
| (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing | Limited funding sources available. |
| (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing | Low frequency of uninhabitable housing. |
| (D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed for the construction or rehabilitation (continued. .) | Limited revenue sources available. |
| (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones | SELECTED |
| (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers | SELECTED |
| (G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors | See Strategy F. |
| (H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle (continued. . .) | Low resident support for reducing parking. |
| (I) amend land use regulations to allow for single room occupancy developments | Limited market demand in Kearns. |
| (J) implement zoning incentives for moderate income units in new developments | Few tools available for incentives. |
| (K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program (continued. . .) | <i>ALTERNATIVE</i> |
| (L) reduce, waive, or eliminate impact fees related to moderate income housing | SELECTED |
| (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing | <i>ALTERNATIVE</i> |
| (N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services for the municipality, or any other public employer (continued. . .) | Limited funding available for such program. |
| (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing (continued. . .) | SELECTED |
| (P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize (continued. . .) | Limited sites available for new construction. |
| (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act | NA. No BRT/TRAX stops in Unincorporated. |
| (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530 | See Strategy L. |
| (S) create a program to transfer development rights for moderate income housing | Low resident support. |
| (T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing | Limited funding available for acquisition. |
| (U) develop a moderate income housing project for residents who are disabled or 55 years old or older | Limited funding available. |
| (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1 | No station areas present in Kearns. |
| (W) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable (continued. . .) | SELECTED |
| (X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income (continued. . .) | Not needed – five other strategies selected. |

Credit: MSD Long Range Planning, 2022 – strategies from State Code 10-9a-403.

Kearns' Preferred Strategies

This section explores Kearns' selected strategies and provides broad guidance on how each may be implemented by the community.

E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

When asked what action Kearns could take to improve housing conditions and options, one resident answered:

"Provision for ADUs" (Resident Response, 2022 Moderate Income Housing Survey).

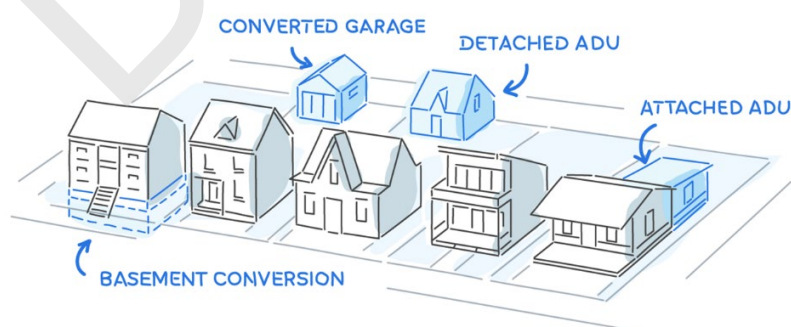
Another resident stated:

"Funding to add [an] accessory house to my property" (Resident Response, 2022 Moderate Income Housing Survey).

Accessory dwelling units (ADUs) are habitable dwelling units added to, created within, or detached from a primary residential dwelling and contained on a single lot. They differ from duplexes, which are typically established on two separate but adjoining lots. ADUs come in many different shapes and sizes, as demonstrated in Figure 35. These types of units contribute to the housing market in two ways:

1. Providing homeowners who choose to add an ADU to their property with secondary income that can help them afford mortgage payments or make necessary home repairs; and
2. Adding additional housing stock to neighborhoods (through the ADU itself).

Figure 35: Examples of Accessory Dwelling Units.



Credit: Housable, 2022.

Kearns adopted an accessory dwelling unit (ADU) ordinance in 2021, which authorized both internal and external ADUs. However, since that time, few ADUs have been constructed. This is despite feedback from homeowners that they are interested in adding ADUs to their existing properties. Staff have noted regulatory hurdles, including setback requirements and other non-life-threatening standards that limit the feasibility of ADU construction. Research into these and other barriers to ADU construction are needed so that Kearns can better facilitate ADU development, where appropriate, in the community. It should be noted that the State requires the municipality to allow internal accessory dwelling units (iADUs) in most residential neighborhoods. Kearns' efforts toward this strategy would be targeted at improving the feasibility of adding an ADU to existing sites and connecting residents with needed resources for navigating the permitting process.

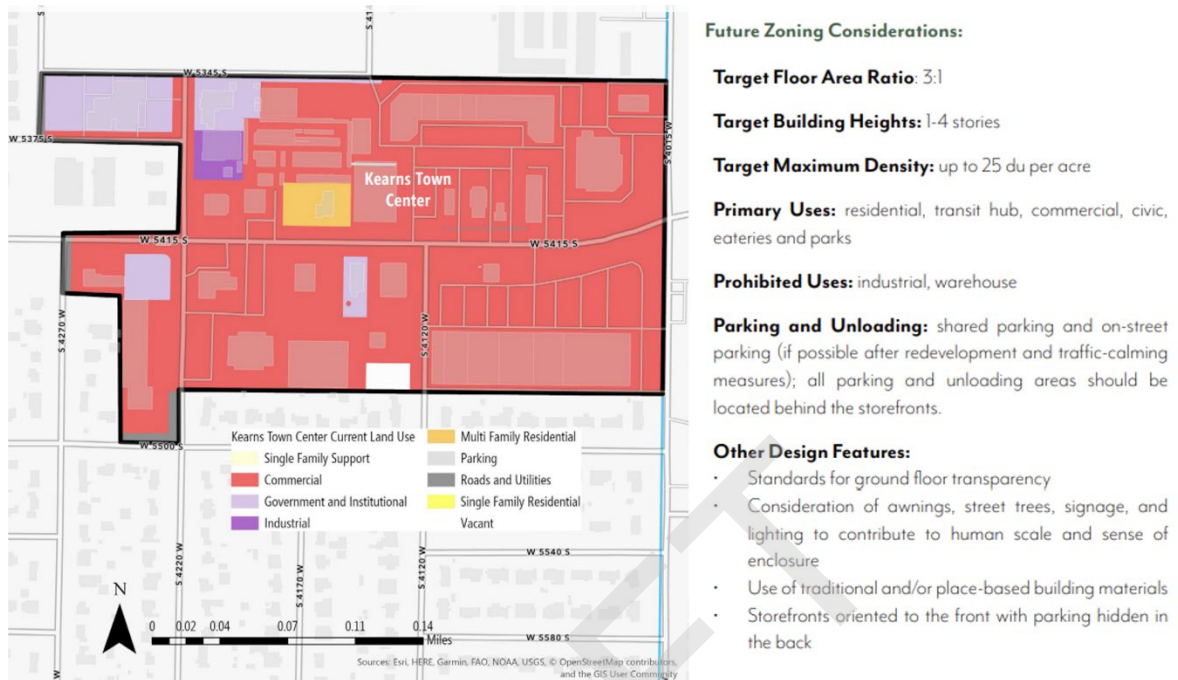
F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.

When asked what action Kearns could take to improve housing conditions and opportunity, one resident said:

"Form-based zoning and human scaled mid-density housing along 5400 S"
(Resident Response, 2022 Moderate Income Housing Survey)

Kearns' adopted General Plan proposes mixed-use development in an area referred to as the Kearns Town Center (see Figure 36). This area is located on 5400 South (a major transit investment corridor) and near several commercial amenities as well as the Kearns Library. Since the adoption of the General Plan, the C-2 Zone, in which most of the Town Center lies, has not undergone extensive review and updating. Aligning the zoning more thoroughly with the General Plan will help Kearns to make progress toward Strategy F.

Figure 36: Location of the Kearns Town Center and Future Zoning Considerations.



Credit: Kearns General Plan, 2020.

The Town Center is one of the only areas of Kearns that can support additional residential development because most of Kearns is built-out. Although the primary intent of the Town Center is to become a hub for business and a community gathering place, the integration of some residential uses can be effective in providing a customer base for nearby commercial development. The area poses an additional opportunity to develop housing types not currently present in Kearns, such as live-work units, which add housing supply and expand housing choice. Local businesses and residents have expressed concerns regarding displacement if the Town Center were rezoned and local businesses were no longer able to afford renting the space. Kearns may need to consider programs or policies to prevent displacement so that new development does not negatively impact this area, its residents, or its business owners.

L. Reduce, waive, or eliminate impact fees related to moderate income housing.

When asked if they would support the addition of accessory dwelling units, townhomes, courtyard housing, or mixed-use in Kearns, one resident answered:

"Only if they fix the infrastructure. Right now, it can take me more than 15 minutes at certain times of the day to get out of my neighborhood because of traffic. Adding more housing without planning a way for people to get in and out is insane." (Resident Response, 2022 Moderate Income Housing Survey)

Kearns is a relatively young municipality, having incorporated in 2017. Prior to incorporation, Kearns was an unincorporated township of Salt Lake County. The County did not charge any impact fees for development, and thus Kearns did not inherit any fee system that could help it pay for the infrastructure and service costs of new development. In some cases, this has led to frustration among residents who feel that new development is causing impacts which aren't being addressed or funded by the developers (see above example). In recent years, Kearns has been exploring its options related to impact fees and anticipates changes to its fee structure in coming years.

However, the community recognizes residents' desire for moderate-income housing units. Eighteen percent (18%) of survey respondents identified their most significant housing challenge as keeping up with their existing rent or mortgage payments (Moderate Income Housing Survey, 2022). And several residents expressed to staff that they worry about whether future generations, including their own children, will be able to afford to live in Kearns. The community can commit to not imposing impact fees on moderate income housing in the future, as a way to encourage residential development that is more affordable to residents.

O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.

"We don't need more buildings and housing[.] We need the ability to afford & maintain the houses we do have." (Resident Response, 2022 Moderate Income Housing Survey)

In the 2022 Moderate Income Survey, 36 out of 82 Kearns residents identified their biggest housing challenge as keeping up with home repairs. Many residents of Kearns have owned their homes for a long period of time and are not cost-burdened. However, challenges of home maintenance, needed energy retrofits, and adaptations for aging populations or those with disabilities can threaten housing stability and financial health. Connecting residents with funding for home repairs and emergency retrofits can help ensure housing remains affordable to residents and reduce housing turnover and speculation that could lead to increased costs.

Kearns is fortunate to participate in programs through Salt Lake County Housing and Community Development, including:

Green and Healthy Homes – The Green and Healthy Homes program is open to all households in Salt Lake County that earn eighty percent (80%) or less of the Area Median Income (AMI). Households are provided with a free home assessment and a report of deficiencies. Then, program staff work with the homeowners to address the critical needs related to health and safety. Repairs and retrofits covered under the Green and Healthy Homes program include lead and radon abatement, energy-efficient upgrades, critical repairs (windows, roofing, electrical, plumbing), and accessibility or ageing-in-place upgrades.

Partners involved in the Green and Healthy Homes program include Community Development Corporation of Utah, University of Utah Health Plans, Utah Community Action Weatherization Program, State of Utah Health Department Asthma program, Utah Physicians for Healthy Environment, Green & Healthy Homes Initiative, Utah State Radon Coalition, and the Salt Lake County Health Department Asthma program.

Figure 37: Salt Lake County Green and Healthy Homes Challenge Book – Roots of the Problem v. Roots of the Solution.



Credit: Salt Lake County – Housing and Community Development, n.d. Read the [full guidebook here](#).

HOME Investment Partnerships Program - The HOME Investment Partnerships Program provides 0-3% loans to help finance the cost of development and construction of rental housing and the cost of purchase and rehabilitation of existing rental housing projects. In 2021, \$3,038,634 was expended county-wide from the HOME Program. These funds were often paired with Low Income Housing Tax Credits (LIHTC) to help resources go further.

HOME funds may also be used for down-payment assistance, mortgage assistance, housing rehabilitation, and new construction of single-family homes for households earning eighty percent (80%) or less of area median income.

In the future, Kearns may want to strengthen coordination with Salt Lake County Housing and Community Development to ensure that residents are aware of and benefitting from the available programs.

W. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

When asked what action Kearns could take to improve housing conditions and options, one resident said:

“Change in zoning to allow more housing options such as multi-unit buildings, townhomes, multi-use/mixed-use buildings. Creation of urban centers that can germinate an arts culture. Performing arts spaces. Spaces for theatre. Greater walkability. Multi-modal infrastructure. Greenways that allow safe bike transit. Reduction of parking lots that become heat centers.” (Resident Response, 2022 Moderate Income Housing Survey)

In 2022, the Utah Foundation conducted a survey of Utah residents to understand housing preferences, particularly as they relate to Missing Middle Housing types (“house-scale buildings, with multiple units, in walkable neighborhoods” – see also Figure 38). The Foundation’s survey found that residents still prefer the single-family housing over other housing types ([Utah Foundation, 2022](#)). However, respondents offered positive reactions to multi-family development (particularly duplexes and triplexes) that shared the same scale and design as single-family homes (*ibid*).

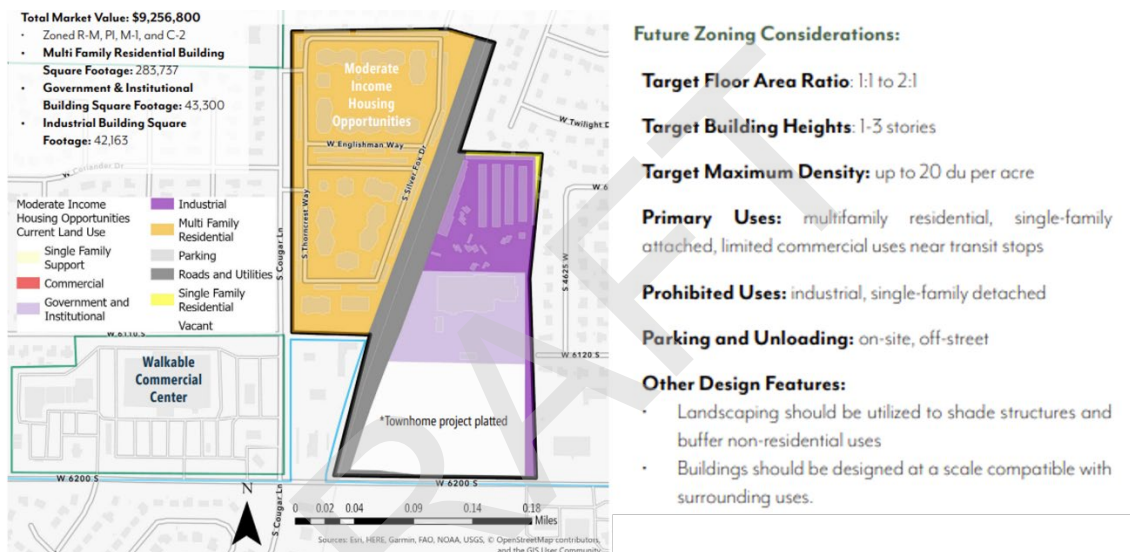
Figure 38: Missing Middle Housing Types.



Credit: Opticos, 2020.

Kearns planned for Missing Middle Housing in two of its General Plan “character areas” (categorized future land uses based around centers or unique community qualities). The Moderate Income Housing Opportunities Character Area seeks to integrate Missing Middle Housing types into an existing multi-family area near the intersection of 6200 South and Cougar Lane (see Figure 39). This area is served by a fixed-route bus and experiences close proximity to a number of goods and services, including Harmon’s Grocery Store. Although Kearns does not want to see additional mid-rise or blocky apartment buildings, the community may be open to housing that fits the scale and character its current built-out environment, which largely consists of single-family homes.

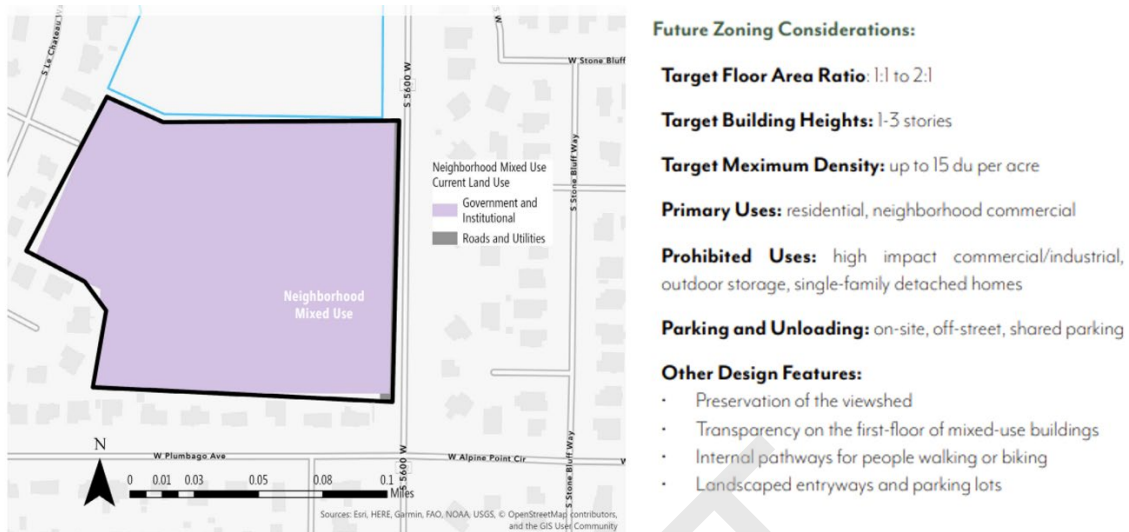
Figure 39: Kearns’ Moderate Income Housing Opportunities Character Area.



Credit: Kearns General Plan, 2020.

One other Character Area creates significant opportunities for integrating multi-family housing at the scale and character of single-family housing. The Neighborhood Mixed-Use Character Area (Figure 40) envisions a mix of commercial, townhome, and live-work unit development that maintains Kearns’ viewshed while promoting residential access to needed goods and services. Updates to Kearns’ zoning ordinance can help ensure compatibility with the adopted General Plan while also promoting Moderate Income Housing strategies.

Figure40: Kearns' Neighborhood Mixed-Use Character Area.



Credit: Kearns General Plan, 2020.

[Alternative 1] K. Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund.

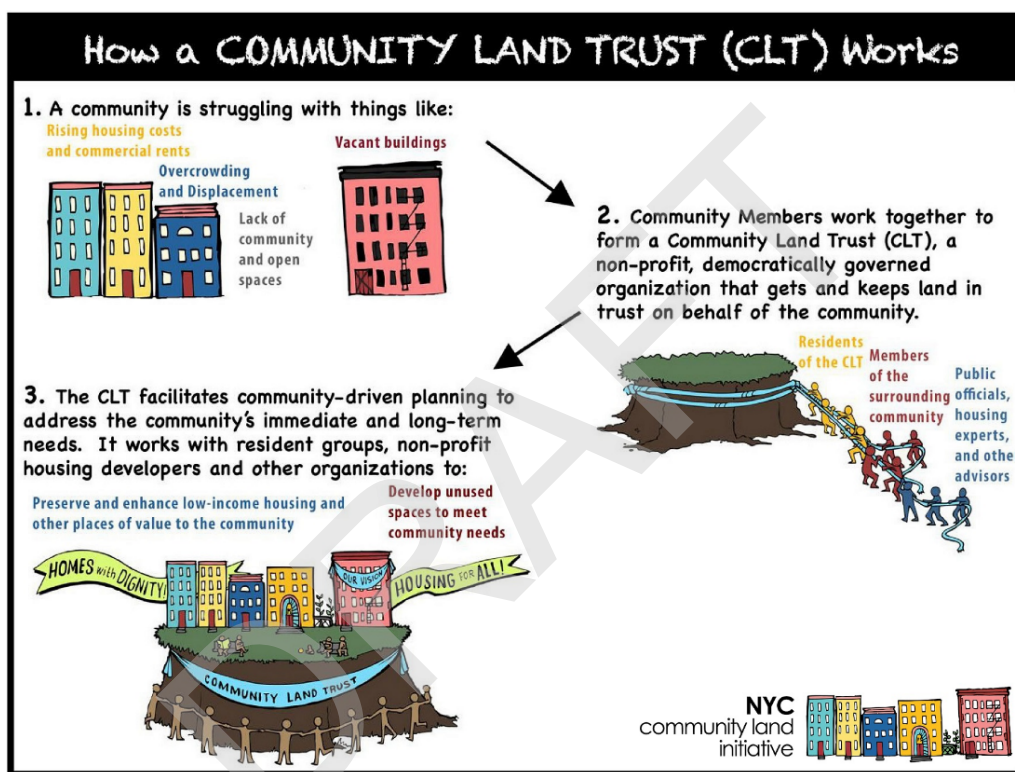
Strategy K is included in this Plan as an alternative strategy. This item was of interest to community members because it could address concerns with housing and land speculation by ensuring that the existing and future moderate income housing units or market-rate affordable housing are held affordable in perpetuity. Kearns residents shared support for deed restrictions when purchasing housing or receiving funding for repairs and supported conditions on new development. Types of deed restrictions include:

- Limiting the resale price by specifying a percentage increase limit regardless of the existing market.
 - Example: resale price = original price + specified increase limit or sale price tied to the area median income (AMI).
- Specifying which households are eligible to purchase the home based on AMI.
 - Example: an eligible household would qualify if their household income was up to 80% of the AMI.
- Restricting purchasers to owner-occupancy for a required amount of time.
 - Example: A new homeowner must live in the property full-time as their primary residence for a certain number of years.

Although desirable by residents, this strategy is listed as an alternative because the feasibility of implementation is unclear. Kearns would require a grant or outside funding to be able to administer a program that incentivized owners to enter into a deed restriction. This strategy has also been difficult for other, similar communities to implement because of pushback from developers.

[Alternative 2] M. Demonstrate creation of, or participation in, a community land trust program for moderate income housing.

Figure 41: Guidance for Community Land Trust Programs.



Credit: NYC Community Land Initiative, 2022.

Strategy M is included in this Plan as Alternative 2. Kearns residents shared interest and support for Strategy M to create a community land trust to build and preserve moderate income housing. During the July 13th workshop, residents brainstormed ideas on how a community land trust (CLT) program would be created, funded, and how it could acquire properties. Some ideas included partnering with a local housing non-profit such as NeighborWorks, who currently runs a CLT program, to apply for funding and create the CLT with the Kearns Council and Kearns residents. Another idea was rehabilitating uninhabitable housing through community groups or a nonprofit which would improve vacant or older homes without significantly raising their value and cost; the CLT would acquire the land, while the home itself would belong to the homeowner. This prevents the owner from cashing in on appreciated land value, keeping the residential property below market rates in the long-term.

Kearns community members support and would like to work toward implementing this strategy. The community recognizes that this action, which requires significant funding and personnel resources, may take longer than five years to implement. Thus, five other strategies were selected for reporting purposes, and this strategy is held as a desired alternative for the community to work toward.

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Moderate Income Housing Implementation Plan

HB 462 expanded on the Moderate Income Housing Plan requirements, specifying that municipalities must adopt an implementation plan which identifies anticipated steps, timelines, and benchmarks for implementing the selected strategies. The municipality is allowed some flexibility in implementation but should be actively working toward each of the five Moderate Income Housing strategies to receive priority funding consideration.

Implementation Steps

Broadly, implementation of each strategy will occur in three parts:

1. Research: in this phase, staff assigned to the strategy will research potential programs, policies, and projects that could facilitate implementation. Staff should also search for case studies, available funding sources, and other resources that can support implementation. Data should be collected to facilitate the needed program, policy, or project – whether that be demographics, market conditions, community input, or some other source.
2. Coordination: in the second part, staff should start reaching out to anticipated partners and team members. A team should be assembled to begin planning for the program, policy, or project, and important partners should be included in discussions about funding, ongoing maintenance, and measures of success.
3. Action: in this stage, the program, policy, or project is carried out. This may look like drafting a land use ordinance and bringing it through the adoption process, applying for a grant for needed support infrastructure, or launching a home maintenance program.

The timeline for each strategy's three phases of implementation is discussed in the next section. More specific action items related to each strategy are included in the Moderate Income Housing Work Program on pg.55.

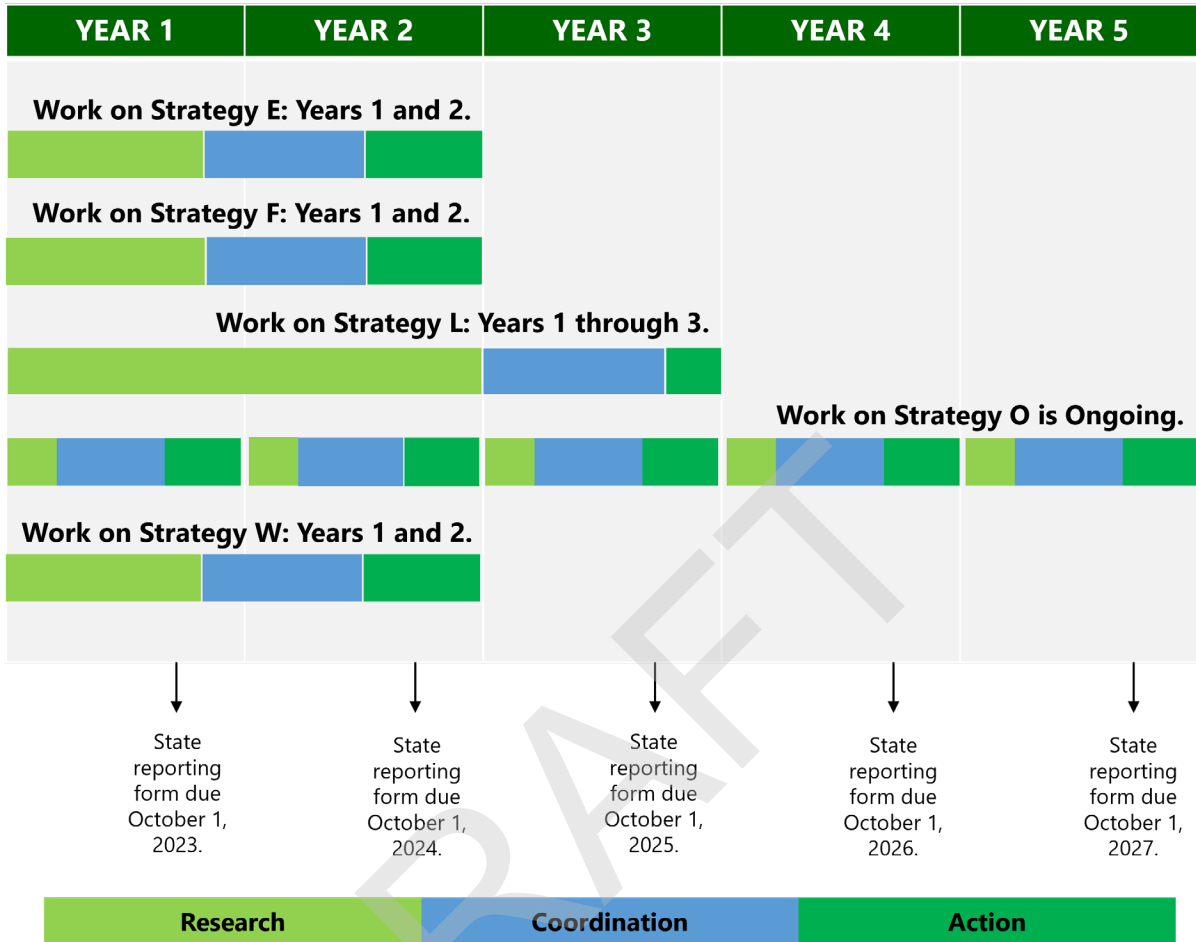
Proposed Timeline for Implementation

It is anticipated that work on the five strategies will be staggered over the upcoming years. A proposed timeline is presented in Figure 42. Strategy O is the only strategy that requires ongoing work. Staff anticipates that resources from the Green and Healthy Homes Program and HOME Investment Partnership Program will need to be advertised to residents on an annual basis; in addition, staff may need to provide data to support County grant applications and provide other assistance to ensure ongoing funding of the programs.

In the next two years, Kearns anticipates making comprehensive revisions to its land use ordinances. This provides an opportunity to address Strategies E, F, and W, which all pertain to zoning and facilitation of the permitting process.

While staff will likely start researching fee systems starting in 2023, the community is not expected to take definitive action regarding Strategy L until future years.

Figure 42: Proposed Timeline for Strategy Implementation.



Credit: MSD Long Range Planning, 2022.

How will Kearns measure progress?

In the years following the adoption of this Plan, Kearns is required to report annually on progress made in implementing the selected strategies. Written reports must be submitted to the State's Housing and Community Development Division within the Department of Workforce Services by October 1st of each year. State Code 10-9a-408 outlines requirements for the annual report, which must include:

- A description of each MIH strategy selected by the municipality for implementation;
- An implementation plan;
- A description of each action taken by the municipality during the previous fiscal year to implement the municipality's MIH strategies;

- A description of each land use regulation or land use decision made by the municipality during the previous fiscal year to implement the municipality's MIH strategies, including an explanation of how the land use regulation or land use decision supports the municipality's implementation efforts;
- A description of any barriers encountered by the municipality in the previous fiscal year while implementing its MIH strategies;
- Information regarding the number of internal and external / detached accessory dwelling units for which the municipality issued a building permit to construct or issued a business license to rent;
- A description of how the market has responded to the selected MIH strategies, including the number of entitled MIH units or other relevant data; and
- Any recommendations on how the state can support the municipality in implementing the MIH strategies.

All of the metrics defined above will be tracked by MSD Planning and Development Services, who issues building permits and processes land use applications for Kearns. In addition, staff will track progress with their own internal metrics and measures of success, as outlined in the work program.

What if a strategy is found to be ineffective? Research is the first step in implementing each of the proposed Moderate Income Housing strategies. If staff begins work on a strategy and finds that it cannot be implemented for any reason (lack of political will, unsubstantial funding, lack of staff capacity, or regulatory barriers), it may be necessary to evaluate other options. State law allows for flexibility if the community finds that a strategy does not work. However, it may be necessary to replace that strategy in future years to ensure that Kearns continues working on five strategies and can keep its priority funding status.

The Moderate Income Housing Plan Work Program

The following work program identifies the key steps that will help planners and decision-makers implement each Moderate Income Housing Strategy. The work program relies on several departments and partner organizations to carry it forward. That is because planning for housing is a collaborative effort that requires diverse agencies to work toward a collective vision.

This work program is intended to be used by staff and decision-makers to help them organize and report on their implementation efforts. The tables can easily be translated to a progress report to be sent to the State's Department of Workforce Services - Housing and Community Development Division as a part of the annual reporting requirements.

E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

| <u>Actions</u> | <u>Potential Leads and Partners</u> | <u>Expected Funding Source</u> | <u>Metric for Measuring Success</u> | <u>Resources</u> |
|---|---|--|---|---|
| E1. Staff conducts research with residents to understand what barriers to ADU construction exist. | MSD PDS; Residents | Staff Time | Staff engages with residents and can identify the top barriers to ADU construction in Kearns. | Portland Study of ADU-Owners |
| E2. Staff studies case studies related to top barriers identified in E1. | MSD PDS | Staff Time | Staff prepares a study of pertinent case studies and potential paths forward. | HUD Article on U.S. Efforts to Encourage ADU Production |
| E3. Staff presents findings to the Kearns Planning Commission and Council and seeks direction on policies, programs, and projects to address barriers. | MSD PDS; Kearns PC; Kearns Council | Staff Time | Staff presents findings and receives direction from leadership regarding which strategies to pursue to facilitate ADU construction. | Salt Lake City ADU Report 2021 |
| E4. Staff implements the selected strategy as directed. | MSD PDS; Kearns PC; Kearns Council; MSD Communications Manager | Staff Time; CDBG Funding; Fee Waivers as Applicable | Success may look like a program to bring pre-existing ADUs into compliance, guides to assist residents with construction, or relaxed regulations for ADUs on owner-occupied properties. | North Salt Lake Waived Fee for Pre-Existing ADUs |

F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers.

| <u>Actions</u> | <u>Potential Leads and Partners</u> | <u>Expected Funding Source</u> | <u>Metric for Measuring Success</u> | <u>Resources</u> |
|---|--|---------------------------------------|--|--|
| F1. Staff audits existing ordinances and looks for incongruities with the Town Center Master Plan and General Plan's Town Center Character Area. | MSD PDS | Staff Time | Staff identifies sections of the code that do not align with the Town Center Character Area. | Kearns Long Range Planning Hub Site |
| F2. Staff refers to the General Plan and Town Center Master Plan when drafting potential amendments to underlying ordinance. | MSD PDS | Staff Time | Staff prepares draft revisions to the Zoning Ordinance, as applicable, to move toward conformity with the General Plan. | Case Study: Holladay Village Zone |
| F3. Staff seeks direction from the Planning Commission and Council regarding drafted amendments. | MSD PDS; Kearns PC; Kearns Council | Staff Time | Staff presents findings and draft language to leadership, seeking input on revisions. | Utah State Code on Preparation and Adoption of Land Use Ordinances |
| F4. Staff leads updated ordinances through the adoption process as directed. | MSD PDS; Kearns PC; Kearns Council | Staff Time | The Zoning Ordinance is amended to better reflect the vision of the Town Center as presented in the General Plan and Town Center Master Plan, and to meet the community's MIH needs. | Zoning Considerations for Live/Work Units |

| L. Reduce, waive, or eliminate impact fees related to moderate income housing. | | | | |
|--|--|---------------------------------------|--|---|
| <u>Actions</u> | <u>Potential Leads and Partners</u> | <u>Expected Funding Source</u> | <u>Metric for Measuring Success</u> | <u>Resources</u> |
| L1. Staff works with the Planning Commission, Council, and legal team to understand what revenue sources and fee structures are available. | MSD PDS, MSD Administration, Kearns PC, Kearns Council, Legal Team | Staff Time | Staff gains understanding of financial tools and educates PC and Council on tools other communities are using. | Revised Impact Fee Structures |
| L2. With guidance from the Planning Commission, Council, and legal team, staff drafts a resolution that Kearns will not impose impact fees on moderate income housing developments. | MSD PDS; MSD Administration; Kearns PC; Kearns Council; Legal Team | Staff Time | Staff prepares a draft resolution and presents it to the Council. | NA |
| L3. Staff works with the Council and legal team to get the resolution officially adopted by the community. | MSD PDS; Kearns Council; Legal Team | Staff Time | The resolution is adopted and advertised through Kearns media. Kearns commits to waiving any impact fees related to moderate income housing development. | Local Housing Solutions: Reduced or Waived Fees for Qualifying Projects |

O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.

| <u>Actions</u> | <u>Potential Leads and Partners</u> | <u>Expected Funding Source</u> | <u>Metric for Measuring Success</u> | <u>Resources</u> |
|---|---|---------------------------------------|--|---|
| 01. Staff researches Kearns' MIH needs related to the Green and Healthy Homes and HOME Investment Partnerships Programs, and looks for ways to get residents involved. | MSD PDS, SLCo Housing and Community Development | Staff Time | Staff learns about programs related to Kearns' MIH needs and shares information with residents. | About the National Green and Healthy Homes Initiative |
| 02. Staff works with SLCo Housing and Community Development to identify potential opportunities for partnership and expansion of programs in Kearns. | MSD PDS; SLCo Housing and Community Development | Staff Time | Potential partnership opportunities and program expansions are identified. | HOME Investment Partnerships Program |
| 03. Staff presents identified opportunities to the Commission and Council, seeking direction on which opportunities to pursue. | MSD PDS; Kearns Planning Commission; Kearns Council; Legal Team | Staff Time | Staff presents to Kearns leadership and receives direction on next steps. | NA |
| 04. Staff applies for grants, provides technical support, or conducts education and outreach with residents as directed by the Commission and/or Council. | MSD PDS; Kearns Planning Commission; Kearns Council; SLCo Housing and Community Development | Staff Time; Possible Grant Funding | Success looks like forming a stronger partnership / relationship with SLCo Housing and Community Development and connecting residents with needed resources. | SLCo CDBG Funds |

W. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

| <u>Actions</u> | <u>Potential Leads and Partners</u> | <u>Expected Funding Source</u> | <u>Metric for Measuring Success</u> | <u>Resources</u> |
|---|--|---------------------------------------|---|---|
| W1. Staff audits existing ordinances and looks for incongruities with the General Plan's Neighborhood Mixed-Use and MIH Opportunities Character Areas. | MSD PDS | Staff Time | Staff identifies sections of ordinance that do not align with the Character Areas as adopted. | Case Study: Kalamazoo, MI – Residential Mixed-Use Zone |
| W2. Staff refers to the General Plan when drafting amendments to ordinances identified in W1. | MSD PDS | Staff Time | Staff prepares draft amendments to the Zoning Ordinance, as applicable, to move toward alignment with the General Plan. | Case Study: Portland, OR – RM1 Zone |
| W3. Staff seeks direction from the Planning Commission and Council regarding drafted amendments. | MSD PDS; Kearns PC; Kearns Council | Staff Time | Staff presents findings and draft language to leadership and obtains input on revisions. | Utah Foundation Report on Missing Middle Survey Responses |
| W4. Staff leads updated ordinances through the adoption process as directed. | MSD PDS; Kearns PC; Kearns Council | Staff Time | The Zoning Ordinance is amended to better reflect the vision of the General Plan and to meet the community's MIH needs related to Strategy W. | What is Missing Middle Housing? |

Appendix

Definitions

The following definitions are derived from the 2019 Moderate Income Housing Plan for Kearns.

Accessory Dwelling Unit (ADU): This is a term used to define small, self-contained residential units located on the same lot as an existing, single-family home. These can be attached or detached units. Common terms are granny units, lockouts, accessory apartments, mother-in-law apartments, or tiny homes.

Affordable Housing: Affordability can be understood as a relationship between a household's income and its housing costs. It means in general, housing for which the occupant(s) is/are paying no more than 30 percent of his or her income for gross housing costs, including utilities.

This is a term created by the federal government (Department of Housing and Urban Development, HUD) and is a definition that is intended solely as an approximate guideline. Some jurisdictions may define affordable housing based on other, locally determined criteria. Housing developments that use federal funds are targeted toward residents of a certain income bracket to receive funding. Units produced through these programs generally serve people at 95% or below of the region's Area Median Income (see AMI) depending on the region and the program. The federal government uses this percentage benchmark when awarding funds to states and in setting federal housing policies. HUD defines moderate-income as income that does not exceed 95% of AMI, low income as income that does not exceed 80% of Area Median Income (AMI), very low income as income that does not exceed 50% of AMI, and extremely low income as income that does not exceed 30% of AMI.

AMHI: The Area Median Household Income (AMHI) is the midpoint of a certain area's income distribution. Half of the households in a given area earn more than the median and half earn less.

AMI: Area Median Income (AMI) is the median family income level for an area (in this report, Salt Lake County) as determined by the Federal Department of Housing and Urban Development, based on U.S. Census data. The median divides the income distribution into two equal parts: one-half of the cases fall below the median income and one-half above it. HUD uses the median income to calculate income limits for eligibility in a variety of housing programs. HUD estimates the median family income for an area and adjusts that amount for different family sizes.

Community Development Block Grant (CDBG): Housed within HUD, CDBG is a program that provides communities with resources to address a wide range of unique community needs. The CDBG program provides annual grants on a formula basis to cities of 50,000+ residents.

Density: Density is a number of units in a given land area (project area, subdivision, parcel). In mixed use projects, density is the number of housing units divided by the land area of the mixed-use development (that includes area used for non-residential uses such as office or retail space).

Fair Market Rent (FMR): This is a rate of rent that is set by the Department of Housing and Urban Development (HUD) with a primary function to control costs. These rent rates are used in their programs when they award funds. Unless a municipality has rent control provisions or owns the land and the development, then they do not get involved in setting rents at the market level. Fair market rents vary by state and county.

Housing Cost Burden: This is a term or data point that communities can use to see the need in their area. 30% or more of a household's income is recommended to be spent on housing costs. When more than 50% of a household's income is spent on housing costs, it is considered a severe cost burden.

Housing Gap: the difference between the number of housing units available at 30, 50, 80, and 100 percent AMI and the number of households at those income levels. If there are more households than available housing units, then households are forced to pay above or below their means for their housing.

Housing - Severe Housing Cost Burden: This is a Federal term used to describe when more than 50% of a household's income is spent on housing costs. It is considered a severe cost burden on an individual or family and it is a real problem for livability.

Impact Fees: Impact fees are imposed by a local government. They are one-time charges on new development to help raise revenue for expansion of public infrastructure and facilities necessitated because of the development in order to maintain the existing level of public services in the community. For example, impact fees can cover the costs of water systems, water rights, wastewater systems, storm water control systems, roads, municipal power facilities, and public safety facilities. These fees are regulated by the Utah State Legislature and require local government to ensure their proper implementation with a detailed fee study. "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.

Low Income Housing Tax Credit Program (LIHTC): The LIHTC program was created in the Federal Tax Reform Act of 1986. Developer-owners of LIHTC properties can claim credits against their federal income tax liability. It can be used as an incentive for developers to invest in affordable housing projects. There are also state run LIHTC programs and the concept is the same just run at the state not federal level. The Utah Housing Corporation (UHC) was created in 1975 by Utah legislation to serve a public purpose in creating an adequate supply of money with which mortgage loans at reasonable interest rates could be made to help provide affordable housing for low and moderate-income persons.

Market Rate Housing: This is housing offered by developers and owners at market prices, and there are no rent restrictions on the unit. This housing rents or sells at market rate and is developed and owned by for-profit individuals, partnerships or corporations. Most housing in Utah is privately developed.

Missing Middle Housing: “Missing middle” housing is a term used to describe small-scale, multi-unit or clustered housing units in livable, walkable, urban communities. It can include anything from duplexes, tri- and fourplexes, to courtyard housing and apartments.

Mixed Use Development: This type of development is characterized as pedestrian friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses. A mixed-use development may include retail space on the bottom floor of a high rise, with offices and multi-family housing on the middle and top floors. Mixed use development can bring a number of benefits to a city, including minimized infrastructure costs, increased sales tax revenue, and increased property values.

Moderate Income Housing (MIH): means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the municipality in which the housing is located (10-9a-103(40)).

Monthly Housing Allowance: the maximum amount a household can spend on housing costs per month, including utilities and other fees. The monthly housing allowance represents the total housing costs affordable at 30 percent of gross income. (Definition from ULCT “Housing Policy in Utah” 2018).

Olene Walker Housing Loan Fund (OWHLF): Created in 1987 by the State of Utah, the OWHLF supports quality affordable housing options that meet the needs of Utah’s individuals and families. The fund partners with public and private organizations to develop housing that is affordable for moderate-income, low-income, and very low-income, and persons as defined by HUD.

Owner-occupied: A housing unit that is occupied by the owner of the unit.

Renter-occupied: A housing unit that is occupied by someone other than the owner of the unit.

State of Utah Land Use, Development, and Management Act (LUDMA): LUDMA authorizes and governs land use and zoning regulation by cities and counties (CLUDMA) and establishes mandatory requirements that local governments must follow. LUDMA establishes the legal framework for each locality to make zoning decisions, enact ordinances, and implement plans.

Utah Department of Workforce Services (DWS): the state agency that consolidates employment and public assistance programs to help people find jobs, to assist businesses in finding workforces, and to support housing needs.

References

Missing Middle Housing. (2022). *The Types*. Retrieved from missingmiddlehousing.com: <https://missingmiddlehousing.com/types>

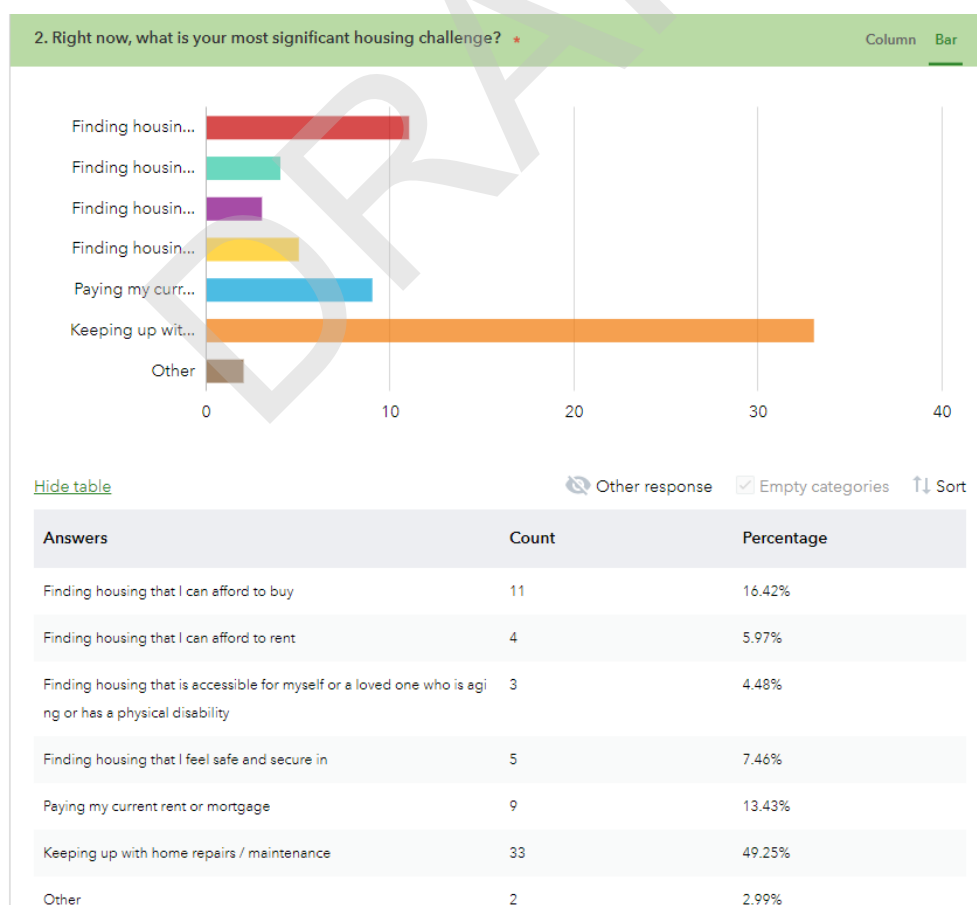
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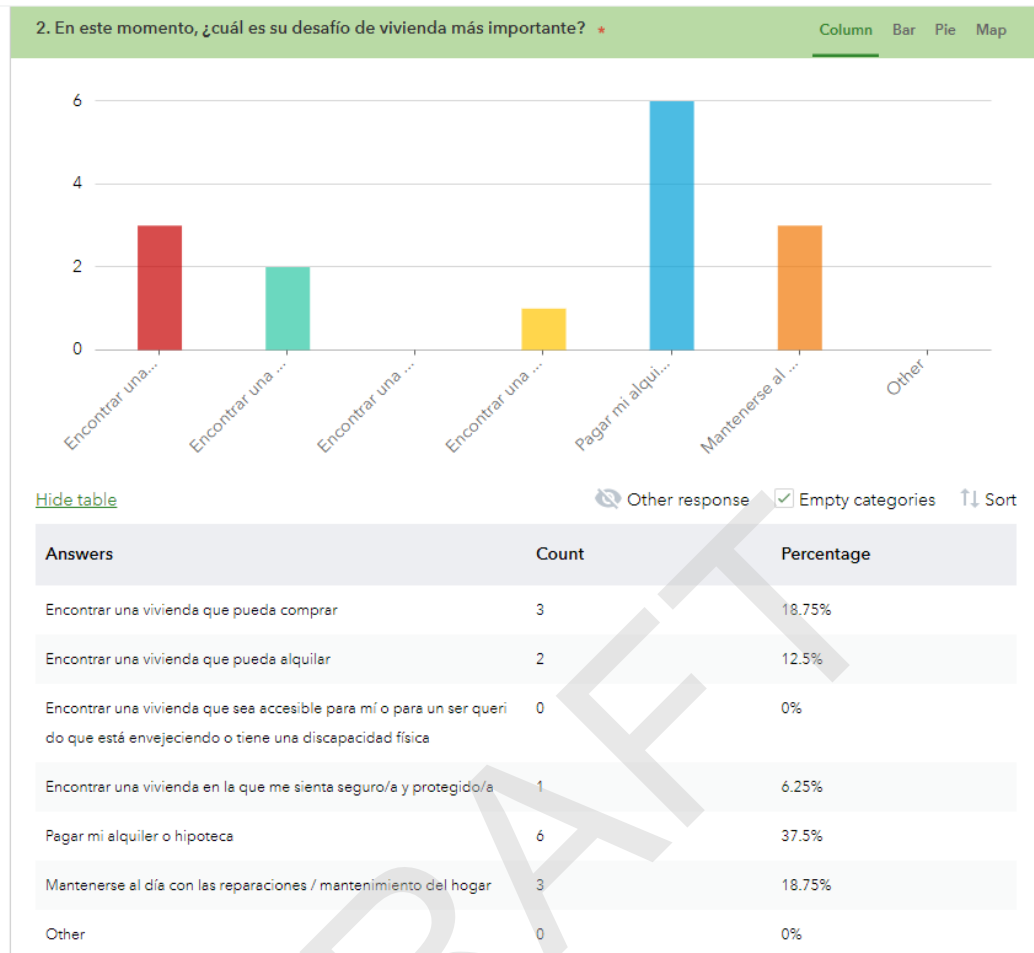
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Raw Survey Results (2022)

1. Right now, what is your most significant housing challenge? (En este momento, ¿cuál es su desafío de vivienda más importante?)





2. Would you support the addition of accessory dwelling units, townhomes, courtyard housing, or mixed-use (apartments above storefronts) in your community if it helped address housing choice and affordability? Why or why not? (¿Apoyaría la adición de unidades de vivienda accesorias, casas adosadas (townhomes), viviendas con patio central o de uso mixto (apartamentos sobre tiendas) en su comunidad si ayudará la selección de vivienda y la asequibilidad? ¿Por qué o por qué no?)

**The number following the comment indicates the number of times that comment was written.*

Yes3

Yes. The current housing market is unsustainable. While some may complain about lower property values, the current focus on single-unit housing creates deeper socio-economic divisions throughout communities. Kearns should be open to multi-unit and affordable housing to absorb the exodus of young creative talents from around the valley as they search for affordable housing. This could make Kearns a hub of creativity, innovation and ideas. While single-family housing was the ideal in previous decades, the model is unsustainable, resulting

in spaced-out communities. Using Daybreak as a model, which thrives on multi-unit townhomes, you can clearly note the walkability and accessibility of the community. It is vibrant and active and a magnet to young creative families. I would love to have arts and music festivals in Kearns. In essence, denser housing will generate a more vibrant community that would become a destination for residents of the valley and beyond. 1

Yes. We need more affordable housing and not everyone can live in a single family home. 1

Yes. We are growing population, we need someplace for to house them all 1

Yes, we need more affordable housing options. 1

Yes, in moderation a mixed use neighborhood. 1

Yes, if it will help keep my mortgage down. 1

Yes, because it would grow our community. More taxes coming to us and building a decent shopping center and restaurants plaza. We have to go to outside our boundaries to get the basics. 1

Yes, as long as not to many apartments. Traffic is crazy as it is. 1

Yes! So long as it's affordable and the stores aren't price gouging too. The mixed use buildings are necessary for those that don't drive. 1

Yes people need homes they can afford 1

Yes I would. I believe everyone needs to be able to have a space of their own to live. Even if it is small. People on SSI cannot pay their rent. It's impossible for them to survive without help. We need affordable housing. Newlyweds just starting out or singles just wanting their first home. Shouldn't need 2 roommates to pay for a little studio apartment. I understand the burdens on schools etc but we need to find a way so they don't get shoved out on the streets. 1

Yes but not if it displaces people. Maybe infill? 1

Yes because it will address the housing challenge. 1

Yes as it would provide additional housing, however no as I feel that those types of communities bring competition in housing rates driving prices to increase. 1

Well i guess i would be for it if it helps those like me that need help to Afford to rent somewhere to live 1

Townhomes I could handle, but absolutely no any mixed-use. I feel they would make the community trashy. 1

Sure. Housing is crazy expensive, and it's hard for anyone to get a house unless they have tons of family members move in with them. 1

Sure if they have done something with all the empty buildings we have standing noe 1

Sure if it will help people not be homeless 1

Sure as long as the construction was done well enough that you couldn't hear every word from your neighbors through the walls. That's the biggest reason no one wants townhouse, etc. Also, does you no good if your base prices are still 400k and up. 1

Only if they fix the infrastructure. Right now it can take me more than 15 minutes at certain times of the day to get out of my neighborhood because of traffic. Adding more housing without planning a way for people to get in and out is insane 1

Only if it's low income housing. We are sick of blood sucking landlords and corporate owned housing. 1

ONLY if it was low income housing with a reasonable rent cap. And i don't mean "market rate" 1

Only if it cleaned up some of the areas that have gone to hell in a hand basket here. The yards and houses are so not well kept in mostly all neighborhoods...and the shopping centers don't look any better! 1

Not really without updating infrastructure. Power and internet services come to my ind as we have many outages as it is. 1

No. Would rather something community based. 1

No. We need to take care of the existing homes. Help fix up the homes we have and make homes affordable for people to buy/rent 1

No. Way to much traffic. If rentals you get trouble. 1

No. UT needs to stop building all of these unaffordable housing. It's a waste of time and money. We pay outrageous property taxes for crap services. Don't need more added to my taxes to offset the new buildings. 1

No. Traffic is awful enough. 1

No, we don't need more building, we have enough housing in our community we just need to be able to afford and fix the ones we have! 1

No, the spots they are trying to put them are NOT reasonable with the flow of how busy traffic is. 1

No, it adds too much traffic and crime. 1

No, I do not support more housing. We do not have enough roads to support the traffic we already have. When are you going to address that issue? 1

No! There is too much traffic congestion in Kearns already! 1

no! no parking. traffic flow is a mess. poor enforcement of ordinance and law. too many failing or struggling businesses now. non-existent public transportation. kearns is a DUMP and many don't care about taking care of yards or property. taxes are going up to fund stuff we don't need. parks on 4700 and 5400 are a JOKE. try having a family picnic along 5400. it's poorly maintained and unsafe next to a raceway road. 1

No I would not. We don't need more buildings and housing we need the ability to afford & maintain the houses we do have. 1

No because then there's less places for houses. No one want more apartments. 1

No ,these are designed only for the owner to make lots of money on rent. Will do nothing to improve my neighborhood. 1

NO - Rentals have destroyed our neighborhood. 1

Mixed-use. We need more storefronts. 1

Mixed-use housing only. We really really need more stores in our community. 1

In the quickest sense, higher populated areas correlate with higher crime rates. Increasing density by putting people into smaller spaces does not have a positive trend when it comes to safety and true quality. 1

If they made it affordable for single parents or low income families then yes 1

If they are affordable. Like under 1400 a month for a 2 or 3 bedroom sure why not. But any more than that is more housing nobody can afford 1

If it was under \$1k 1

I would support the idea if it was low income not listed as affordable. Also if plan was thought through about the extra traffic and if it would bring more crime to my community. 1

I would if it helps lower rent and mortgage payments and is done tastefully. 1

I would hope that we could just afford to buy the homes that are already for sell here in Kearns. 1

I would have to see infrastructure impact on specific plans. 1

I would be fine with it since it would bring in more tax revenue for our township while helping out the housing. However rent needs to be controlled because it is ridiculously high for those that weren't lucky enough to buy when houses were still affordable. 1

I don't want to say no but I feel like Kearns really needs to worry about getting resources to the community that it already has first. For instance we are so worried about ordinance yet we don't provide the tools such a genuine bulk day every month or dumpsters more than a split second. Our streets still aren't lit up. We should be worrying about taking care of these simple issues that are automatic to other cities. Also I believe Kearns has a right to get back all the real estate that has been taken from bordering cities so we can use that funding to give back to Kearns. For the most part anywhere there is commercial it's not Kearns anymore... We are the most dense populated per demographic, yet we have very little commercial. So to go back my answer is a yes and no. 1

Even when they say it's affordable housing it really is not. They make it difficult to get into and raise your rent . 1

Accessory housing1

Absolutely, but only if our traffic flow can handle it! 1

Townhomes. 1

Si. 1

Porque no tiene una privacidad, por los problemas de los vecinos. 1

Porque no hay suficiente privacidad y esto puede ocasionar problemas. 1

Para apoyar a las personas de bajos recursos o madres solteras. 1

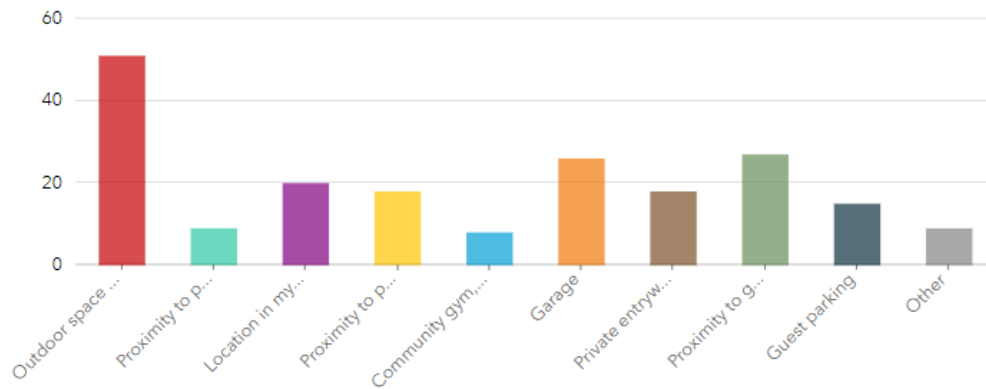
Los apoyaría si no fueran los desarrolladores los que aumentan los alquileres y que los residentes no pueden pagar. 1

Claro que sí y la razón es por que pueden ser más económicos.1

3. What housing features are most important to you? (¿Qué características de la vivienda son más importantes para usted?)

4. What housing features are most important to you? *

Column Bar



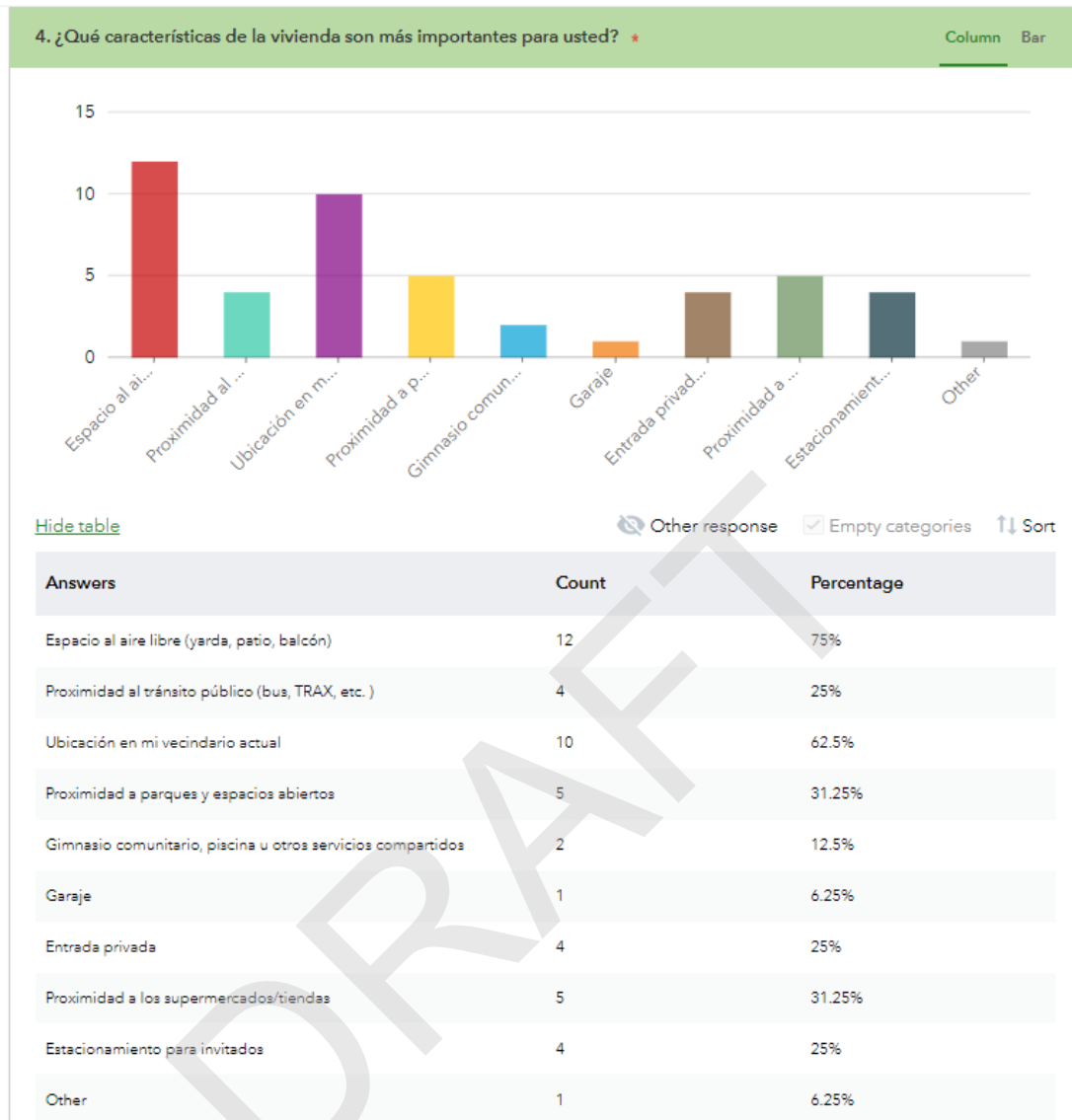
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☐ Other response

☒ Empty categories

↑↓ Sort

| Answers | Count | Percentage |
|--|-------|------------|
| Outdoor space (yard, patio, balcony) | 51 | 76.12% |
| Proximity to public transit (bus, TRAX, etc.) | 9 | 13.43% |
| Location in my current neighborhood | 20 | 29.85% |
| Proximity to parks and open space | 18 | 26.87% |
| Community gym, pool, or other shared amenities | 8 | 11.94% |
| Garage | 26 | 38.81% |
| Private entryway | 18 | 26.87% |
| Proximity to grocery store(s) | 27 | 40.3% |
| Guest parking | 15 | 22.39% |
| Other | 9 | 13.43% |



4. What is one reasonable action you think your community could take in the next year to improve housing conditions and options? (¿Cuál es una acción razonable que cree que su comunidad podría tomar en el próximo año para mejorar las condiciones y opciones de vivienda?)

**The number following the comment indicates the number of times that comment was written.*

Zoning changes to turn empty businesses into housing, improved construction to make them actually appealing. 1

Why do you force 3 answers for section 4 when my answer to section 3 was NO?? You need to address the current issues before you go and add more problems in the mix. 1

Well lit wider streets. More police presence. 1

We need more single family housing and clearing out unused space. Townhomes, condos, and single family houses that are affordable for the area we live in. We don't have a whole lot of restaurants or shopping IN Kearns. We have to travel outside of Kearns boundaries to shop and eat. 1

We need more community involvement and presence from police. They need to be present and visible more often. The game of gunshot or fireworks is old. There's empty fields that can be used for the mixed housing off of 56th W near Holiday. Zone that long strip of land for mixed community use. Use it for affordable senior or disabled housing. The one near Walgreens is NOT affordable. 1

True affordable housing. I have never seen my rent go up so much. Every year now it goes up. My rent is more than my paycheck and I work full-time for the state of Utah. They raise my rent and my house is trash. Broken windows, missing windows, no AC, old water heater, walls falling apart, etc etc and nothing is being done. 1

Taking care of yards. Not letting people use their homes as a construction business are. There are several around Kearns. 1

Stop increasing property taxes for stuff that doesn't benefit the home owners. Enforce no street parking, during winter. 1

Stop building expensive ass apartments no one can afford and driving up the price of rent!
1

Safety 1

Rules not to allow selling stuff on sidewalks or in public parks, rules on living in campers or cars on streets in neighborhoods. 1

Rent control 1

Provision for ADUs 1

Pet freindly 1

People cleaning up their yard and improve the look and safety of Kearns. 1

Outlaw corporate owned houses that raise prices and are often just rentals or Airbnb only homes. 1

Offer help buying a home. 1

Obtain more funding to address the housing problems, not only in Kearns, but anywhere in Utah. 1

Not sure, maybe stop developers and flippers buy homes up and let the market make them affordable. 1

Making our current neighborhood clean and upkeep is important To attract home buyers with same ambitions. 1

Making home we already have here that are run down and for sale affordable for someone to buy and fix up 1

Make rental homeowners keep up their yards and property 1

Lower taxes 1

Less government and coding enforcement involvement, things are tough for people as is. Provide access to materials for people to do upkeep on their home and yards 1

Less government and code enforcement and more access to funding to help with repairs and maintenance. 1

Insure development has infrastructure including off street parking. 1

I don't think the community has any control over roads. Stop building until there are better or they reconfigure lights so neighborhoods aren't cut off 1

High capacity low income housing. 1

Helping those in older homes with upgrades to maintain their homes by providing resources in where to get help. 1

Giving help to single parent families or low income housing parents.give help when needed to these types of at least making it affordable housing without taking corners and make the places look like trashy places 1

Give the community more resources when it comes to ordinance (giving out free vouchers to take trash to the dump isn't enough). As well as lighting up our neighborhoods with the new Street lamps, not just new bulbs.. new Street posts! This is a start. 1

Get some enforcement on parking! There are so many cars parked on the streets, it is hard to see when you are at stop signs! 1

Funding to add accessory house to my property. 1

Funding opportunities. 1

Funding opportunities, off street parking for neighbors 1

Funding opportunities to upgrade the current homes that are older in the area. 1

Funding oppertunitiy 1

Fund and or support repairs and improvements to existing houses. 1

Frustrated that planning commission waited so long to do anything on 4715 South. Now everyone wants to move and can't afford to. Before they were taking the houses now their not. People are racing down the street and running the lights it's going to be very dangerous for the bicyclists which it was supposed why we were doing it in the first place. Then we can't park on the street anymore some people further east from us have no where else to park. It doesn't make sense. The project committee didn't listen to us they had already made up their minds.

1

Form-based zoning and human scaled mid-density housing along 5400S 1

Find a way to build affordable cost efficient housing that can accommodate the housing demands without affecting price per unit 1

Enforcing the laws regarding parking. Too many people park on the streets and it makes it difficult to even drive down the street. People need to quit doing their "garage car repairs" out in the street. Enforce yard cleanup. 1

Do something with those empty buildings they are just sitting there going to rot 1

Convert the warehouse on 47th and 56th into mixed used housing. Improves the housing and the availability of new stores. Keep taxes low and keep it affordable. 1

clean up the garbage. kearns is a dump. 1

Change in zoning to allow more housing options such as multi-unit buildings, townhomes, multi-use/mixed-use buildings. Creation of urban centers that can germinate an arts culture. Performing arts spaces. Spaces for theatre. Greater walkability. Multi-modal infrastructure. Greenways that allow safe bike transit. Reduction of parking lots that become heat centers.

1

Building new units would certainly help 1

Build smaller homes to make it affordable for more to own/rent a home 1

Better public transportation from suburbs to downtown. 1

Better assistance with things like "Flip your strip" incentives. Other incentives to repave sidewalks, etc... Code enforcement I believe is a heavy priority. Kearns as of right now does not have enough officers to respond to anything lower than moderately dangerous calls how can they help enforce any of the rules, or codes put forth if they don't have time to respond to current code violations? 1

Anything that will help with affordable housing. My husband and I make pretty good money and can't afford to rent a house or an apartment. Alot of the ones that are reasonably prices have income restrictions. So most people do not qualify. 1

? 1

Oportunidades de financiamiento. 2

Mejorar en el aspecto del area, que sea mas limpio y ordenado. Muchos carros en la calle de la ciudad estacionados. 1

Creo que debería haber una ley que impida a las empresas comprar casas y venderlas para alquilarlas. O una ley que impida que la renta suba demasiado. 1

Bajar los intereses de las casas para que mas personas tengan oportunidad de agarrar casa.
1

Ayuda financiera 1

DRAFT

Exhibit 2

Enrolled Copy

H.B. 462

UTAH HOUSING AFFORDABILITY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies provisions related to affordable housing and the provision of services related to affordable housing.

Highlighted Provisions:

This bill:

- defines terms;
- requires certain political subdivisions to adopt an implementation plan as part of the moderate income housing element of the political subdivision's general plan;
- modifies the list of strategies that a political subdivision may select, or are required to select, for implementation as part of the moderate income housing element of the political subdivision's general plan;
- requires certain municipalities to develop and adopt station area plans for specified areas surrounding public transit stations;
- requires certain political subdivisions to amend the political subdivision's general plan by a specified date if the general plan does not include certain provisions related to moderate income housing;
- modifies requirements for a political subdivision's annual moderate income housing report to the Housing and Community Development Division (division) within the Department of Workforce Services (department);
- allows a political subdivision to have priority consideration for certain funds or projects if the political subdivision demonstrates plans to implement a certain number of moderate income housing strategies;

- 30 ▶ prohibits a political subdivision from receiving certain funds if the political
- 31 subdivision fails to comply with moderate income housing reporting requirements;
- 32 ▶ prohibits a political subdivision from imposing impact fees for the construction of
- 33 certain internal accessory dwelling units;
- 34 ▶ requires the Point of the Mountain State Land Authority to consult with the Unified
- 35 Economic Opportunity Commission in planning the development of the point of the
- 36 mountain state land;
- 37 ▶ modifies requirements for a public transit district to participate in a transit-oriented
- 38 development;
- 39 ▶ requires certain counties to prepare and submit a proposal to create a housing and
- 40 transit reinvestment zone by a specified date;
- 41 ▶ modifies local referenda signature requirements for local land use laws that relate to
- 42 the use of land within certain transit areas;
- 43 ▶ limits the referability to voters of local land use laws that relate to the use of land
- 44 within certain transit areas;
- 45 ▶ requires the division to develop a statewide database of moderate income housing
- 46 units;
- 47 ▶ requires the division to develop a methodology for determining whether a political
- 48 subdivision is complying with certain moderate income housing requirements, to be
- 49 submitted to and approved by the Commission on Housing Affordability by a
- 50 certain date;
- 51 ▶ modifies the membership of the Olene Walker Housing Loan Fund Board;
- 52 ▶ requires an entity that receives any money from the Olene Walker Housing Loan
- 53 Fund after a certain date to provide an annual accounting to the department;
- 54 ▶ repeals certain limits on the amount of money the department may distribute from
- 55 the Economic Revitalization and Investment Fund;
- 56 ▶ establishes the Rural Housing Fund, to be used by the division to provide loans for
- 57 certain moderate income housing projects in rural areas;

- 58 ▶ allows the department to use a certain amount of money from specified funds to
- 59 offset administrative costs;
- 60 ▶ allows the Private Activity Bond Review Board to transfer certain unused allotment
- 61 account funds to any other allotment account, and exempts such funds from certain
- 62 set aside requirements;
- 63 ▶ allows state entities, in addition to political subdivisions, to grant real property for
- 64 certain developments that include moderate income housing;
- 65 ▶ allows the Governor's Office of Economic Opportunity to use funds from the
- 66 Industrial Assistance Account to provide financial assistance to entities offering
- 67 technical assistance to municipalities for planning; and
- 68 ▶ makes technical and conforming changes.

69 Money Appropriated in this Bill:

70 This bill appropriates in fiscal year 2023:

- 71 ▶ to Department of Workforce Services -- Housing and Community Development, as
- 72 a one-time appropriation:
 - 73 • from the General Fund, \$500,000;
- 74 ▶ to Department of Workforce Services -- Housing and Community Development, as
- 75 a one-time appropriation:
 - 76 • from the General Fund, \$750,000;
- 77 ▶ to Department of Workforce Services -- Administration, as an ongoing
- 78 appropriation:
 - 79 • from the General Fund, \$132,000;
- 80 ▶ to Department of Workforce Services -- Housing and Community Development, as
- 81 a one-time appropriation:
 - 82 • from the General Fund, \$250,000; and
- 83 ▶ to Department of Workforce Services -- Housing and Community Development, as
- 84 a one-time appropriation:
 - 85 • from the General Fund, \$250,000.

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:**AMENDS:**

10-9a-103, as last amended by Laws of Utah 2021, Chapters 140 and 385

10-9a-401, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-403, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-404, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-408, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-509, as last amended by Laws of Utah 2021, Chapters 140 and 385

11-36a-202, as last amended by Laws of Utah 2021, Chapter 35

11-59-203, as enacted by Laws of Utah 2018, Chapter 388

17-27a-103, as last amended by Laws of Utah 2021, Chapters 140, 363, and 385

17-27a-401, as last amended by Laws of Utah 2021, Chapter 363

17-27a-403, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

17-27a-404, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355

17-27a-408, as last amended by Laws of Utah 2020, Chapter 434

17-27a-508, as last amended by Laws of Utah 2021, Chapters 140 and 385

17B-2a-802, as last amended by Laws of Utah 2020, Chapter 377

17B-2a-804, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

20A-7-601, as last amended by Laws of Utah 2021, Chapter 140

20A-7-602.8, as last amended by Laws of Utah 2021, Chapter 418

35A-8-101, as last amended by Laws of Utah 2021, Chapter 281

35A-8-503, as last amended by Laws of Utah 2019, Chapter 327

35A-8-504, as last amended by Laws of Utah 2020, Chapter 241

35A-8-507.5, as enacted by Laws of Utah 2021, Chapter 333

35A-8-508, as last amended by Laws of Utah 2014, Chapter 371

114 **35A-8-509**, as enacted by Laws of Utah 2017, Chapter 279
115 **35A-8-510**, as enacted by Laws of Utah 2017, Chapter 279
116 **35A-8-511**, as enacted by Laws of Utah 2017, Chapter 279
117 **35A-8-512**, as enacted by Laws of Utah 2017, Chapter 279
118 **35A-8-513**, as enacted by Laws of Utah 2017, Chapter 279
119 **35A-8-803**, as last amended by Laws of Utah 2019, Chapter 327
120 **35A-8-2105**, as renumbered and amended by Laws of Utah 2018, Chapter 182
121 **35A-8-2106**, as renumbered and amended by Laws of Utah 2018, Chapter 182
122 **35A-8-2203**, as enacted by Laws of Utah 2018, Chapter 392
123 **63J-4-802**, as enacted by Laws of Utah 2021, First Special Session, Chapter 4
124 **63N-3-603**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
125 **72-1-304**, as last amended by Laws of Utah 2021, Chapters 239, 239, 411, and 411
126 **72-2-124**, as last amended by Laws of Utah 2021, Chapters 239, 387, and 411

127 ENACTS:

128 **10-9a-403.1**, Utah Code Annotated 1953
129 **35A-8-509.5**, Utah Code Annotated 1953
130 **63L-12-101**, Utah Code Annotated 1953
131 **63N-3-113**, Utah Code Annotated 1953

132 RENUMBERS AND AMENDS:

133 **63L-12-102**, (Renumbered from 10-8-501, as enacted by Laws of Utah 2021, Chapter
134 333)

135 **Utah Code Sections Affected by Coordination Clause:**

136 **10-9a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

137

138 *Be it enacted by the Legislature of the state of Utah:*

139 Section 1. Section **10-9a-103** is amended to read:

140 **10-9a-103. Definitions.**

141 As used in this chapter:

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

(2) "Adversely affected party" means a person other than a land use applicant who:

(a) owns real property adjoining the property that is the subject of a land use application or land use decision; or

(b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

(3) "Affected entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

(a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

(b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or

(c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(4) "Affected owner" means the owner of real property that is:

(a) a single project;

(b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection [20A-7-601](#)~~[(5)]~~(6); and

(c) determined to be legally referable under Section [20A-7-602.8](#).

(5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or

residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(7) (a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(b) "Charter school" does not include a therapeutic school.

(8) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(9) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

(b) Utah Constitution Article I, Section 22.

(10) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

(11) "Development activity" means:

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

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

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

(12) (a) "Development agreement" means a written agreement or amendment to a

written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.

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

(13) (a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

(14) "Educational facility":

(a) means:

(i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection (14)(a)(i); and

(B) used in support of the use of that building; and

(iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

(A) not located on the same property as a building described in Subsection (14)(a)(i); and

(B) used in support of the purposes of a building described in Subsection (14)(a)(i); or

(ii) a therapeutic school.

(15) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject

226 property.

227 (16) "Flood plain" means land that:

228 (a) is within the 100-year flood plain designated by the Federal Emergency

229 Management Agency; or

230 (b) has not been studied or designated by the Federal Emergency Management Agency

231 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

232 the land has characteristics that are similar to those of a 100-year flood plain designated by the

233 Federal Emergency Management Agency.

234 (17) "General plan" means a document that a municipality adopts that sets forth general

235 guidelines for proposed future development of the land within the municipality.

236 (18) "Geologic hazard" means:

237 (a) a surface fault rupture;

238 (b) shallow groundwater;

239 (c) liquefaction;

240 (d) a landslide;

241 (e) a debris flow;

242 (f) unstable soil;

243 (g) a rock fall; or

244 (h) any other geologic condition that presents a risk:

245 (i) to life;

246 (ii) of substantial loss of real property; or

247 (iii) of substantial damage to real property.

248 (19) "Historic preservation authority" means a person, board, commission, or other

249 body designated by a legislative body to:

250 (a) recommend land use regulations to preserve local historic districts or areas; and

251 (b) administer local historic preservation land use regulations within a local historic

252 district or area.

253 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,

meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

(21) "Identical plans" means building plans submitted to a municipality that:

(a) are clearly marked as "identical plans";

(b) are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality; and

(c) describe a building that:

(i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

(ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;

(iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the municipality; and

(iv) does not require any additional engineering or analysis.

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

(23) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

(24) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

(a) complies with the municipality's written standards for design, materials, and workmanship; and

(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

(25) "Improvement warranty period" means a period:

(a) no later than one year after a municipality's acceptance of required landscaping; or

(b) no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:

(i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

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

(a) is required for human occupation; and

(b) an applicant must install:

(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) whether the improvement is public or private, as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

(27) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b) (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

310 (28) "Land use applicant" means a property owner, or the property owner's designee,
311 who submits a land use application regarding the property owner's land.

312 (29) "Land use application":

313 (a) means an application that is:

314 (i) required by a municipality; and

315 (ii) submitted by a land use applicant to obtain a land use decision; and

316 (b) does not mean an application to enact, amend, or repeal a land use regulation.

317 (30) "Land use authority" means:

318 (a) a person, board, commission, agency, or body, including the local legislative body,
319 designated by the local legislative body to act upon a land use application; or

320 (b) if the local legislative body has not designated a person, board, commission,
321 agency, or body, the local legislative body.

322 (31) "Land use decision" means an administrative decision of a land use authority or
323 appeal authority regarding:

324 (a) a land use permit;

325 (b) a land use application; or

326 (c) the enforcement of a land use regulation, land use permit, or development
327 agreement.

328 (32) "Land use permit" means a permit issued by a land use authority.

329 (33) "Land use regulation":

330 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
331 specification, fee, or rule that governs the use or development of land;

332 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
333 and

334 (c) does not include:

335 (i) a land use decision of the legislative body acting as the land use authority, even if
336 the decision is expressed in a resolution or ordinance; or

337 (ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

(34) "Legislative body" means the municipal council.

(35) "Local district" means an entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

(36) "Local historic district or area" means a geographically definable area that:

(a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and

(b) is subject to land use regulations to preserve the historic significance of the local historic district or area.

(37) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

(38) (a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

(i) whether or not the lots are located in the same subdivision; and

(ii) with the consent of the owners of record.

(b) "Lot line adjustment" does not mean a new boundary line that:

(i) creates an additional lot; or

(ii) constitutes a subdivision.

(c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of Transportation.

(39) "Major transit investment corridor" means public transit service that uses or occupies:

(a) public transit rail right-of-way;

(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

366 or

367 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
368 municipality or county and:

369 (i) a public transit district as defined in Section 17B-2a-802; or

370 (ii) an eligible political subdivision as defined in Section 59-12-2219.

371 (40) "Moderate income housing" means housing occupied or reserved for occupancy
372 by households with a gross household income equal to or less than 80% of the median gross
373 income for households of the same size in the county in which the city is located.

374 (41) "Municipal utility easement" means an easement that:

375 (a) is created or depicted on a plat recorded in a county recorder's office and is
376 described as a municipal utility easement granted for public use;

377 (b) is not a protected utility easement or a public utility easement as defined in Section
378 54-3-27;

379 (c) the municipality or the municipality's affiliated governmental entity uses and
380 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
381 water, or communications or data lines;

382 (d) is used or occupied with the consent of the municipality in accordance with an
383 authorized franchise or other agreement;

384 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
385 franchise or other agreement; and

386 (ii) is located in a utility easement granted for public use; or

387 (f) is described in Section 10-9a-529 and is used by a specified public utility.

388 (42) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
389 spent and expenses incurred in:

390 (a) verifying that building plans are identical plans; and

391 (b) reviewing and approving those minor aspects of identical plans that differ from the
392 previously reviewed and approved building plans.

393 (43) "Noncomplying structure" means a structure that:

394 (a) legally existed before the structure's current land use designation; and

395 (b) because of one or more subsequent land use ordinance changes, does not conform
396 to the setback, height restrictions, or other regulations, excluding those regulations, which
397 govern the use of land.

398 (44) "Nonconforming use" means a use of land that:

399 (a) legally existed before its current land use designation;

400 (b) has been maintained continuously since the time the land use ordinance governing
401 the land changed; and

402 (c) because of one or more subsequent land use ordinance changes, does not conform
403 to the regulations that now govern the use of the land.

404 (45) "Official map" means a map drawn by municipal authorities and recorded in a
405 county recorder's office that:

406 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
407 highways and other transportation facilities;

408 (b) provides a basis for restricting development in designated rights-of-way or between
409 designated setbacks to allow the government authorities time to purchase or otherwise reserve
410 the land; and

411 (c) has been adopted as an element of the municipality's general plan.

412 (46) "Parcel" means any real property that is not a lot.

413 (47) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
414 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
415 agreement in accordance with Section [10-9a-524](#), if no additional parcel is created and:

416 (i) none of the property identified in the agreement is a lot; or

417 (ii) the adjustment is to the boundaries of a single person's parcels.

418 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
419 line that:

420 (i) creates an additional parcel; or

421 (ii) constitutes a subdivision.

422 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
423 the Department of Transportation.

424 (48) "Person" means an individual, corporation, partnership, organization, association,
425 trust, governmental agency, or any other legal entity.

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

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

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

432 (c) a survey of total residential land use;

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

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

437 (50) "Plat" means an instrument subdividing property into lots as depicted on a map or
438 other graphical representation of lands that a licensed professional land surveyor makes and
439 prepares in accordance with Section [10-9a-603](#) or [57-8-13](#).

440 (51) "Potential geologic hazard area" means an area that:

441 (a) is designated by a Utah Geological Survey map, county geologist map, or other
442 relevant map or report as needing further study to determine the area's potential for geologic
443 hazard; or

444 (b) has not been studied by the Utah Geological Survey or a county geologist but
445 presents the potential of geologic hazard because the area has characteristics similar to those of
446 a designated geologic hazard area.

447 (52) "Public agency" means:

448 (a) the federal government;

449 (b) the state;

(c) a county, municipality, school district, local district, special service district, or other political subdivision of the state; or

(d) a charter school.

(53) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

(54) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

(55) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

(56) "Receiving zone" means an area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

(57) "Record of survey map" means a map of a survey of land prepared in accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

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

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

(b) (i) which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

(ii) which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

(59) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

(60) "Sanitary sewer authority" means the department, agency, or public entity with

responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

(61) "Sending zone" means an area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

(62) "Specified public agency" means:

- (a) the state;
- (b) a school district; or
- (c) a charter school.

(63) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

(64) "State" includes any department, division, or agency of the state.

(65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

506 (ii) a boundary line agreement recorded with the county recorder's office between
507 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
508 10-9a-524 if no new parcel is created;

509 (iii) a recorded document, executed by the owner of record:

510 (A) revising the legal descriptions of multiple parcels into one legal description
511 encompassing all such parcels; or

512 (B) joining a lot to a parcel;

513 (iv) a boundary line agreement between owners of adjoining subdivided properties
514 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:

515 (A) no new dwelling lot or housing unit will result from the adjustment; and

516 (B) the adjustment will not violate any applicable land use ordinance;

517 (v) a bona fide division of land by deed or other instrument if the deed or other
518 instrument states in writing that the division:

519 (A) is in anticipation of future land use approvals on the parcel or parcels;

520 (B) does not confer any land use approvals; and

521 (C) has not been approved by the land use authority;

522 (vi) a parcel boundary adjustment;

523 (vii) a lot line adjustment;

524 (viii) a road, street, or highway dedication plat;

525 (ix) a deed or easement for a road, street, or highway purpose; or

526 (x) any other division of land authorized by law.

527 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
528 accordance with Section 10-9a-608 that:

529 (a) vacates all or a portion of the subdivision;

530 (b) alters the outside boundary of the subdivision;

531 (c) changes the number of lots within the subdivision;

532 (d) alters a public right-of-way, a public easement, or public infrastructure within the
533 subdivision; or

(e) alters a common area or other common amenity within the subdivision.

(67) "Substantial evidence" means evidence that:

(a) is beyond a scintilla; and

(b) a reasonable mind would accept as adequate to support a conclusion.

(68) "Suspect soil" means soil that has:

(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;

(b) bedrock units with high shrink or swell susceptibility; or

(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

(69) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals who are not related to:

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

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

(71) "Unincorporated" means the area outside of the incorporated area of a city or

562 town.

563 (72) "Water interest" means any right to the beneficial use of water, including:

564 (a) each of the rights listed in Section 73-1-11; and

565 (b) an ownership interest in the right to the beneficial use of water represented by:

566 (i) a contract; or

567 (ii) a share in a water company, as defined in Section 73-3-3.5.

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

570 Section 2. Section 10-9a-401 is amended to read:

571 **10-9a-401. General plan required -- Content.**

572 (1) In order to accomplish the purposes of this chapter, each municipality shall prepare
573 and adopt a comprehensive, long-range general plan for:

574 (a) present and future needs of the municipality; and

575 (b) growth and development of all or any part of the land within the municipality.

576 (2) The general plan may provide for:

577 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
578 activities, aesthetics, and recreational, educational, and cultural opportunities;

579 (b) the reduction of the waste of physical, financial, or human resources that result
580 from either excessive congestion or excessive scattering of population;

581 (c) the efficient and economical use, conservation, and production of the supply of:

582 (i) food and water; and

583 (ii) drainage, sanitary, and other facilities and resources;

584 (d) the use of energy conservation and solar and renewable energy resources;

585 (e) the protection of urban development;

586 (f) if the municipality is a town, the protection or promotion of moderate income
587 housing;

588 (g) the protection and promotion of air quality;

589 (h) historic preservation;

(i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and

(j) an official map.

~~[(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.]~~

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

(b) On or before October 1, 2022, a specified municipality, as defined in Section 10-9a-408, with a general plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with Subsection (3)(a).

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

Section 3. Section 10-9a-403 is amended to read:

10-9a-403. General plan preparation.

(1) (a) The planning commission shall provide notice, as provided in Section 10-9a-203, of ~~[its]~~ the planning commission's intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing ~~[its]~~ the planning commission's recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.

(c) The plan may include areas outside the boundaries of the municipality if, in the planning commission's judgment, those areas are related to the planning of the municipality's territory.

(d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(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]~~ includes 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.]~~

(iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and

(C) includes an implementation plan as provided in Subsection (2)(c).

(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]~~ a specified municipality as defined in Section 10-9a-408, 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 moderate income housing strategies:

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

(B) ~~[facilitate]~~ demonstrate investment in the rehabilitation or expansion of infrastructure that ~~[will encourage]~~ facilitates the construction of moderate income housing;

(C) ~~[facilitate]~~ demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) ~~[consider]~~ identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the ~~[city]~~ municipality for the construction or rehabilitation of moderate income housing;

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

(F) ~~[allow]~~ zone or rezone for higher density or moderate income residential development in commercial ~~[and]~~ or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;

(G) ~~[encourage higher density or]~~ amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;

(H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living

702 facilities;

703 (I) amend land use regulations to allow for single room occupancy developments;

704 (J) implement zoning incentives for ~~[low to]~~ moderate income units in new
705 developments;

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

708 ~~[(L)]~~ (K) preserve existing and new moderate income housing and subsidized units by
709 utilizing a landlord incentive program, providing for deed restricted units through a grant
710 program, or establishing a housing loss mitigation fund;

711 ~~[(M)]~~ (L) reduce, waive, or eliminate impact fees~~[, as defined in Section 11-36a-102;]~~
712 related to ~~[low and]~~ moderate income housing;

713 ~~[(N) participate in]~~ (M) demonstrate creation of, or participation in, a community land
714 trust program for ~~[low or]~~ moderate income housing;

715 ~~[(O)]~~ (N) implement a mortgage assistance program for employees of the municipality
716 ~~[or of],~~ an employer that provides contracted services to the municipality, or any other public
717 employer that operates within the municipality;

718 ~~[(P)]~~ (O) apply for or partner with an entity that applies for state or federal funds or tax
719 incentives to promote the construction of moderate income housing, an entity that applies for
720 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
721 entity that applies for affordable housing programs administered by the Department of
722 Workforce Services, an entity that applies for affordable housing programs administered by an
723 association of governments established by an interlocal agreement under Title 11, Chapter 13,
724 Interlocal Cooperation Act, an entity that applies for services provided by a public housing
725 authority to preserve and create moderate income housing, or any other entity that applies for
726 programs or services that promote the construction or preservation of moderate income
727 housing;

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

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

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

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

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

740 ~~[(V) utilize]~~ (P) demonstrate utilization of a moderate income housing set aside from a
741 community reinvestment agency, redevelopment agency, or community development and
742 renewal agency~~[-and]~~ to create or subsidize moderate income housing;

743 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
744 Part 6, Housing and Transit Reinvestment Zone Act;

745 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
746 accessory dwelling unit as defined in Section [10-9a-530](#);

747 (S) create a program to transfer development rights for moderate income housing;

748 (T) ratify a joint acquisition agreement with another local political subdivision for the
749 purpose of combining resources to acquire property for moderate income housing;

750 (U) develop a moderate income housing project for residents who are disabled or 55
751 years old or older;

752 (V) develop and adopt a station area plan in accordance with Section [10-9a-403.1](#);

753 (W) create or allow for, and reduce regulations related to, multifamily residential
754 dwelling compatible in scale and form with detached single-family residential dwellings and
755 located in walkable communities within residential or mixed-use zones; and

756 ~~[(W)]~~ (X) demonstrate implementation of any other program or strategy ~~[implemented~~
757 ~~by the municipality]~~ to address the housing needs of residents of the municipality who earn less

than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing;
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]~~:

(A) the strategy described in Subsection (2)(b)(iii)(V); and

(B) a strategy described in Subsection (2)(b)(iii)(G) ~~[or]~~, (H), or (Q).

(c) (i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.

(ii) The timeline described in Subsection (2)(c)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality, whether one-time or ongoing; and

(B) provide flexibility for the municipality to make adjustments as needed.

~~[(c)]~~ (d) In drafting the land use element, the planning commission shall:

(i) identify and consider each agriculture protection area within the municipality; ~~[and]~~

(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture~~[-]; and~~

(iii) consider and coordinate with any station area plans adopted by the municipality if required under Section [10-9a-403.1](#).

~~[(d)]~~ (e) In drafting the transportation and traffic circulation element, the planning commission shall:

(i) (A) consider ~~and coordinate with~~ the regional transportation plan developed by ~~[its]~~ the region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or

786 [(~~it~~)] (B) consider and coordinate with the long-range transportation plan developed by
787 the Department of Transportation, if the municipality is not within the boundaries of a
788 metropolitan planning organization[-]; and

789 (ii) consider and coordinate with any station area plans adopted by the municipality if
790 required under Section [10-9a-403.1](#).

791 (3) The proposed general plan may include:

792 (a) an environmental element that addresses:

793 (i) the protection, conservation, development, and use of natural resources, including
794 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
795 and other natural resources; and

796 (ii) the reclamation of land, flood control, prevention and control of the pollution of
797 streams and other waters, regulation of the use of land on hillsides, stream channels and other
798 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
799 protection of watersheds and wetlands, and the mapping of known geologic hazards;

800 (b) a public services and facilities element showing general plans for sewage, water,
801 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
802 police and fire protection, and other public services;

803 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
804 programs for:

805 (i) historic preservation;

806 (ii) the diminution or elimination of a development impediment as defined in Section
807 [17C-1-102](#); and

808 (iii) redevelopment of land, including housing sites, business and industrial sites, and
809 public building sites;

810 (d) an economic element composed of appropriate studies and forecasts, as well as an
811 economic development plan, which may include review of existing and projected municipal
812 revenue and expenditures, revenue sources, identification of basic and secondary industry,
813 primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;

(f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3); and

(g) any other element the municipality considers appropriate.

Section 4. Section 10-9a-403.1 is enacted to read:

10-9a-403.1. Station area plan requirements -- Contents -- Review and certification by applicable metropolitan planning organization.

(1) As used in this section:

(a) "Applicable metropolitan planning organization" means the metropolitan planning organization that has jurisdiction over the area in which a fixed guideway public transit station is located.

(b) "Applicable public transit district" means the public transit district, as defined in Section 17B-2a-802, of which a fixed guideway public transit station is included.

(c) "Existing fixed guideway public transit station" means a fixed guideway public transit station for which construction begins before June 1, 2022.

(d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

(e) "Metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.

(f) "New fixed guideway public transit station" means a fixed guideway public transit station for which construction begins on or after June 1, 2022.

(g) "Qualifying land use application" means a land use application:

(i) that involves land located within a station area for an existing public transit station that provides rail services;

(ii) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection (2)(a);

(iii) that proposes the development of an area greater than five contiguous acres;

(iv) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;

(v) that would require a higher density than the density currently allowed by the municipality;

(vi) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and

(vii) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection (2)(a) for the station area in which the development is proposed, subject to Subsection (3)(d).

(h) (i) "Station area" means:

(A) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or

(B) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.

(ii) "Station area" includes any parcel bisected by the radius limitation described in Subsection (1)(h)(i)(A) or (B).

(i) "Station area plan" means a plan that:

(i) establishes a vision, and the actions needed to implement that vision, for the development of land within a station area; and

(ii) is developed and adopted in accordance with this section.

(2) (a) Subject to the requirements of this section, a municipality that has a fixed guideway public transit station located within the municipality's boundaries shall, for the station area:

(i) develop and adopt a station area plan; and

(ii) adopt any appropriate land use regulations to implement the station area plan.

(b) The requirements of Subsection (2)(a) shall be considered satisfied if:

(i) (A) the municipality has already taken actions to satisfy the requirements of Subsection (2)(a) for a station area, including actions that involve public and stakeholder engagement processes, market assessments, the creation of a station area vision, planning and implementation activities, capital programs, the adoption of land use regulations, or other similar actions; and

(B) the municipality adopts a resolution demonstrating the requirements of Subsection (2)(a) have been satisfied; or

(ii) (A) the municipality has determined that conditions exist that make satisfying a portion or all of the requirements of Subsection (2)(a) for a station area impracticable, including conditions that relate to existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions; and

(B) the municipality adopts a resolution describing the conditions that exist to make satisfying the requirements of Subsection (2)(a) impracticable.

(c) To the extent that previous actions by a municipality do not satisfy the requirements of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to satisfy those requirements.

(3) (a) A municipality that has a new fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the new fixed guideway public transit station before the new fixed guideway public transit station begins transit services.

(b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the existing fixed guideway public transit station on or before December 31, 2025.

(c) If a municipality has more than four existing fixed guideway public transit stations located within the municipality's boundaries, the municipality shall:

(i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for four or more station areas located within the municipality; and

(ii) on or before December 31 of each year thereafter, satisfy the requirements of Subsection (2)(a) for no less than two station areas located within the municipality until the municipality has satisfied the requirements of Subsection (2)(a) for each station area located within the municipality.

(d) (i) Subject to Subsection (3)(d)(ii):

(A) if a municipality receives a complete qualifying land use application on or before July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed on or before July 1, 2023; and

(B) if a municipality receives a complete qualifying land use application after July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed within a 12-month period beginning on the first day of the month immediately following the month in which the qualifying land use application is submitted to the municipality.

(ii) (A) A municipality is not required to satisfy the requirements of Subsection (2)(a) for more than two station areas under Subsection (3)(d)(i) within any 12-month period.

(B) If a municipality receives more than two complete qualifying land use applications on or before July 1, 2022, the municipality shall select two station areas for which the municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection (3)(d)(i)(A).

(iii) A municipality shall process on a first priority basis a land use application, including an application for a building permit, if:

(A) the land use application is for a residential use within a station area for which the municipality has not satisfied the requirements of Subsection (2)(a); and

(B) the municipality would be required to change a zoning designation for the land use application to be approved.

(e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the

requirements of Subsection (2)(a) for a station area may be extended once for a period of 12 months if:

(i) the municipality demonstrates to the applicable metropolitan planning organization that conditions exist that make satisfying the requirements of Subsection (2)(a) within the required time period infeasible, despite the municipality's good faith efforts; and

(ii) the applicable metropolitan planning organization certifies to the municipality in writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).

(4) (a) Except as provided in Subsection (4)(b), if a station area is included within the boundaries of more than one municipality, each municipality with jurisdiction over the station area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over which the municipality has jurisdiction.

(b) Two or more municipalities with jurisdiction over a station area may coordinate to develop a shared station area plan for the entire station area.

(5) A municipality that has more than one fixed guideway public transit station located within the municipality may, through an integrated process, develop station area plans for multiple station areas if the station areas are within close proximity of each other.

(6) (a) A municipality that is required to develop and adopt a station area plan under this section may request technical assistance from the applicable metropolitan planning organization.

(b) An applicable metropolitan planning organization that receives funds from the Governor's Office of Economic Opportunity under Section [63N-3-113](#) shall, when utilizing the funds, give priority consideration to requests for technical assistance for station area plans required under Subsection (3)(d).

(7) (a) A station area plan shall promote the following objectives within the station area:

(i) increasing the availability and affordability of housing, including moderate income housing;

(ii) promoting sustainable environmental conditions;

954 (iii) enhancing access to opportunities; and

955 (iv) increasing transportation choices and connections.

956 (b) (i) To promote the objective described in Subsection (7)(a)(i), a municipality may
957 consider implementing the following actions:

958 (A) aligning the station area plan with the moderate income housing element of the
959 municipality's general plan;

960 (B) providing for densities necessary to facilitate the development of moderate income
961 housing;

962 (C) providing for affordable costs of living in connection with housing, transportation,
963 and parking; or

964 (D) any other similar action that promotes the objective described in Subsection
965 (7)(a)(i).

966 (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may
967 consider implementing the following actions:

968 (A) conserving water resources through efficient land use;

969 (B) improving air quality by reducing fuel consumption and motor vehicle trips;

970 (C) establishing parks, open spaces, and recreational opportunities; or

971 (D) any other similar action that promotes the objective described in Subsection
972 (7)(a)(ii).

973 (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may
974 consider the following actions:

975 (A) maintaining and improving the connections between housing, transit, employment,
976 education, recreation, and commerce;

977 (B) encouraging mixed-use development;

978 (C) enabling employment and educational opportunities within the station area;

979 (D) encouraging and promoting enhanced broadband connectivity; or

980 (E) any other similar action that promotes the objective described in Subsection
981 (7)(a)(iii).

(iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may consider the following:

(A) supporting investment in infrastructure for all modes of transportation;

(B) increasing utilization of public transit;

(C) encouraging safe streets through the designation of pedestrian walkways and bicycle lanes;

(D) encouraging manageable and reliable traffic conditions;

(E) aligning the station area plan with the regional transportation plan of the applicable metropolitan planning organization; or

(F) any other similar action that promotes the objective described in Subsection (7)(a)(iv).

(8) A station area plan shall include the following components:

(a) a station area vision that:

(i) is consistent with Subsection (7); and

(ii) describes the following:

(A) opportunities for the development of land within the station area under existing conditions;

(B) constraints on the development of land within the station area under existing conditions;

(C) the municipality's objectives for the transportation system within the station area and the future transportation system that meets those objectives;

(D) the municipality's objectives for land uses within the station area and the future land uses that meet those objectives;

(E) the municipality's objectives for public and open spaces within the station area and the future public and open spaces that meet those objectives; and

(F) the municipality's objectives for the development of land within the station area and the future development standards that meet those objectives;

(b) a map that depicts:

- 1010 (i) the area within the municipality that is subject to the station area plan, provided that
1011 the station area plan may apply to areas outside of the station area; and
- 1012 (ii) the area where each action is needed to implement the station area plan;
- 1013 (c) an implementation plan that identifies and describes each action needed within the
1014 next five years to implement the station area plan, and the party responsible for taking each
1015 action, including any actions to:
- 1016 (i) modify land use regulations;
- 1017 (ii) make infrastructure improvements;
- 1018 (iii) modify deeds or other relevant legal documents;
- 1019 (iv) secure funding or develop funding strategies;
- 1020 (v) establish design standards for development within the station area; or
- 1021 (vi) provide environmental remediation;
- 1022 (d) a statement that explains how the station area plan promotes the objectives
1023 described in Subsection (7)(a); and
- 1024 (e) as an alternative or supplement to the requirements of Subsection (7) or (8), and for
1025 purposes of Subsection (2)(b)(ii), a statement that describes any conditions that would make
1026 the following impracticable:
- 1027 (i) promoting the objectives described in Subsection (7)(a); or
- 1028 (ii) satisfying the requirements of Subsection (8).
- 1029 (9) A municipality shall develop a station area plan with the involvement of all
1030 relevant stakeholders that have an interest in the station area through public outreach and
1031 community engagement, including:
- 1032 (a) other impacted communities;
- 1033 (b) the applicable public transit district;
- 1034 (c) the applicable metropolitan planning organization;
- 1035 (d) the Department of Transportation;
- 1036 (e) owners of property within the station area; and
- 1037 (f) the municipality's residents and business owners.

(10) (a) A municipality that is required to develop and adopt a station area plan for a station area under this section shall submit to the applicable metropolitan planning organization and the applicable public transit district documentation evidencing that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area, including:

(i) a station area plan; or

(ii) a resolution adopted under Subsection (2)(b)(i) or (ii).

(b) The applicable metropolitan planning organization, in consultation with the applicable public transit district, shall:

(i) review the documentation submitted under Subsection (10)(a) to determine the municipality's compliance with this section; and

(ii) provide written certification to the municipality if the applicable metropolitan planning organization determines that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area.

(c) The municipality shall include the certification described in Subsection (10)(b)(ii) in the municipality's report to the Department of Workforce Services under Section [10-9a-408](#).

Section 5. Section **10-9a-404** is amended to read:

10-9a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1) (a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Section [10-9a-204](#).

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) (a) The legislative body may adopt, reject, or make any revisions to the proposed general plan or amendment that it considers appropriate.

(b) If the municipal legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for the planning commission's review and recommendation.

(4) The legislative body shall adopt:

(a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 10-9a-403(2)(a)(ii); and

~~[(c) for a municipality, other than a town, after considering the factors included in Subsection 10-9a-403(2)(b)(iii), a plan to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years.]~~

(c) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element as provided in Subsection 10-9a-403(2)(a)(iii).

Section 6. Section 10-9a-408 is amended to read:

10-9a-408. Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.

~~[(1) The legislative body of a municipality described in Subsection 10-9a-401(3)(b) shall annually:]~~

~~[(a) review the moderate income housing plan element of the municipality's general plan and implementation of that element of the general plan;]~~

~~[(b) prepare a report on the findings of the review described in Subsection (1)(a), and]~~

~~[(c) post the report described in Subsection (1)(b) on the municipality's website.]~~

~~[(2) The report described in Subsection (1) shall include:]~~

~~[(a) a revised estimate of the need for moderate income housing in the municipality for the next five years;]~~

~~[(b) a description of progress made within the municipality to provide moderate income housing, demonstrated by analyzing and publishing data on the number of housing~~

1094 units in the municipality that are at or below:]

1095 [(i) 80% of the adjusted median family income;]

1096 [(ii) 50% of the adjusted median family income; and]

1097 [(iii) 30% of the adjusted median family income;]

1098 [(c) a description of any efforts made by the municipality to utilize a moderate income

1099 housing set-aside from a community reinvestment agency, redevelopment agency, or

1100 community development and renewal agency; and]

1101 [(d) a description of how the municipality has implemented any of the

1102 recommendations related to moderate income housing described in Subsection

1103 ~~10-9a-403~~(2)(b)(iii).]

1104 [(3) The legislative body of each municipality described in Subsection (1) shall send a

1105 copy of the report under Subsection (1) to the Department of Workforce Services, the

1106 association of governments in which the municipality is located, and, if located within the

1107 boundaries of a metropolitan planning organization, the appropriate metropolitan planning

1108 organization.]

1109 (1) As used in this section:

1110 (a) "Division" means the Housing and Community Development Division within the
1111 Department of Workforce Services.

1112 (b) "Implementation plan" means the implementation plan adopted as part of the
1113 moderate income housing element of a specified municipality's general plan as provided in
1114 Subsection ~~10-9a-403~~(2)(c).

1115 (c) "Moderate income housing report" or "report" means the report described in
1116 Subsection (2)(a).

1117 (d) "Moderate income housing strategy" means a strategy described in Subsection
1118 ~~10-9a-403~~(2)(b)(iii).

1119 (e) "Specified municipality" means:

1120 (i) a city of the first, second, third, or fourth class;

1121 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located

1122 within a county of the first, second, or third class; or
1123 (iii) a metro township with a population of 5,000 or more.
1124 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative
1125 body of a specified municipality shall annually submit a written moderate income housing
1126 report to the division.
1127 (b) The moderate income housing report submitted in 2022 shall include:
1128 (i) a description of each moderate income housing strategy selected by the specified
1129 municipality for implementation; and
1130 (ii) an implementation plan.
1131 (c) The moderate income housing report submitted in each calendar year after 2022
1132 shall include:
1133 (i) the information required under Subsection (2)(b);
1134 (ii) a description of each action, whether one-time or ongoing, taken by the specified
1135 municipality during the previous fiscal year to implement the moderate income housing
1136 strategies selected by the specified municipality for implementation;
1137 (iii) a description of each land use regulation or land use decision made by the
1138 specified municipality during the previous fiscal year to implement the moderate income
1139 housing strategies, including an explanation of how the land use regulation or land use decision
1140 supports the specified municipality's efforts to implement the moderate income housing
1141 strategies;
1142 (iv) a description of any barriers encountered by the specified municipality in the
1143 previous fiscal year in implementing the moderate income housing strategies;
1144 (v) information regarding the number of internal and external or detached accessory
1145 dwelling units located within the specified municipality for which the specified municipality:
1146 (A) issued a building permit to construct; or
1147 (B) issued a business license to rent;
1148 (vi) a description of how the market has responded to the selected moderate income
1149 housing strategies, including the number of entitled moderate income housing units or other

1150 relevant data; and

1151 (vii) any recommendations on how the state can support the specified municipality in

1152 implementing the moderate income housing strategies.

1153 (d) The moderate income housing report shall be in a form:

1154 (i) approved by the division; and

1155 (ii) made available by the division on or before July 1 of the year in which the report is

1156 required.

1157 (3) Within 90 days after the day on which the division receives a specified

1158 municipality's moderate income housing report, the division shall:

1159 (a) post the report on the division's website;

1160 (b) send a copy of the report to the Department of Transportation, the Governor's

1161 Office of Planning and Budget, the association of governments in which the specified

1162 municipality is located, and, if the specified municipality is located within the boundaries of a

1163 metropolitan planning organization, the appropriate metropolitan planning organization; and

1164 (c) subject to Subsection (4), review the report to determine compliance with

1165 Subsection (2).

1166 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the

1167 report:

1168 (i) includes the information required under Subsection (2)(b);

1169 (ii) demonstrates to the division that the specified municipality made plans to

1170 implement:

1171 (A) three or more moderate income housing strategies if the specified municipality

1172 does not have a fixed guideway public transit station; or

1173 (B) subject to Subsection [10-9a-403](#)(2)(b)(iv), five or more moderate income housing

1174 strategies if the specified municipality has a fixed guideway public transit station; and

1175 (iii) is in a form approved by the division.

1176 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the

1177 report:

1178 (i) includes the information required under Subsection (2)(c);
1179 (ii) demonstrates to the division that the specified municipality made plans to
1180 implement:
1181 (A) three or more moderate income housing strategies if the specified municipality
1182 does not have a fixed guideway public transit station; or
1183 (B) four or more moderate income housing strategies if the specified municipality has a
1184 fixed guideway public transit station;
1185 (iii) is in a form approved by the division; and
1186 (iv) provides sufficient information for the division to:
1187 (A) assess the specified municipality's progress in implementing the moderate income
1188 housing strategies;
1189 (B) monitor compliance with the specified municipality's implementation plan;
1190 (C) identify a clear correlation between the specified municipality's land use
1191 regulations and land use decisions and the specified municipality's efforts to implement the
1192 moderate income housing strategies; and
1193 (D) identify how the market has responded to the specified municipality's selected
1194 moderate income housing strategies.
1195 (5) (a) A specified municipality qualifies for priority consideration under this
1196 Subsection (5) if the specified municipality's moderate income housing report:
1197 (i) complies with Subsection (2); and
1198 (ii) demonstrates to the division that the specified municipality made plans to
1199 implement:
1200 (A) five or more moderate income housing strategies if the specified municipality does
1201 not have a fixed guideway public transit station; or
1202 (B) six or more moderate income housing strategies if the specified municipality has a
1203 fixed guideway public transit station.
1204 (b) The following apply to a specified municipality described in Subsection (5)(a)
1205 during the fiscal year immediately following the fiscal year in which the report is required:

1206 (i) the Transportation Commission may give priority consideration to transportation
1207 projects located within the boundaries of the specified municipality in accordance with
1208 Subsection [72-1-304](#)(3)(c); and

1209 (ii) the Governor's Office of Planning and Budget may give priority consideration for
1210 awarding financial grants to the specified municipality under the COVID-19 Local Assistance
1211 Matching Grant Program in accordance with Subsection [63J-4-802](#)(6).

1212 (c) Upon determining that a specified municipality qualifies for priority consideration
1213 under this Subsection (5), the division shall send a notice of prioritization to the legislative
1214 body of the specified municipality, the Department of Transportation, and the Governor's
1215 Office of Planning and Budget.

1216 (d) The notice described in Subsection (5)(c) shall:

1217 (i) name the specified municipality that qualifies for priority consideration;

1218 (ii) describe the funds or projects for which the specified municipality qualifies to
1219 receive priority consideration;

1220 (iii) specify the fiscal year during which the specified municipality qualifies for priority
1221 consideration; and

1222 (iv) state the basis for the division's determination that the specified municipality
1223 qualifies for priority consideration.

1224 (6) (a) If the division, after reviewing a specified municipality's moderate income
1225 housing report, determines that the report does not comply with Subsection (2), the division
1226 shall send a notice of noncompliance to the legislative body of the specified municipality.

1227 (b) The notice described in Subsection (6)(a) shall:

1228 (i) describe each deficiency in the report and the actions needed to cure each
1229 deficiency;

1230 (ii) state that the specified municipality has an opportunity to cure the deficiencies
1231 within 90 days after the day on which the notice is sent; and

1232 (iii) state that failure to cure the deficiencies within 90 days after the day on which the
1233 notice is sent will result in ineligibility for funds under Subsection (7).

(7) (a) A specified municipality is ineligible for funds under this Subsection (7) if the specified municipality:

(i) fails to submit a moderate income housing report to the division; or
(ii) fails to cure the deficiencies in the specified municipality's moderate income housing report within 90 days after the day on which the division sent to the specified municipality a notice of noncompliance under Subsection (6).

(b) The following apply to a specified municipality described in Subsection (7)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(5); and

(ii) the Governor's Office of Planning and Budget may not award financial grants to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).

(c) Upon determining that a specified municipality is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified municipality, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (7)(c) shall:

(i) name the specified municipality that is ineligible for funds;
(ii) describe the funds for which the specified municipality is ineligible to receive;
(iii) specify the fiscal year during which the specified municipality is ineligible for funds; and

(iv) state the basis for the division's determination that the specified municipality is ineligible for funds.

~~[(4)]~~ (8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only

1262 injunctive or other equitable relief.

1263 Section 7. Section **10-9a-509** is amended to read:

1264 **10-9a-509. Applicant's entitlement to land use application approval --**
1265 **Municipality's requirements and limitations -- Vesting upon submission of development**
1266 **plan and schedule.**

1267 (1) (a) (i) An applicant who has submitted a complete land use application as described
1268 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
1269 review of the application under the land use regulations:

1270 (A) in effect on the date that the application is complete; and

1271 (B) applicable to the application or to the information shown on the application.

1272 (ii) An applicant is entitled to approval of a land use application if the application
1273 conforms to the requirements of the applicable land use regulations, land use decisions, and
1274 development standards in effect when the applicant submits a complete application and pays
1275 application fees, unless:

1276 (A) the land use authority, on the record, formally finds that a compelling,
1277 countervailing public interest would be jeopardized by approving the application and specifies
1278 the compelling, countervailing public interest in writing; or

1279 (B) in the manner provided by local ordinance and before the applicant submits the
1280 application, the municipality formally initiates proceedings to amend the municipality's land
1281 use regulations in a manner that would prohibit approval of the application as submitted.

1282 (b) The municipality shall process an application without regard to proceedings the
1283 municipality initiated to amend the municipality's ordinances as described in Subsection

1284 (1)(a)(ii)(B) if:

1285 (i) 180 days have passed since the municipality initiated the proceedings; and

1286 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1287 application as submitted.

1288 (c) A land use application is considered submitted and complete when the applicant
1289 provides the application in a form that complies with the requirements of applicable ordinances

1290 and pays all applicable fees.

1291 (d) A subsequent incorporation of a municipality or a petition that proposes the
1292 incorporation of a municipality does not affect a land use application approved by a county in
1293 accordance with Section 17-27a-508.

1294 (e) The continuing validity of an approval of a land use application is conditioned upon
1295 the applicant proceeding after approval to implement the approval with reasonable diligence.

1296 (f) A municipality may not impose on an applicant who has submitted a complete
1297 application a requirement that is not expressed in:

1298 (i) this chapter;

1299 (ii) a municipal ordinance; or

1300 (iii) a municipal specification for public improvements applicable to a subdivision or
1301 development that is in effect on the date that the applicant submits an application.

1302 (g) A municipality may not impose on a holder of an issued land use permit or a final,
1303 unexpired subdivision plat a requirement that is not expressed:

1304 (i) in a land use permit;

1305 (ii) on the subdivision plat;

1306 (iii) in a document on which the land use permit or subdivision plat is based;

1307 (iv) in the written record evidencing approval of the land use permit or subdivision
1308 plat;

1309 (v) in this chapter; or

1310 (vi) in a municipal ordinance.

1311 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
1312 of a certificate of occupancy or acceptance of subdivision improvements because of an
1313 applicant's failure to comply with a requirement that is not expressed:

1314 (i) in the building permit or subdivision plat, documents on which the building permit
1315 or subdivision plat is based, or the written record evidencing approval of the land use permit or
1316 subdivision plat; or

1317 (ii) in this chapter or the municipality's ordinances.

(i) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted landscaping or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on which a subdivision plat is recorded, a municipality may not impose on a building permit applicant for a single-family dwelling located within the subdivision any land use regulation that is enacted within 10 years after the day on which the subdivision plat is recorded.

(b) Subsection (4)(a) does not apply to any changes in the requirements of the applicable building code, health code, or fire code, or other similar regulations.

(5) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(6) (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601[(5)](6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).

(b) Upon delivery of a written notice described in Subsection (6)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

Section 8. Section 11-36a-202 is amended to read:

11-36a-202. Prohibitions on impact fees.

(1) A local political subdivision or private entity may not:

(a) impose an impact fee to:

(i) cure deficiencies in a public facility serving existing development;

(ii) raise the established level of service of a public facility serving existing development; or

(iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement;

(b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or

(c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.

(2) (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:

(i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;

(ii) on a school district or charter school for a park, recreation facility, open space, or trail;

(iii) on a school district or charter school unless:

(A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which

1374 the impact fee is imposed; and

1375 (B) the impact fee is calculated to cover only the school district's or charter school's
1376 proportionate share of the cost of those additional system improvements;

1377 (iv) to the extent that the impact fee includes a component for a law enforcement
1378 facility, on development activity for:

1379 (A) the Utah National Guard;

1380 (B) the Utah Highway Patrol; or

1381 (C) a state institution of higher education that has its own police force; ~~[or]~~

1382 (v) on development activity on the state fair park, as defined in Section [63H-6-102](#)~~[-]~~;

1383 or

1384 (vi) on development activity that consists of the construction of an internal accessory
1385 dwelling unit, as defined in Section [10-9a-530](#), within an existing primary dwelling.

1386 (b) (i) Notwithstanding any other provision of this chapter, a political subdivision or
1387 private entity may not impose an impact fee on development activity that consists of the
1388 construction of a school, whether by a school district or a charter school, if:

1389 (A) the school is intended to replace another school, whether on the same or a different
1390 parcel;

1391 (B) the new school creates no greater demand or need for public facilities than the
1392 school or school facilities, including any portable or modular classrooms that are on the site of
1393 the replaced school at the time that the new school is proposed; and

1394 (C) the new school and the school being replaced are both within the boundary of the
1395 local political subdivision or the jurisdiction of the private entity.

1396 (ii) If the imposition of an impact fee on a new school is not prohibited under
1397 Subsection (2)(b)(i) because the new school creates a greater demand or need for public
1398 facilities than the school being replaced, the impact fee shall be based only on the demand or
1399 need that the new school creates for public facilities that exceeds the demand or need that the
1400 school being replaced creates for those public facilities.

1401 (c) Notwithstanding any other provision of this chapter, a political subdivision or

private entity may impose an impact fee for a road facility on the state only if and to the extent that:

(i) the state's development causes an impact on the road facility; and

(ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.

(3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 11-36a-206.

Section 9. Section 11-59-203 is amended to read:

11-59-203. Authority duties and responsibilities.

(1) As the authority plans, manages, and implements the development of the point of the mountain state land, the authority shall pursue development strategies and objectives designed to:

(a) maximize the creation of high-quality jobs and encourage and facilitate a highly trained workforce;

(b) ensure strategic residential and commercial growth;

(c) promote a high quality of life for residents on and surrounding the point of the mountain state land, including strategic planning to facilitate:

(i) jobs close to where people live;

(ii) vibrant urban centers;

(iii) housing types that incorporate affordability factors and match workforce needs;

(iv) parks, connected trails, and open space, including the preservation of natural lands to the extent practicable and consistent with the overall development plan; and

(v) preserving and enhancing recreational opportunities;

(d) complement the development on land in the vicinity of the point of the mountain state land;

(e) improve air quality and minimize resource use; and

(f) accommodate and incorporate the planning, funding, and development of an

1430 enhanced and expanded future transit and transportation infrastructure and other investments,
1431 including:

1432 (i) the acquisition of rights-of-way and property necessary to ensure transit access to
1433 the point of the mountain state land; and

1434 (ii) a world class mass transit infrastructure, to service the point of the mountain state
1435 land and to enhance mobility and protect the environment.

1436 (2) In planning the development of the point of the mountain state land, the authority
1437 shall:

1438 (a) consult with applicable governmental planning agencies, including:

1439 (i) relevant metropolitan planning organizations; ~~and~~

1440 (ii) Draper City and Salt Lake County planning and governing bodies; and

1441 (iii) in regards to the factors described in Subsections (1)(c)(i) and (iii), the Unified
1442 Economic Opportunity Commission created in Section [63N-1a-201](#);

1443 (b) research and explore the feasibility of attracting a nationally recognized research
1444 center; and

1445 (c) research and explore the appropriateness of including labor training centers and a
1446 higher education presence on the point of the mountain state land.

1447 Section 10. Section **17-27a-103** is amended to read:

1448 **17-27a-103. Definitions.**

1449 As used in this chapter:

1450 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
1451 detached from a primary single-family dwelling and contained on one lot.

1452 (2) "Adversely affected party" means a person other than a land use applicant who:

1453 (a) owns real property adjoining the property that is the subject of a land use
1454 application or land use decision; or

1455 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
1456 general community as a result of the land use decision.

1457 (3) "Affected entity" means a county, municipality, local district, special service

1458 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
1459 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
1460 property owner, property owner's association, public utility, or the Utah Department of
1461 Transportation, if:

1462 (a) the entity's services or facilities are likely to require expansion or significant
1463 modification because of an intended use of land;

1464 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
1465 or

1466 (c) the entity has filed with the county a request for notice during the same calendar
1467 year and before the county provides notice to an affected entity in compliance with a
1468 requirement imposed under this chapter.

1469 (4) "Affected owner" means the owner of real property that is:

1470 (a) a single project;

1471 (b) the subject of a land use approval that sponsors of a referendum timely challenged
1472 in accordance with Subsection [20A-7-601](#)~~[(5)]~~(6); and

1473 (c) determined to be legally referable under Section [20A-7-602.8](#).

1474 (5) "Appeal authority" means the person, board, commission, agency, or other body
1475 designated by ordinance to decide an appeal of a decision of a land use application or a
1476 variance.

1477 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1478 residential property if the sign is designed or intended to direct attention to a business, product,
1479 or service that is not sold, offered, or existing on the property where the sign is located.

1480 (7) (a) "Charter school" means:

1481 (i) an operating charter school;

1482 (ii) a charter school applicant that a charter school authorizer approves in accordance
1483 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1484 (iii) an entity that is working on behalf of a charter school or approved charter
1485 applicant to develop or construct a charter school building.

1486 (b) "Charter school" does not include a therapeutic school.

1487 (8) "Chief executive officer" means the person or body that exercises the executive
1488 powers of the county.

1489 (9) "Conditional use" means a land use that, because of the unique characteristics or
1490 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
1491 may not be compatible in some areas or may be compatible only if certain conditions are
1492 required that mitigate or eliminate the detrimental impacts.

1493 (10) "Constitutional taking" means a governmental action that results in a taking of
1494 private property so that compensation to the owner of the property is required by the:

1495 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1496 (b) Utah Constitution, Article I, Section 22.

1497 (11) "County utility easement" means an easement that:

1498 (a) a plat recorded in a county recorder's office described as a county utility easement
1499 or otherwise as a utility easement;

1500 (b) is not a protected utility easement or a public utility easement as defined in Section
1501 54-3-27;

1502 (c) the county or the county's affiliated governmental entity owns or creates; and

1503 (d) (i) either:

1504 (A) no person uses or occupies; or

1505 (B) the county or the county's affiliated governmental entity uses and occupies to
1506 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
1507 communications or data lines; or

1508 (ii) a person uses or occupies with or without an authorized franchise or other
1509 agreement with the county.

1510 (12) "Culinary water authority" means the department, agency, or public entity with
1511 responsibility to review and approve the feasibility of the culinary water system and sources for
1512 the subject property.

1513 (13) "Development activity" means:

1514 (a) any construction or expansion of a building, structure, or use that creates additional
1515 demand and need for public facilities;

1516 (b) any change in use of a building or structure that creates additional demand and need
1517 for public facilities; or

1518 (c) any change in the use of land that creates additional demand and need for public
1519 facilities.

1520 (14) (a) "Development agreement" means a written agreement or amendment to a
1521 written agreement between a county and one or more parties that regulates or controls the use
1522 or development of a specific area of land.

1523 (b) "Development agreement" does not include an improvement completion assurance.

1524 (15) (a) "Disability" means a physical or mental impairment that substantially limits
1525 one or more of a person's major life activities, including a person having a record of such an
1526 impairment or being regarded as having such an impairment.

1527 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1528 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1529 Sec. 802.

1530 (16) "Educational facility":

1531 (a) means:

1532 (i) a school district's building at which pupils assemble to receive instruction in a
1533 program for any combination of grades from preschool through grade 12, including
1534 kindergarten and a program for children with disabilities;

1535 (ii) a structure or facility:

1536 (A) located on the same property as a building described in Subsection (16)(a)(i); and

1537 (B) used in support of the use of that building; and

1538 (iii) a building to provide office and related space to a school district's administrative
1539 personnel; and

1540 (b) does not include:

1541 (i) land or a structure, including land or a structure for inventory storage, equipment

1542 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1543 (A) not located on the same property as a building described in Subsection (16)(a)(i);

1544 and

1545 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

1546 (ii) a therapeutic school.

1547 (17) "Fire authority" means the department, agency, or public entity with responsibility

1548 to review and approve the feasibility of fire protection and suppression services for the subject

1549 property.

1550 (18) "Flood plain" means land that:

1551 (a) is within the 100-year flood plain designated by the Federal Emergency

1552 Management Agency; or

1553 (b) has not been studied or designated by the Federal Emergency Management Agency

1554 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

1555 the land has characteristics that are similar to those of a 100-year flood plain designated by the

1556 Federal Emergency Management Agency.

1557 (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

1558 (20) "General plan" means a document that a county adopts that sets forth general

1559 guidelines for proposed future development of:

1560 (a) the unincorporated land within the county; or

1561 (b) for a mountainous planning district, the land within the mountainous planning

1562 district.

1563 (21) "Geologic hazard" means:

1564 (a) a surface fault rupture;

1565 (b) shallow groundwater;

1566 (c) liquefaction;

1567 (d) a landslide;

1568 (e) a debris flow;

1569 (f) unstable soil;

- 1570 (g) a rock fall; or
1571 (h) any other geologic condition that presents a risk:
1572 (i) to life;
1573 (ii) of substantial loss of real property; or
1574 (iii) of substantial damage to real property.
- 1575 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
1576 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
1577 system.
- 1578 (23) "Identical plans" means building plans submitted to a county that:
1579 (a) are clearly marked as "identical plans";
1580 (b) are substantially identical building plans that were previously submitted to and
1581 reviewed and approved by the county; and
1582 (c) describe a building that:
1583 (i) is located on land zoned the same as the land on which the building described in the
1584 previously approved plans is located;
1585 (ii) is subject to the same geological and meteorological conditions and the same law
1586 as the building described in the previously approved plans;
1587 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
1588 and approved by the county; and
1589 (iv) does not require any additional engineering or analysis.
- 1590 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
1591 Impact Fees Act.
- 1592 (25) "Improvement completion assurance" means a surety bond, letter of credit,
1593 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1594 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1595 required as a condition precedent to:
1596 (a) recording a subdivision plat; or
1597 (b) development of a commercial, industrial, mixed use, or multifamily project.

1598 (26) "Improvement warranty" means an applicant's unconditional warranty that the
1599 applicant's installed and accepted landscaping or infrastructure improvement:

1600 (a) complies with the county's written standards for design, materials, and
1601 workmanship; and

1602 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1603 within the improvement warranty period.

1604 (27) "Improvement warranty period" means a period:

1605 (a) no later than one year after a county's acceptance of required landscaping; or

1606 (b) no later than one year after a county's acceptance of required infrastructure, unless
1607 the county:

1608 (i) determines for good cause that a one-year period would be inadequate to protect the
1609 public health, safety, and welfare; and

1610 (ii) has substantial evidence, on record:

1611 (A) of prior poor performance by the applicant; or

1612 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1613 and the county has not otherwise required the applicant to mitigate the suspect soil.

1614 (28) "Infrastructure improvement" means permanent infrastructure that is essential for
1615 the public health and safety or that:

1616 (a) is required for human consumption; and

1617 (b) an applicant must install:

1618 (i) in accordance with published installation and inspection specifications for public
1619 improvements; and

1620 (ii) as a condition of:

1621 (A) recording a subdivision plat;

1622 (B) obtaining a building permit; or

1623 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
1624 project.

1625 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted

1626 designation that:

1627 (a) runs with the land; and

1628 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1629 the plat; or

1630 (ii) designates a development condition that is enclosed within the perimeter of a lot
1631 described on the plat.

1632 (30) "Interstate pipeline company" means a person or entity engaged in natural gas
1633 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
1634 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1635 (31) "Intrastate pipeline company" means a person or entity engaged in natural gas
1636 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1637 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1638 (32) "Land use applicant" means a property owner, or the property owner's designee,
1639 who submits a land use application regarding the property owner's land.

1640 (33) "Land use application":

1641 (a) means an application that is:

1642 (i) required by a county; and

1643 (ii) submitted by a land use applicant to obtain a land use decision; and

1644 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1645 (34) "Land use authority" means:

1646 (a) a person, board, commission, agency, or body, including the local legislative body,
1647 designated by the local legislative body to act upon a land use application; or

1648 (b) if the local legislative body has not designated a person, board, commission,
1649 agency, or body, the local legislative body.

1650 (35) "Land use decision" means an administrative decision of a land use authority or
1651 appeal authority regarding:

1652 (a) a land use permit;

1653 (b) a land use application; or

- 1654 (c) the enforcement of a land use regulation, land use permit, or development
1655 agreement.
- 1656 (36) "Land use permit" means a permit issued by a land use authority.
- 1657 (37) "Land use regulation":
1658 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1659 specification, fee, or rule that governs the use or development of land;
1660 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1661 and
1662 (c) does not include:
1663 (i) a land use decision of the legislative body acting as the land use authority, even if
1664 the decision is expressed in a resolution or ordinance; or
1665 (ii) a temporary revision to an engineering specification that does not materially:
1666 (A) increase a land use applicant's cost of development compared to the existing
1667 specification; or
1668 (B) impact a land use applicant's use of land.
- 1669 (38) "Legislative body" means the county legislative body, or for a county that has
1670 adopted an alternative form of government, the body exercising legislative powers.
- 1671 (39) "Local district" means any entity under Title 17B, Limited Purpose Local
1672 Government Entities - Local Districts, and any other governmental or quasi-governmental
1673 entity that is not a county, municipality, school district, or the state.
- 1674 (40) "Lot" means a tract of land, regardless of any label, that is created by and shown
1675 on a subdivision plat that has been recorded in the office of the county recorder.
- 1676 (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1677 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):
1678 (i) whether or not the lots are located in the same subdivision; and
1679 (ii) with the consent of the owners of record.
- 1680 (b) "Lot line adjustment" does not mean a new boundary line that:
1681 (i) creates an additional lot; or

1682 (ii) constitutes a subdivision.

1683 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
1684 Department of Transportation.

1685 (42) "Major transit investment corridor" means public transit service that uses or
1686 occupies:

1687 (a) public transit rail right-of-way;

1688 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1689 or

1690 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1691 municipality or county and:

1692 (i) a public transit district as defined in Section [17B-2a-802](#); or

1693 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

1694 (43) "Moderate income housing" means housing occupied or reserved for occupancy
1695 by households with a gross household income equal to or less than 80% of the median gross
1696 income for households of the same size in the county in which the housing is located.

1697 (44) "Mountainous planning district" means an area designated by a county legislative
1698 body in accordance with Section [17-27a-901](#).

1699 (45) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
1700 and expenses incurred in:

1701 (a) verifying that building plans are identical plans; and

1702 (b) reviewing and approving those minor aspects of identical plans that differ from the
1703 previously reviewed and approved building plans.

1704 (46) "Noncomplying structure" means a structure that:

1705 (a) legally existed before the structure's current land use designation; and

1706 (b) because of one or more subsequent land use ordinance changes, does not conform
1707 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1708 the use of land.

1709 (47) "Nonconforming use" means a use of land that:

1710 (a) legally existed before the current land use designation;
1711 (b) has been maintained continuously since the time the land use ordinance regulation
1712 governing the land changed; and

1713 (c) because of one or more subsequent land use ordinance changes, does not conform
1714 to the regulations that now govern the use of the land.

1715 (48) "Official map" means a map drawn by county authorities and recorded in the
1716 county recorder's office that:

1717 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1718 highways and other transportation facilities;

1719 (b) provides a basis for restricting development in designated rights-of-way or between
1720 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1721 the land; and

1722 (c) has been adopted as an element of the county's general plan.

1723 (49) "Parcel" means any real property that is not a lot.

1724 (50) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
1725 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
1726 agreement in accordance with Section [17-27a-523](#), if no additional parcel is created and:

1727 (i) none of the property identified in the agreement is a lot; or

1728 (ii) the adjustment is to the boundaries of a single person's parcels.

1729 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1730 line that:

1731 (i) creates an additional parcel; or

1732 (ii) constitutes a subdivision.

1733 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
1734 the Department of Transportation.

1735 (51) "Person" means an individual, corporation, partnership, organization, association,
1736 trust, governmental agency, or any other legal entity.

1737 (52) "Plan for moderate income housing" means a written document adopted by a

1738 county legislative body that includes:

1739 (a) an estimate of the existing supply of moderate income housing located within the
1740 county;

1741 (b) an estimate of the need for moderate income housing in the county for the next five
1742 years;

1743 (c) a survey of total residential land use;

1744 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1745 income housing; and

1746 (e) a description of the county's program to encourage an adequate supply of moderate
1747 income housing.

1748 (53) "Planning advisory area" means a contiguous, geographically defined portion of
1749 the unincorporated area of a county established under this part with planning and zoning
1750 functions as exercised through the planning advisory area planning commission, as provided in
1751 this chapter, but with no legal or political identity separate from the county and no taxing
1752 authority.

1753 (54) "Plat" means an instrument subdividing property into lots as depicted on a map or
1754 other graphical representation of lands that a licensed professional land surveyor makes and
1755 prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

1756 (55) "Potential geologic hazard area" means an area that:

1757 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1758 relevant map or report as needing further study to determine the area's potential for geologic
1759 hazard; or

1760 (b) has not been studied by the Utah Geological Survey or a county geologist but
1761 presents the potential of geologic hazard because the area has characteristics similar to those of
1762 a designated geologic hazard area.

1763 (56) "Public agency" means:

1764 (a) the federal government;

1765 (b) the state;

1766 (c) a county, municipality, school district, local district, special service district, or other
1767 political subdivision of the state; or

1768 (d) a charter school.

1769 (57) "Public hearing" means a hearing at which members of the public are provided a
1770 reasonable opportunity to comment on the subject of the hearing.

1771 (58) "Public meeting" means a meeting that is required to be open to the public under
1772 Title 52, Chapter 4, Open and Public Meetings Act.

1773 (59) "Public street" means a public right-of-way, including a public highway, public
1774 avenue, public boulevard, public parkway, public road, public lane, public alley, public
1775 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1776 easement, or other public way.

1777 (60) "Receiving zone" means an unincorporated area of a county that the county
1778 designates, by ordinance, as an area in which an owner of land may receive a transferable
1779 development right.

1780 (61) "Record of survey map" means a map of a survey of land prepared in accordance
1781 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1782 (62) "Residential facility for persons with a disability" means a residence:

1783 (a) in which more than one person with a disability resides; and

1784 (b) (i) which is licensed or certified by the Department of Human Services under Title
1785 62A, Chapter 2, Licensure of Programs and Facilities; or

1786 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1787 21, Health Care Facility Licensing and Inspection Act.

1788 (63) "Rules of order and procedure" means a set of rules that govern and prescribe in a
1789 public meeting:

1790 (a) parliamentary order and procedure;

1791 (b) ethical behavior; and

1792 (c) civil discourse.

1793 (64) "Sanitary sewer authority" means the department, agency, or public entity with

1794 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1795 wastewater systems.

1796 (65) "Sending zone" means an unincorporated area of a county that the county
1797 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1798 development right.

1799 (66) "Site plan" means a document or map that may be required by a county during a
1800 preliminary review preceding the issuance of a building permit to demonstrate that an owner's
1801 or developer's proposed development activity meets a land use requirement.

1802 (67) "Specified public agency" means:

1803 (a) the state;

1804 (b) a school district; or

1805 (c) a charter school.

1806 (68) "Specified public utility" means an electrical corporation, gas corporation, or
1807 telephone corporation, as those terms are defined in Section [54-2-1](#).

1808 (69) "State" includes any department, division, or agency of the state.

1809 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1810 divided into two or more lots or other division of land for the purpose, whether immediate or
1811 future, for offer, sale, lease, or development either on the installment plan or upon any and all
1812 other plans, terms, and conditions.

1813 (b) "Subdivision" includes:

1814 (i) the division or development of land, whether by deed, metes and bounds
1815 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1816 the division includes all or a portion of a parcel or lot; and

1817 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
1818 nonresidential uses, including land used or to be used for commercial, agricultural, and
1819 industrial purposes.

1820 (c) "Subdivision" does not include:

1821 (i) a bona fide division or partition of agricultural land for agricultural purposes;

- 1822 (ii) a boundary line agreement recorded with the county recorder's office between
1823 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
1824 17-27a-523 if no new lot is created;
- 1825 (iii) a recorded document, executed by the owner of record:
- 1826 (A) revising the legal descriptions of multiple parcels into one legal description
1827 encompassing all such parcels; or
- 1828 (B) joining a lot to a parcel;
- 1829 (iv) a bona fide division or partition of land in a county other than a first class county
1830 for the purpose of siting, on one or more of the resulting separate parcels:
- 1831 (A) an electrical transmission line or a substation;
- 1832 (B) a natural gas pipeline or a regulation station; or
- 1833 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1834 utility service regeneration, transformation, retransmission, or amplification facility;
- 1835 (v) a boundary line agreement between owners of adjoining subdivided properties
1836 adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608
1837 if:
- 1838 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1839 (B) the adjustment will not violate any applicable land use ordinance;
- 1840 (vi) a bona fide division of land by deed or other instrument if the deed or other
1841 instrument states in writing that the division:
- 1842 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1843 (B) does not confer any land use approvals; and
- 1844 (C) has not been approved by the land use authority;
- 1845 (vii) a parcel boundary adjustment;
- 1846 (viii) a lot line adjustment;
- 1847 (ix) a road, street, or highway dedication plat;
- 1848 (x) a deed or easement for a road, street, or highway purpose; or
- 1849 (xi) any other division of land authorized by law.

- 1850 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
1851 accordance with Section 17-27a-608 that:
- 1852 (a) vacates all or a portion of the subdivision;
 - 1853 (b) alters the outside boundary of the subdivision;
 - 1854 (c) changes the number of lots within the subdivision;
 - 1855 (d) alters a public right-of-way, a public easement, or public infrastructure within the
1856 subdivision; or
 - 1857 (e) alters a common area or other common amenity within the subdivision.
- 1858 (72) "Substantial evidence" means evidence that:
- 1859 (a) is beyond a scintilla; and
 - 1860 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1861 (73) "Suspect soil" means soil that has:
- 1862 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1863 3% swell potential;
 - 1864 (b) bedrock units with high shrink or swell susceptibility; or
 - 1865 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1866 commonly associated with dissolution and collapse features.
- 1867 (74) "Therapeutic school" means a residential group living facility:
- 1868 (a) for four or more individuals who are not related to:
 - 1869 (i) the owner of the facility; or
 - 1870 (ii) the primary service provider of the facility;
 - 1871 (b) that serves students who have a history of failing to function:
 - 1872 (i) at home;
 - 1873 (ii) in a public school; or
 - 1874 (iii) in a nonresidential private school; and
 - 1875 (c) that offers:
 - 1876 (i) room and board; and
 - 1877 (ii) an academic education integrated with:

1878 (A) specialized structure and supervision; or

1879 (B) services or treatment related to a disability, an emotional development, a
1880 behavioral development, a familial development, or a social development.

1881 (75) "Transferable development right" means a right to develop and use land that
1882 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1883 land use rights from a designated sending zone to a designated receiving zone.

1884 (76) "Unincorporated" means the area outside of the incorporated area of a
1885 municipality.

1886 (77) "Water interest" means any right to the beneficial use of water, including:

1887 (a) each of the rights listed in Section 73-1-11; and

1888 (b) an ownership interest in the right to the beneficial use of water represented by:

1889 (i) a contract; or

1890 (ii) a share in a water company, as defined in Section 73-3-3.5.

1891 (78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
1892 land use zones, overlays, or districts.

1893 Section 11. Section 17-27a-401 is amended to read:

1894 **17-27a-401. General plan required -- Content -- Resource management plan --**
1895 **Provisions related to radioactive waste facility.**

1896 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a
1897 comprehensive, long-range general plan:

1898 (a) for present and future needs of the county;

1899 (b) (i) for growth and development of all or any part of the land within the
1900 unincorporated portions of the county; or

1901 (ii) if a county has designated a mountainous planning district, for growth and
1902 development of all or any part of the land within the mountainous planning district; and

1903 (c) as a basis for communicating and coordinating with the federal government on land
1904 and resource management issues.

1905 (2) To promote health, safety, and welfare, the general plan may provide for:

1906 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
1907 activities, aesthetics, and recreational, educational, and cultural opportunities;
1908 (b) the reduction of the waste of physical, financial, or human resources that result
1909 from either excessive congestion or excessive scattering of population;
1910 (c) the efficient and economical use, conservation, and production of the supply of:
1911 (i) food and water; and
1912 (ii) drainage, sanitary, and other facilities and resources;
1913 (d) the use of energy conservation and solar and renewable energy resources;
1914 (e) the protection of urban development;
1915 (f) the protection and promotion of air quality;
1916 (g) historic preservation;
1917 (h) identifying future uses of land that are likely to require an expansion or significant
1918 modification of services or facilities provided by each affected entity; and
1919 (i) an official map.
1920 ~~[(3)(a) The general plan shall:]~~
1921 ~~[(i) allow and plan for moderate income housing growth; and]~~
1922 (3) (a) (i) The general plan of a specified county, as defined in Section [17-27a-408](#),
1923 shall include a moderate income housing element that meets the requirements of Subsection
1924 [17-27a-403\(2\)\(a\)\(iii\)](#).
1925 ~~[(ii) contain a resource management plan for the public lands, as defined in Section~~
1926 ~~[63L-6-102](#), within the county.]~~
1927 ~~[(b)]~~ (ii) On or before ~~[December 1, 2019, a]~~ October 1, 2022, a specified county, as
1928 defined in Section [17-27a-408](#), with a general plan that does not comply with Subsection
1929 (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).
1930 (b) The general plan shall contain a resource management plan for the public lands, as
1931 defined in Section [63L-6-102](#), within the county.
1932 (c) The resource management plan described in Subsection ~~[(3)(a)(ii)]~~ (3)(b) shall
1933 address:

- 1934 (i) mining;
- 1935 (ii) land use;
- 1936 (iii) livestock and grazing;
- 1937 (iv) irrigation;
- 1938 (v) agriculture;
- 1939 (vi) fire management;
- 1940 (vii) noxious weeds;
- 1941 (viii) forest management;
- 1942 (ix) water rights;
- 1943 (x) ditches and canals;
- 1944 (xi) water quality and hydrology;
- 1945 (xii) flood plains and river terraces;
- 1946 (xiii) wetlands;
- 1947 (xiv) riparian areas;
- 1948 (xv) predator control;
- 1949 (xvi) wildlife;
- 1950 (xvii) fisheries;
- 1951 (xviii) recreation and tourism;
- 1952 (xix) energy resources;
- 1953 (xx) mineral resources;
- 1954 (xxi) cultural, historical, geological, and paleontological resources;
- 1955 (xxii) wilderness;
- 1956 (xxiii) wild and scenic rivers;
- 1957 (xxiv) threatened, endangered, and sensitive species;
- 1958 (xxv) land access;
- 1959 (xxvi) law enforcement;
- 1960 (xxvii) economic considerations; and
- 1961 (xxviii) air.

1962 (d) For each item listed under Subsection (3)(c), a county's resource management plan
1963 shall:

1964 (i) establish findings pertaining to the item;

1965 (ii) establish defined objectives; and

1966 (iii) outline general policies and guidelines on how the objectives described in
1967 Subsection (3)(d)(ii) are to be accomplished.

1968 (4) (a) (i) The general plan shall include specific provisions related to any areas within,
1969 or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
1970 county, which are proposed for the siting of a storage facility or transfer facility for the
1971 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
1972 these wastes are defined in Section 19-3-303.

1973 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the
1974 proposed site upon the health and general welfare of citizens of the state, and shall provide:

1975 ~~[(i)]~~ (A) the information identified in Section 19-3-305;

1976 ~~[(ii)]~~ (B) information supported by credible studies that demonstrates that the
1977 provisions of Subsection 19-3-307(2) have been satisfied; and

1978 ~~[(iii)]~~ (C) specific measures to mitigate the effects of high-level nuclear waste and
1979 greater than class C radioactive waste and guarantee the health and safety of the citizens of the
1980 state.

1981 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance
1982 indicating that all proposals for the siting of a storage facility or transfer facility for the
1983 placement of high-level nuclear waste or greater than class C radioactive waste wholly or
1984 partially within the county are rejected.

1985 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

1986 (d) The county shall send a certified copy of the ordinance described in Subsection
1987 (4)(b) to the executive director of the Department of Environmental Quality by certified mail
1988 within 30 days of enactment.

1989 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

- 1990 (i) comply with Subsection (4)(a) as soon as reasonably possible; and
1991 (ii) send a certified copy of the repeal to the executive director of the Department of
1992 Environmental Quality by certified mail within 30 days after the repeal.
- 1993 (5) The general plan may define the county's local customs, local culture, and the
1994 components necessary for the county's economic stability.
- 1995 (6) Subject to Subsection 17-27a-403(2), the county may determine the
1996 comprehensiveness, extent, and format of the general plan.
- 1997 (7) If a county has designated a mountainous planning district, the general plan for the
1998 mountainous planning district is the controlling plan.
- 1999 (8) Nothing in this part may be construed to limit the authority of the state to manage
2000 and protect wildlife under Title 23, Wildlife Resources Code of Utah.
- 2001 Section 12. Section 17-27a-403 is amended to read:
- 2002 **17-27a-403. Plan preparation.**
- 2003 (1) (a) The planning commission shall provide notice, as provided in Section
2004 17-27a-203, of [its] the planning commission's intent to make a recommendation to the county
2005 legislative body for a general plan or a comprehensive general plan amendment when the
2006 planning commission initiates the process of preparing [its] the planning commission's
2007 recommendation.
- 2008 (b) The planning commission shall make and recommend to the legislative body a
2009 proposed general plan for:
- 2010 (i) the unincorporated area within the county; or
2011 (ii) if the planning commission is a planning commission for a mountainous planning
2012 district, the mountainous planning district.
- 2013 (c) (i) The plan may include planning for incorporated areas if, in the planning
2014 commission's judgment, they are related to the planning of the unincorporated territory or of
2015 the county as a whole.
- 2016 (ii) Elements of the county plan that address incorporated areas are not an official plan
2017 or part of a municipal plan for any municipality, unless the county plan is recommended by the

2018 municipal planning commission and adopted by the governing body of the municipality.

2019 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
2020 and descriptive and explanatory matter, shall include the planning commission's
2021 recommendations for the following plan elements:

2022 (i) a land use element that:

2023 (A) designates the long-term goals and the proposed extent, general distribution, and
2024 location of land for housing for residents of various income levels, business, industry,
2025 agriculture, recreation, education, public buildings and grounds, open space, and other
2026 categories of public and private uses of land as appropriate; and

2027 (B) ~~[may include]~~ includes a statement of the projections for and standards of
2028 population density and building intensity recommended for the various land use categories
2029 covered by the plan;

2030 (ii) a transportation and traffic circulation element that:

2031 (A) provides the general location and extent of existing and proposed freeways, arterial
2032 and collector streets, public transit, active transportation facilities, and other modes of
2033 transportation that the planning commission considers appropriate;

2034 (B) addresses the county's plan for residential and commercial development around
2035 major transit investment corridors to maintain and improve the connections between housing,
2036 employment, education, recreation, and commerce; and

2037 (C) correlates with the population projections, the employment projections, and the
2038 proposed land use element of the general plan;

2039 ~~[(iii) a plan for the development of additional moderate income housing within the~~
2040 ~~unincorporated area of the county or the mountainous planning district, and a plan to provide a~~
2041 ~~realistic opportunity to meet the need for additional moderate income housing; and]~~

2042 (iii) for a specified county as defined in Section 17-27a-408, a moderate income
2043 housing element that:

2044 (A) provides a realistic opportunity to meet the need for additional moderate income
2045 housing within the next five years;

2046 (B) selects three or more moderate income housing strategies described in Subsection
2047 (2)(b)(ii) for implementation; and

2048 (C) includes an implementation plan as provided in Subsection (2)(e); and

2049 (iv) ~~[before May 1, 2017,]~~ a resource management plan detailing the findings,
2050 objectives, and policies required by Subsection 17-27a-401(3).

2051 (b) In drafting the moderate income housing element, the planning commission:

2052 (i) shall consider the Legislature's determination that counties should facilitate a
2053 reasonable opportunity for a variety of housing, including moderate income housing:

2054 (A) to meet the needs of people of various income levels living, working, or desiring to
2055 live or work in the community; and

2056 (B) to allow people with various incomes to benefit from and fully participate in all
2057 aspects of neighborhood and community life; and

2058 (ii) shall include an analysis of how the county will provide a realistic opportunity for
2059 the development of moderate income housing within the planning horizon, ~~[which may~~
2060 ~~include]~~ including a recommendation to implement three or more of the following moderate
2061 income housing strategies:

2062 (A) rezone for densities necessary to ~~[assure]~~ facilitate the production of moderate
2063 income housing;

2064 (B) ~~[facilitate]~~ demonstrate investment in the rehabilitation or expansion of
2065 infrastructure that ~~[will encourage]~~ facilitates the construction of moderate income housing;

2066 (C) ~~[facilitate]~~ demonstrate investment in the rehabilitation of existing uninhabitable
2067 housing stock into moderate income housing;

2068 (D) ~~[consider]~~ identify and utilize county general fund subsidies or other sources of
2069 revenue to waive construction related fees that are otherwise generally imposed by the county
2070 for the construction or rehabilitation of moderate income housing;

2071 (E) create or allow for, and reduce regulations related to, internal or detached accessory
2072 dwelling units in residential zones;

2073 (F) ~~[allow]~~ zone or rezone for higher density or moderate income residential

2074 development in commercial ~~[and]~~ or mixed-use zones, commercial centers, or employment
2075 centers;

2076 (G) ~~[encourage]~~ amend land use regulations to allow for higher density or new
2077 moderate income residential development in commercial or mixed-use zones near major transit
2078 investment corridors;

2079 (H) amend land use regulations to eliminate or reduce parking requirements for
2080 residential development where a resident is less likely to rely on the resident's own vehicle,
2081 such as residential development near major transit investment corridors or senior living
2082 facilities;

2083 (I) amend land use regulations to allow for single room occupancy developments;

2084 (J) implement zoning incentives for ~~[low-to]~~ moderate income units in new
2085 developments;

2086 ~~[(K)] utilize strategies that preserve subsidized low to moderate income units on a~~
2087 ~~long-term basis;~~

2088 ~~[(L)]~~ (K) preserve existing and new moderate income housing and subsidized units by
2089 utilizing a landlord incentive program, providing for deed restricted units through a grant
2090 program, or establishing a housing loss mitigation fund;

2091 ~~[(M)]~~ (L) reduce, waive, or eliminate impact fees~~[-as defined in Section 11-36a-102;]~~
2092 related to ~~[low and]~~ moderate income housing;

2093 ~~[(N) participate in]~~ (M) demonstrate creation of, or participation in, a community land
2094 trust program for ~~[low or]~~ moderate income housing;

2095 ~~[(O)]~~ (N) implement a mortgage assistance program for employees of the county ~~[or~~
2096 ~~of]~~, an employer that provides contracted services for the county, or any other public employer
2097 that operates within the county;

2098 ~~[(P)]~~ (O) apply for or partner with an entity that applies for state or federal funds or tax
2099 incentives to promote the construction of moderate income housing, an entity that applies for
2100 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
2101 entity that applies for affordable housing programs administered by the Department of

2102 Workforce Services, an entity that applies for services provided by a public housing authority
2103 to preserve and create moderate income housing, or any other entity that applies for programs
2104 or services that promote the construction or preservation of moderate income housing;

2105 ~~[(Q) apply for or partner with an entity that applies for programs offered by the Utah~~
2106 ~~Housing Corporation within that agency's funding capacity;]~~

2107 ~~[(R) apply for or partner with an entity that applies for affordable housing programs~~
2108 ~~administered by the Department of Workforce Services;]~~

2109 ~~[(S) apply for or partner with an entity that applies for services provided by a public~~
2110 ~~housing authority to preserve and create moderate income housing;]~~

2111 ~~[(T) apply for or partner with an entity that applies for programs administered by a~~
2112 ~~metropolitan planning organization or other transportation agency that provides technical~~
2113 ~~planning assistance;]~~

2114 ~~[(U) utilize]~~ (P) demonstrate utilization of a moderate income housing set aside from a
2115 community reinvestment agency, redevelopment agency, or community development and
2116 renewal agency to create or subsidize moderate income housing; [and]

2117 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
2118 Part 6, Housing and Transit Reinvestment Zone Act;

2119 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
2120 accessory dwelling unit as defined in Section [10-9a-530](#);

2121 (S) create a program to transfer development rights for moderate income housing;

2122 (T) ratify a joint acquisition agreement with another local political subdivision for the
2123 purpose of combining resources to acquire property for moderate income housing;

2124 (U) develop a moderate income housing project for residents who are disabled or 55
2125 years old or older;

2126 (V) create or allow for, and reduce regulations related to, multifamily residential
2127 dwelling compatible in scale and form with detached single-family residential dwellings and
2128 located in walkable communities within residential or mixed-use zones; and

2129 ~~[(V) consider]~~ (W) demonstrate implementation of any other program or strategy

2130 ~~[implemented by the county]~~ to address the housing needs of residents of the county who earn
2131 less than 80% of the area median income, including the dedication of a local funding source to
2132 moderate income housing or the adoption of a land use ordinance that requires 10% or more of
2133 new residential development in a residential zone be dedicated to moderate income housing.

2134 (iii) If a specified county, as defined in Section 17-27a-408, has created a small public
2135 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified
2136 county shall include as part of the specified county's recommended strategies under Subsection
2137 (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

2138 (c) In drafting the land use element, the planning commission shall:

2139 (i) identify and consider each agriculture protection area within the unincorporated area
2140 of the county or mountainous planning district; ~~[and]~~

2141 (ii) avoid proposing a use of land within an agriculture protection area that is
2142 inconsistent with or detrimental to the use of the land for agriculture~~[-]; and~~

2143 (iii) consider and coordinate with any station area plans adopted by municipalities
2144 located within the county under Section 10-9a-403.1.

2145 (d) In drafting the transportation and traffic circulation element, the planning
2146 commission shall:

2147 (i) (A) consider and coordinate with the regional transportation plan developed by ~~[its]~~
2148 the region's metropolitan planning organization, if the relevant areas of the county are within
2149 the boundaries of a metropolitan planning organization; or

2150 ~~[(ii)]~~ (B) consider and coordinate with the long-range transportation plan developed by
2151 the Department of Transportation, if the relevant areas of the county are not within the
2152 boundaries of a metropolitan planning organization~~[-]; and~~

2153 (ii) consider and coordinate with any station area plans adopted by municipalities
2154 located within the county under Section 10-9a-403.1.

2155 (e) (i) In drafting the implementation plan portion of the moderate income housing
2156 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a
2157 timeline for implementing each of the moderate income housing strategies selected by the

2158 county for implementation.

2159 (ii) The timeline described in Subsection (2)(e)(i) shall:

2160 (A) identify specific measures and benchmarks for implementing each moderate

2161 income housing strategy selected by the county; and

2162 (B) provide flexibility for the county to make adjustments as needed.

2163 (3) The proposed general plan may include:

2164 (a) an environmental element that addresses:

2165 (i) to the extent not covered by the county's resource management plan, the protection,
2166 conservation, development, and use of natural resources, including the quality of air, forests,
2167 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
2168 and

2169 (ii) the reclamation of land, flood control, prevention and control of the pollution of
2170 streams and other waters, regulation of the use of land on hillsides, stream channels and other
2171 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
2172 protection of watersheds and wetlands, and the mapping of known geologic hazards;

2173 (b) a public services and facilities element showing general plans for sewage, water,
2174 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
2175 police and fire protection, and other public services;

2176 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
2177 programs for:

2178 (i) historic preservation;

2179 (ii) the diminution or elimination of a development impediment as defined in Section
2180 17C-1-102; and

2181 (iii) redevelopment of land, including housing sites, business and industrial sites, and
2182 public building sites;

2183 (d) an economic element composed of appropriate studies and forecasts, as well as an
2184 economic development plan, which may include review of existing and projected county
2185 revenue and expenditures, revenue sources, identification of basic and secondary industry,

primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;

(f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or (3)(a)(i); and

(g) any other element the county considers appropriate.

Section 13. Section 17-27a-404 is amended to read:

17-27a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1) (a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Section 17-27a-204.

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body shall provide notice of its intent to consider the general plan proposal.

(b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection (3)(b).

(ii) The hearing format shall allow adequate time for public comment at the actual public hearing, and shall also allow for public comment in writing to be submitted to the

2214 legislative body for not fewer than 90 days after the date of the public hearing.

2215 (c) (i) The legislative body shall give notice of the hearing in accordance with this
2216 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are
2217 complete.

2218 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
2219 the state Legislature, executive director of the Department of Environmental Quality, the state
2220 planning coordinator, the Resource Development Coordinating Committee, and any other
2221 citizens or entities who specifically request notice in writing.

2222 (iii) Public notice shall be given by publication on the Utah Public Notice Website
2223 created in Section 63A-16-601.

2224 (iv) The notice shall be published to allow reasonable time for interested parties and
2225 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4),
2226 including publication described in Subsection (3)(c)(iii) for 180 days before the date of the
2227 hearing to be held under this Subsection (3).

2228 (4) (a) After the public hearing required under this section, the legislative body may
2229 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

2230 (b) The legislative body shall respond in writing and in a substantive manner to all
2231 those providing comments as a result of the hearing required by Subsection (3).

2232 (c) If the county legislative body rejects the proposed general plan or amendment, it
2233 may provide suggestions to the planning commission for the planning commission's review and
2234 recommendation.

2235 (5) The legislative body shall adopt:

2236 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

2237 (b) a transportation and traffic circulation element as provided in Subsection
2238 17-27a-403(2)(a)(ii);

2239 ~~[(c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to~~
2240 ~~provide a realistic opportunity to meet the need for additional moderate income housing; and]~~

2241 (c) for a specified county as defined in Section 17-27-408, a moderate income housing

element as provided in Subsection [17-27a-403\(2\)\(a\)\(iii\)](#); and

(d) ~~[before August 1, 2017,]~~ a resource management plan as provided by Subsection [17-27a-403\(2\)\(a\)\(iv\)](#).

Section 14. Section **17-27a-408** is amended to read:

17-27a-408. Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.

~~[(1) The legislative body of each county of the first, second, or third class, which has a population in the county's unincorporated areas of more than 5,000 residents, shall annually:]~~

~~[(a) review the moderate income housing plan element of the county's general plan and implementation of that element of the general plan;]~~

~~[(b) prepare a report on the findings of the review described in Subsection (1)(a); and]~~

~~[(c) post the report described in Subsection (1)(b) on the county's website.]~~

~~[(2) The report described in Subsection (1) shall include:]~~

~~[(a) a revised estimate of the need for moderate income housing in the unincorporated areas of the county for the next five years;]~~

~~[(b) a description of progress made within the unincorporated areas of the county to provide moderate income housing demonstrated by analyzing and publishing data on the number of housing units in the county that are at or below:]~~

~~[(i) 80% of the adjusted median family income;]~~

~~[(ii) 50% of the adjusted median family income; and]~~

~~[(iii) 30% of the adjusted median family income;]~~

~~[(c) a description of any efforts made by the county to utilize a moderate income housing set-aside from a community reinvestment agency, redevelopment agency, or a community development and renewal agency; and]~~

~~[(d) a description of how the county has implemented any of the recommendations related to moderate income housing described in Subsection [17-27a-403\(2\)\(b\)\(ii\)](#).]~~

~~[(3) The legislative body of each county described in Subsection (1) shall send a copy of the report under Subsection (1) to the Department of Workforce Services, the association of~~

2270 ~~governments in which the county is located, and, if the unincorporated area of the county is~~
2271 ~~located within the boundaries of a metropolitan planning organization, the appropriate~~
2272 ~~metropolitan planning organization.]~~ (1) As used in this section:

2273 (a) "Division" means the Housing and Community Development Division within the
2274 Department of Workforce Services.

2275 (b) "Implementation plan" means the implementation plan adopted as part of the
2276 moderate income housing element of a specified county's general plan as provided in
2277 Subsection [10-9a-403](#)(2)(c).

2278 (c) "Moderate income housing report" or "report" means the report described in
2279 Subsection (2)(a).

2280 (d) "Moderate income housing strategy" means a strategy described in Subsection
2281 [17-27a-403](#)(2)(b)(ii).

2282 (e) "Specified county" means a county of the first, second, or third class, which has a
2283 population of more than 5,000 in the county's unincorporated areas.

2284 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative
2285 body of a specified county shall annually submit a written moderate income housing report to
2286 the division.

2287 (b) The moderate income housing report submitted in 2022 shall include:

2288 (i) a description of each moderate income housing strategy selected by the specified
2289 county for implementation; and

2290 (ii) an implementation plan.

2291 (c) The moderate income housing report submitted in each calendar year after 2022
2292 shall include:

2293 (i) the information required under Subsection (2)(b);

2294 (ii) a description of each action, whether one-time or ongoing, taken by the specified
2295 county during the previous fiscal year to implement the moderate income housing strategies
2296 selected by the specified county for implementation;

2297 (iii) a description of each land use regulation or land use decision made by the

2298 specified county during the previous fiscal year to implement the moderate income housing
2299 strategies, including an explanation of how the land use regulation or land use decision
2300 supports the specified county's efforts to implement the moderate income housing strategies;
2301 (iv) a description of any barriers encountered by the specified county in the previous
2302 fiscal year in implementing the moderate income housing strategies; and
2303 (v) information regarding the number of internal and external or detached accessory
2304 dwelling units located within the specified county for which the specified county:
2305 (A) issued a building permit to construct; or
2306 (B) issued a business license to rent;
2307 (vi) a description of how the market has responded to the selected moderate income
2308 housing strategies, including the number of entitled moderate income housing units or other
2309 relevant data; and
2310 (vii) any recommendations on how the state can support the specified county in
2311 implementing the moderate income housing strategies.
2312 (d) The moderate income housing report shall be in a form:
2313 (i) approved by the division; and
2314 (ii) made available by the division on or before July 1 of the year in which the report is
2315 required.
2316 (3) Within 90 days after the day on which the division receives a specified county's
2317 moderate income housing report, the division shall:
2318 (a) post the report on the division's website;
2319 (b) send a copy of the report to the Department of Transportation, the Governor's
2320 Office of Planning and Budget, the association of governments in which the specified county is
2321 located, and, if the unincorporated area of the specified county is located within the boundaries
2322 of a metropolitan planning organization, the appropriate metropolitan planning organization;
2323 and
2324 (c) subject to Subsection (4), review the report to determine compliance with
2325 Subsection (2).

2326 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the
2327 report:

2328 (i) includes the information required under Subsection (2)(b);

2329 (ii) demonstrates to the division that the specified county made plans to implement
2330 three or more moderate income housing strategies; and

2331 (iii) is in a form approved by the division.

2332 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the
2333 report:

2334 (i) includes the information required under Subsection (2)(c);

2335 (ii) demonstrates to the division that the specified county made plans to implement
2336 three or more moderate income housing strategies;

2337 (iii) is in a form approved by the division; and

2338 (iv) provides sufficient information for the division to:

2339 (A) assess the specified county's progress in implementing the moderate income
2340 housing strategies;

2341 (B) monitor compliance with the specified county's implementation plan;

2342 (C) identify a clear correlation between the specified county's land use decisions and
2343 efforts to implement the moderate income housing strategies; and

2344 (D) identify how the market has responded to the specified county's selected moderate
2345 income housing strategies.

2346 (5) (a) A specified county qualifies for priority consideration under this Subsection (5)
2347 if the specified county's moderate income housing report:

2348 (i) complies with Subsection (2); and

2349 (ii) demonstrates to the division that the specified county made plans to implement five
2350 or more moderate income housing strategies.

2351 (b) The following apply to a specified county described in Subsection (5)(a) during the
2352 fiscal year immediately following the fiscal year in which the report is required:

2353 (i) the Transportation Commission may give priority consideration to transportation

2354 projects located within the unincorporated areas of the specified county in accordance with
2355 Subsection 72-1-304(3)(c); and

2356 (ii) the Governor's Office of Planning and Budget may give priority consideration for
2357 awarding financial grants to the specified county under the COVID-19 Local Assistance
2358 Matching Grant Program in accordance with Subsection 63J-4-802(6).

2359 (c) Upon determining that a specified county qualifies for priority consideration under
2360 this Subsection (5), the division shall send a notice of prioritization to the legislative body of
2361 the specified county, the Department of Transportation, and the Governor's Office of Planning
2362 and Budget.

2363 (d) The notice described in Subsection (5)(c) shall:

2364 (i) name the specified county that qualifies for priority consideration;

2365 (ii) describe the funds or projects for which the specified county qualifies to receive
2366 priority consideration;

2367 (iii) specify the fiscal year during which the specified county qualifies for priority
2368 consideration; and

2369 (iv) state the basis for the division's determination that the specified county qualifies
2370 for priority consideration.

2371 (6) (a) If the division, after reviewing a specified county's moderate income housing
2372 report, determines that the report does not comply with Subsection (2), the division shall send a
2373 notice of noncompliance to the legislative body of the specified county.

2374 (b) The notice described in Subsection (6)(a) shall:

2375 (i) describe each deficiency in the report and the actions needed to cure each
2376 deficiency;

2377 (ii) state that the specified county has an opportunity to cure the deficiencies within 90
2378 days after the day on which the notice is sent; and

2379 (iii) state that failure to cure the deficiencies within 90 days after the day on which the
2380 notice is sent will result in ineligibility for funds under Subsection (7).

2381 (7) (a) A specified county is ineligible for funds under this Subsection (7) if the

2382 specified county:

2383 (i) fails to submit a moderate income housing report to the division; or

2384 (ii) fails to cure the deficiencies in the specified county's moderate income housing
2385 report within 90 days after the day on which the division sent to the specified county a notice of
2386 noncompliance under Subsection (6).

2387 (b) The following apply to a specified county described in Subsection (7)(a) during the
2388 fiscal year immediately following the fiscal year in which the report is required:

2389 (i) the executive director of the Department of Transportation may not program funds
2390 from the Transportation Investment Fund of 2005, including the Transit Transportation
2391 Investment Fund, to projects located within the unincorporated areas of the specified county in
2392 accordance with Subsection 72-2-124(6); and

2393 (ii) the Governor's Office of Planning and Budget may not award financial grants to the
2394 specified county under the COVID-19 Local Assistance Matching Grant Program in
2395 accordance with Subsection 63J-4-802(7).

2396 (c) Upon determining that a specified county is ineligible for funds under this
2397 Subsection (7), the division shall send a notice of ineligibility to the legislative body of the
2398 specified county, the Department of Transportation, and the Governor's Office of Planning and
2399 Budget.

2400 (d) The notice described in Subsection (7)(c) shall:

2401 (i) name the specified county that is ineligible for funds;

2402 (ii) describe the funds for which the specified county is ineligible to receive;

2403 (iii) specify the fiscal year during which the specified county is ineligible for funds;

2404 and

2405 (iv) state the basis for the division's determination that the specified county is ineligible
2406 for funds.

2407 [(4)] (8) In a civil action seeking enforcement or claiming a violation of this section or
2408 of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only
2409 injunctive or other equitable relief.

2410 Section 15. Section **17-27a-508** is amended to read:

2411 **17-27a-508. Applicant's entitlement to land use application approval --**
2412 **Application relating to land in a high priority transportation corridor -- County's**
2413 **requirements and limitations -- Vesting upon submission of development plan and**
2414 **schedule.**

2415 (1) (a) (i) An applicant who has submitted a complete land use application, including
2416 the payment of all application fees, is entitled to substantive review of the application under the
2417 land use regulations:

2418 (A) in effect on the date that the application is complete; and

2419 (B) applicable to the application or to the information shown on the submitted
2420 application.

2421 (ii) An applicant is entitled to approval of a land use application if the application
2422 conforms to the requirements of the applicable land use regulations, land use decisions, and
2423 development standards in effect when the applicant submits a complete application and pays all
2424 application fees, unless:

2425 (A) the land use authority, on the record, formally finds that a compelling,
2426 countervailing public interest would be jeopardized by approving the application and specifies
2427 the compelling, countervailing public interest in writing; or

2428 (B) in the manner provided by local ordinance and before the applicant submits the
2429 application, the county formally initiates proceedings to amend the county's land use
2430 regulations in a manner that would prohibit approval of the application as submitted.

2431 (b) The county shall process an application without regard to proceedings the county
2432 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

2433 (i) 180 days have passed since the county initiated the proceedings; and

2434 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
2435 application as submitted.

2436 (c) A land use application is considered submitted and complete when the applicant
2437 provides the application in a form that complies with the requirements of applicable ordinances

2438 and pays all applicable fees.

2439 (d) The continuing validity of an approval of a land use application is conditioned upon
2440 the applicant proceeding after approval to implement the approval with reasonable diligence.

2441 (e) A county may not impose on an applicant who has submitted a complete
2442 application a requirement that is not expressed:

2443 (i) in this chapter;

2444 (ii) in a county ordinance; or

2445 (iii) in a county specification for public improvements applicable to a subdivision or
2446 development that is in effect on the date that the applicant submits an application.

2447 (f) A county may not impose on a holder of an issued land use permit or a final,
2448 unexpired subdivision plat a requirement that is not expressed:

2449 (i) in a land use permit;

2450 (ii) on the subdivision plat;

2451 (iii) in a document on which the land use permit or subdivision plat is based;

2452 (iv) in the written record evidencing approval of the land use permit or subdivision
2453 plat;

2454 (v) in this chapter; or

2455 (vi) in a county ordinance.

2456 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
2457 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
2458 failure to comply with a requirement that is not expressed:

2459 (i) in the building permit or subdivision plat, documents on which the building permit
2460 or subdivision plat is based, or the written record evidencing approval of the building permit or
2461 subdivision plat; or

2462 (ii) in this chapter or the county's ordinances.

2463 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
2464 where an applicant has met all requirements essential for the public health, public safety, and
2465 general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted landscaping or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on which a subdivision plat is recorded, a county may not impose on a building permit applicant for a single-family dwelling located within the subdivision any land use regulation that is enacted within 10 years after the day on which the subdivision plat is recorded.

(b) Subsection (4)(a) does not apply to any changes in the requirements of the applicable building code, health code, or fire code, or other similar regulations.

(5) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(6) (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601[(5)](6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).

(b) Upon delivery of a written notice described in Subsection (6)(a) the following are

2494 rescinded and are of no further force or effect:

2495 (i) the relevant land use approval; and

2496 (ii) any land use regulation enacted specifically in relation to the land use approval.

2497 Section 16. Section **17B-2a-802** is amended to read:

2498 **17B-2a-802. Definitions.**

2499 As used in this part:

2500 (1) "Affordable housing" means housing occupied or reserved for occupancy by
2501 households that meet certain gross household income requirements based on the area median
2502 income for households of the same size.

2503 (a) "Affordable housing" may include housing occupied or reserved for occupancy by
2504 households that meet specific area median income targets or ranges of area median income
2505 targets.

2506 (b) "Affordable housing" does not include housing occupied or reserved for occupancy
2507 by households with gross household incomes that are more than 60% of the area median
2508 income for households of the same size.

2509 (2) "Appointing entity" means the person, county, unincorporated area of a county, or
2510 municipality appointing a member to a public transit district board of trustees.

2511 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a
2512 small public transit district to serve as chief executive officer.

2513 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities
2514 defined in Sections [17B-2a-810](#) and [17B-2a-811](#) and includes all rights, duties, and
2515 responsibilities assigned to the general manager but prescribed by the board of trustees to be
2516 fulfilled by the chief executive officer.

2517 (4) "Council of governments" means a decision-making body in each county composed
2518 of membership including the county governing body and the mayors of each municipality in the
2519 county.

2520 (5) "Department" means the Department of Transportation created in Section [72-1-201](#).

2521 (6) "Executive director" means a person appointed by the board of trustees of a large

2522 public transit district to serve as executive director.

2523 (7) (a) "General manager" means a person appointed by the board of trustees of a small
2524 public transit district to serve as general manager.

2525 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in
2526 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public
2527 transit district.

2528 (8) "Large public transit district" means a public transit district that provides public
2529 transit to an area that includes:

2530 (a) more than 65% of the population of the state based on the most recent official
2531 census or census estimate of the United States Census Bureau; and

2532 (b) two or more counties.

2533 (9) (a) "Locally elected public official" means a person who holds an elected position
2534 with a county or municipality.

2535 (b) "Locally elected public official" does not include a person who holds an elected
2536 position if the elected position is not with a county or municipality.

2537 (10) "Metropolitan planning organization" means the same as that term is defined in
2538 Section 72-1-208.5.

2539 (11) "Multicounty district" means a public transit district located in more than one
2540 county.

2541 (12) "Operator" means a public entity or other person engaged in the transportation of
2542 passengers for hire.

2543 (13) (a) "Public transit" means regular, continuing, shared-ride, surface transportation
2544 services that are open to the general public or open to a segment of the general public defined
2545 by age, disability, or low income.

2546 (b) "Public transit" does not include transportation services provided by:

2547 (i) chartered bus;

2548 (ii) sightseeing bus;

2549 (iii) taxi;

- 2550 (iv) school bus service;
- 2551 (v) courtesy shuttle service for patrons of one or more specific establishments; or
- 2552 (vi) intra-terminal or intra-facility shuttle services.
- 2553 (14) "Public transit district" means a local district that provides public transit services.
- 2554 (15) "Small public transit district" means any public transit district that is not a large
- 2555 public transit district.
- 2556 ~~[(16) "Station area plan" means a plan adopted by the relevant municipality or county~~
- 2557 ~~that establishes and preserves a vision for areas within one-half mile of a fixed guideway~~
- 2558 ~~station of a large public transit district, the development of which includes:]~~
- 2559 ~~[(a) involvement of all relevant stakeholders who have an interest in the station area,~~
- 2560 ~~including relevant metropolitan planning organizations;]~~
- 2561 ~~[(b) identification of major infrastructural and policy constraints and a course of action~~
- 2562 ~~to address those constraints; and]~~
- 2563 ~~[(c) other criteria as determined by the board of trustees of the relevant public transit~~
- 2564 ~~district.]~~
- 2565 (16) "Station area plan" means a plan developed and adopted by a municipality in
- 2566 accordance with Section [10-9a-403.1](#).
- 2567 (17) "Transit facility" means a transit vehicle, transit station, depot, passenger loading
- 2568 or unloading zone, parking lot, or other facility:
- 2569 (a) leased by or operated by or on behalf of a public transit district; and
- 2570 (b) related to the public transit services provided by the district, including:
- 2571 (i) railway or other right-of-way;
- 2572 (ii) railway line; and
- 2573 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
- 2574 a transit vehicle.
- 2575 (18) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle
- 2576 operated as public transportation by a public transit district.
- 2577 (19) "Transit-oriented development" means a mixed use residential or commercial area

that is designed to maximize access to public transit and includes the development of land owned by a large public transit district.

(20) "Transit-supportive development" means a mixed use residential or commercial area that is designed to maximize access to public transit and does not include the development of land owned by a large public transit district.

Section 17. Section **17B-2a-804** is amended to read:

17B-2a-804. Additional public transit district powers.

(1) In addition to the powers conferred on a public transit district under Section **17B-1-103**, a public transit district may:

(a) provide a public transit system for the transportation of passengers and their incidental baggage;

(b) notwithstanding Subsection **17B-1-103**(2)(g) and subject to Section **17B-2a-817**, levy and collect property taxes only for the purpose of paying:

(i) principal and interest of bonded indebtedness of the public transit district; or

(ii) a final judgment against the public transit district if:

(A) the amount of the judgment exceeds the amount of any collectable insurance or indemnity policy; and

(B) the district is required by a final court order to levy a tax to pay the judgment;

(c) insure against:

(i) loss of revenues from damage to or destruction of some or all of a public transit system from any cause;

(ii) public liability;

(iii) property damage; or

(iv) any other type of event, act, or omission;

(d) acquire, contract for, lease, construct, own, operate, control, or use:

(i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal, parking lot, or any other facility necessary or convenient for public transit service; or

(ii) any structure necessary for access by persons and vehicles;

2606 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
2607 equipment, service, employee, or management staff of an operator; and

2608 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
2609 public interest;

2610 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;

2611 (g) accept a grant, contribution, or loan, directly through the sale of securities or
2612 equipment trust certificates or otherwise, from the United States, or from a department,
2613 instrumentality, or agency of the United States;

2614 (h) study and plan transit facilities in accordance with any legislation passed by
2615 Congress;

2616 (i) cooperate with and enter into an agreement with the state or an agency of the state
2617 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
2618 transit facilities;

2619 (j) subject to Subsection 17B-2a-808.1(5), issue bonds as provided in and subject to
2620 Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;

2621 (k) from bond proceeds or any other available funds, reimburse the state or an agency
2622 of the state for an advance or contribution from the state or state agency;

2623 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
2624 under federal law, including complying with labor standards and making arrangements for
2625 employees required by the United States or a department, instrumentality, or agency of the
2626 United States;

2627 (m) sell or lease property;

2628 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
2629 transit-supportive developments;

2630 (o) establish, finance, participate as a limited partner or member in a development with
2631 limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or
2632 operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented
2633 developments or transit-supportive developments; and

(p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a transit-oriented development or a transit-supportive development in connection with project area development as defined in Section 17C-1-102 by:

(i) investing in a project as a limited partner or a member, with limited liabilities; or
(ii) subordinating an ownership interest in real property owned by the public transit district.

(2) (a) A public transit district may only assist in the development of areas under Subsection (1)(p) that have been approved by the board of trustees, and in the manners described in Subsection (1)(p).

(b) A public transit district may not invest in a transit-oriented development or transit-supportive development as a limited partner or other limited liability entity under the provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity, makes an equity contribution equal to no less than 25% of the appraised value of the property to be contributed by the public transit district.

(c) (i) For transit-oriented development projects, a public transit district shall adopt transit-oriented development policies and guidelines that include provisions on affordable housing.

(ii) For transit-supportive development projects, a public transit district shall work with the metropolitan planning organization and city and county governments where the project is located to collaboratively seek to create joint plans for the areas within one-half mile of transit stations, including plans for affordable housing.

(d) A current board member of a public transit district to which the board member is appointed may not have any interest in the transactions engaged in by the public transit district pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's fiduciary duty as a board member.

(3) For any transit-oriented development or transit-supportive development authorized in this section, the public transit district shall:

(a) perform a cost-benefit analysis of the monetary investment and expenditures of the

2662 development, including effect on:

2663 (i) service and ridership;

2664 (ii) regional plans made by the metropolitan planning agency;

2665 (iii) the local economy;

2666 (iv) the environment and air quality;

2667 (v) affordable housing; and

2668 (vi) integration with other modes of transportation; and

2669 (b) provide evidence to the public of a quantifiable positive return on investment,

2670 including improvements to public transit service.

2671 (4) A public transit district may ~~[not]~~ participate in a transit-oriented development only

2672 if:

2673 (a) for a transit-oriented development involving a municipality:

2674 (i) the relevant municipality ~~[or county]~~ has ~~[not]~~ developed and adopted a station area

2675 plan; and

2676 ~~[(b) (i) for a transit-oriented development involving a municipality,]~~

2677 (ii) the municipality is ~~[not]~~ in compliance with Sections 10-9a-403 and 10-9a-408

2678 regarding the inclusion of moderate income housing in the general plan and the required

2679 reporting requirements; or

2680 ~~[(ii)]~~ (b) for a transit-oriented development involving property in an unincorporated

2681 area of a county, the county is ~~[not]~~ in compliance with Sections 17-27a-403 and 17-27a-408

2682 regarding inclusion of moderate income housing in the general plan and required reporting

2683 requirements.

2684 (5) A public transit district may be funded from any combination of federal, state,

2685 local, or private funds.

2686 (6) A public transit district may not acquire property by eminent domain.

2687 Section 18. Section **20A-7-601** is amended to read:

2688 **20A-7-601. Referenda -- General signature requirements -- Signature**

2689 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**

Time requirements.

(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

(b) "Qualifying county" means a county that has created a small public transit district, as defined in Section [17B-2a-802](#), on or before January 1, 2022.

(c) "Qualifying transit area" means:

(i) a station area, as defined in Section [10-9a-403.1](#), for which the municipality with jurisdiction over the station area has satisfied the requirements of Subsection [10-9a-403.1\(2\)\(a\)](#), as demonstrated by the adoption of a station area plan or resolution under Subsection [10-9a-403.1\(2\)](#); or

(ii) a housing and transit reinvestment zone, as defined in Section [63N-3-602](#), created within a qualifying county.

~~[(b)]~~ (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

~~[(c)]~~ (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, town, or metro township.

(ii) "Subjurisdictional law" does not include a land use law.

(f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.

~~[(d)]~~ (g) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#) or (2)(b).

(2) Except as provided in ~~[Subsection (3) or (4)]~~ Subsections (3) through (5), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county of the first class:

- 2718 (i) 7.75% of the number of active voters in the county; and
2719 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%
2720 of the county's voter participation areas;
- 2721 (b) for a metro township with a population of 100,000 or more, or a city of the first
2722 class:
- 2723 (i) 7.5% of the number of active voters in the metro township or city; and
2724 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
2725 of the metro township's or city's voter participation areas;
- 2726 (c) for a county of the second class:
- 2727 (i) 8% of the number of active voters in the county; and
2728 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of
2729 the county's voter participation areas;
- 2730 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
2731 a city of the second class:
- 2732 (i) 8.25% of the number of active voters in the metro township or city; and
2733 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%
2734 of the metro township's or city's voter participation areas;
- 2735 (e) for a county of the third class:
- 2736 (i) 9.5% of the number of active voters in the county; and
2737 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
2738 of the county's voter participation areas;
- 2739 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
2740 city of the third class:
- 2741 (i) 10% of the number of active voters in the metro township or city; and
2742 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
2743 of the metro township's or city's voter participation areas;
- 2744 (g) for a county of the fourth class:
- 2745 (i) 11.5% of the number of active voters in the county; and

2746 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
2747 of the county's voter participation areas;

2748 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
2749 city of the fourth class:

2750 (i) 11.5% of the number of active voters in the metro township or city; and

2751 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
2752 of the metro township's or city's voter participation areas;

2753 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
2754 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
2755 township, city, or county; or

2756 (j) for a metro township with a population of less than 1,000, a town, or a county of the
2757 sixth class, 35% of the number of active voters in the metro township, town, or county.

2758 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land
2759 use law or local obligation law passed by the local legislative body submitted to a vote of the
2760 people shall obtain legal signatures equal to:

2761 (a) for a county of the first, second, third, or fourth class:

2762 (i) 16% of the number of active voters in the county; and

2763 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2764 of the county's voter participation areas;

2765 (b) for a county of the fifth or sixth class:

2766 (i) 16% of the number of active voters in the county; and

2767 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2768 of the county's voter participation areas;

2769 (c) for a metro township with a population of 100,000 or more, or a city of the first
2770 class:

2771 (i) 15% of the number of active voters in the metro township or city; and

2772 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
2773 of the metro township's or city's voter participation areas;

2774 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
2775 a city of the second class:

2776 (i) 16% of the number of active voters in the metro township or city; and

2777 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2778 of the metro township's or city's voter participation areas;

2779 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a
2780 city of the third class:

2781 (i) 27.5% of the number of active voters in the metro township or city; and

2782 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%
2783 of the metro township's or city's voter participation areas;

2784 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a
2785 city of the fourth class:

2786 (i) 29% of the number of active voters in the metro township or city; and

2787 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
2788 of the metro township's or city's voter participation areas;

2789 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
2790 city of the fifth class, 35% of the number of active voters in the metro township or city; or

2791 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
2792 number of active voters in the metro township or town.

2793 (4) A person seeking to have a subjurisdictional law passed by the local legislative
2794 body submitted to a vote of the people shall obtain legal signatures of the residents in the
2795 subjurisdiction equal to:

2796 (a) 10% of the number of active voters in the subjurisdiction if the number of active
2797 voters exceeds 25,000;

2798 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of
2799 active voters does not exceed 25,000 but is more than 10,000;

2800 (c) 15% of the number of active voters in the subjurisdiction if the number of active
2801 voters does not exceed 10,000 but is more than 2,500;

2802 (d) 20% of the number of active voters in the subjurisdiction if the number of active
2803 voters does not exceed 2,500 but is more than 500;

2804 (e) 25% of the number of active voters in the subjurisdiction if the number of active
2805 voters does not exceed 500 but is more than 250; and

2806 (f) 30% of the number of active voters in the subjurisdiction if the number of active
2807 voters does not exceed 250.

2808 (5) An eligible voter seeking to have a transit area land use law passed by the local
2809 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

2810 (a) for a county:

2811 (i) 20% of the number of active voters in the county; and

2812 (ii) 21% of the number of active voters in at least 75% of the county's voter
2813 participation areas;

2814 (b) for a metro township with a population of 100,000 or more, or a city of the first
2815 class:

2816 (i) 20% of the number of active voters in the metro township or city; and

2817 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's
2818 voter participation areas;

2819 (c) for a metro township with a population of 65,000 or more but less than 100,000, or
2820 a city of the second class:

2821 (i) 20% of the number of active voters in the metro township or city; and

2822 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's
2823 voter participation areas;

2824 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a
2825 city of the third class:

2826 (i) 34% of the number of active voters in the metro township or city; and

2827 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's
2828 voter participation areas;

2829 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a

2830 city of the fourth class:

2831 (i) 36% of the number of active voters in the metro township or city; and

2832 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's

2833 voter participation areas; or

2834 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a

2835 town, 40% of the number of active voters in the metro township, city, or town.

2836 ~~[(5)]~~ (6) Sponsors of any referendum petition challenging, under Subsection (2), (3),

2837 ~~[or]~~ (4), or (5), any local law passed by a local legislative body shall file the application before

2838 5 p.m. within seven days after the day on which the local law was passed.

2839 ~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or

2840 other payment obligation on a subjurisdiction in order to benefit an area outside of the

2841 subjurisdiction.

2842 Section 19. Section **20A-7-602.8** is amended to read:

2843 **20A-7-602.8. Referability to voters of local land use law -- Limitations on**

2844 **referability to voters of transit area land use law.**

2845 (1) Within 20 days after the day on which an eligible voter files an application to

2846 circulate a referendum petition under Section **20A-7-602** for a land use law, counsel for the

2847 county, city, town, or metro township to which the referendum pertains shall:

2848 (a) review the application to determine whether the proposed referendum is legally

2849 referable to voters; and

2850 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

2851 (i) legally referable to voters; or

2852 (ii) rejected as not legally referable to voters.

2853 (2) ~~(a) [For a land use law, a]~~ (a) Subject to Subsection (2)(b), for a land use law, a

2854 proposed referendum is legally referable to voters unless:

2855 ~~[(a)]~~ (i) the proposed referendum challenges an action that is administrative, rather than

2856 legislative, in nature;

2857 ~~[(b)]~~ (ii) the proposed referendum challenges a land use decision, rather than a land use

2858 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

2859 ~~[(c)]~~ (iii) the proposed referendum challenges more than one law passed by the local
2860 legislative body; or

2861 ~~[(d)]~~ (iv) the application for the proposed referendum was not timely filed or does not
2862 comply with the requirements of this part.

2863 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not
2864 legally referable to voters for a transit area land use law, as defined in Section 20A-7-601, if
2865 the transit area land use law was passed by a two-thirds vote of the local legislative body.

2866 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
2867 or metro township may not, for a land use law:

2868 (a) reject a proposed referendum as not legally referable to voters; or

2869 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
2870 proposed referendum on the grounds that the proposed referendum is not legally referable to
2871 voters.

2872 (4) (a) If a county, city, town, or metro township rejects a proposed referendum
2873 concerning a land use law, a sponsor of the proposed referendum may, within seven days after
2874 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision
2875 to:

2876 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

2877 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
2878 under Subsection (4)(a)(i).

2879 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection
2880 (4)(a) terminates the referendum.

2881 (5) If, on challenge or appeal, the court determines that the proposed referendum is
2882 legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within
2883 five days after the day on which the determination, and any challenge or appeal of the
2884 determination, is final.

2885 Section 20. Section 35A-8-101 is amended to read:

35A-8-101. Definitions.

As used in this chapter:

(1) "Accessible housing" means housing which has been constructed or modified to be accessible, as described in the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

(2) "Director" means the director of the division.

(3) "Division" means the Housing and Community Development Division.

(4) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(5) "Moderate income housing unit" means a housing unit that qualifies as moderate income housing.

Section 21. Section **35A-8-503** is amended to read:

35A-8-503. Housing loan fund board -- Duties -- Expenses.

(1) There is created the Olene Walker Housing Loan Fund Board.

(2) The board is composed of ~~[11]~~ 13 voting members.

(a) The governor shall appoint the following members to four-year terms:

(i) two members from local governments~~[;]~~, of which:

(A) one member shall be a locally elected official who resides in a county of the first or second class; and

(B) one member shall be a locally elected official who resides in a county of the third, fourth, fifth, or sixth class;

(ii) two members from the mortgage lending community~~[;]~~, of which:

(A) one member shall have expertise in single-family mortgage lending; and

(B) one member shall have expertise in multi-family mortgage lending;

(iii) one member from real estate sales interests;

(iv) ~~[one member]~~ two members from home builders interests~~[;]~~, of which:

(A) one member shall have expertise in single-family residential construction; and

2914 (B) one member shall have expertise in multi-family residential construction;
2915 (v) one member from rental housing interests;
2916 (vi) ~~[one member]~~ two members from housing advocacy interests[;], of which:
2917 (A) one member who resides within any area in a county of the first or second class;
2918 and
2919 (B) one member who resides within any area in a county of the third, fourth, fifth, or
2920 sixth class;
2921 (vii) one member of the manufactured housing interest;
2922 (viii) one member with expertise in transit-oriented developments; and
2923 (ix) one member who represents rural interests.
2924 (b) The director or the director's designee serves as the secretary of the board.
2925 (c) The members of the board shall annually elect a chair from among the voting
2926 membership of the board.
2927 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
2928 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2929 board members are staggered so that approximately half of the board is appointed every two
2930 years.
2931 (b) When a vacancy occurs in the membership for any reason, the replacement is
2932 appointed for the unexpired term.
2933 (4) (a) The board shall:
2934 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by
2935 the board;
2936 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to
2937 provide information to and receive input from the public regarding the state's housing policies
2938 and needs;
2939 (iii) keep minutes of its meetings; and
2940 (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open and
2941 Public Meetings Act.

(b) ~~[Six]~~ Seven members of the board constitute a quorum, and the governor, the chair, or a majority of the board may call a meeting of the board.

(5) The board shall:

(a) review the housing needs in the state;

(b) determine the relevant operational aspects of any grant, loan, or revenue collection program established under the authority of this chapter;

(c) determine the means to implement the policies and goals of this chapter;

(d) select specific projects to receive grant or loan money; and

(e) determine how fund money shall be allocated and distributed.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section [63A-3-106](#);

(b) Section [63A-3-107](#); and

(c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).

Section 22. Section **35A-8-504** is amended to read:

35A-8-504. Distribution of fund money.

(1) As used in this section:

(a) "Community" means the same as that term is defined in Section [17C-1-102](#).

(b) "Income targeted housing" means the same as that term is defined in Section [17C-1-102](#).

~~[(1)]~~ (2) The executive director shall:

(a) make grants and loans from the fund for any of the activities authorized by Section [35A-8-505](#), as directed by the board;

(b) establish the criteria with the approval of the board by which loans and grants will be made; and

(c) determine with the approval of the board the order in which projects will be funded.

~~[(2)]~~ (3) The executive director shall distribute, as directed by the board, any federal

2970 money contained in the fund according to the procedures, conditions, and restrictions placed
2971 upon the use of the money by the federal government.

2972 ~~[(3)(a)]~~ (4) The executive director shall distribute, as directed by the board, any funds
2973 received under Section [17C-1-412](#) to pay the costs of providing income targeted housing within
2974 the community that created the community reinvestment agency under Title 17C, Limited
2975 Purpose Local Government Entities - Community Reinvestment Agency Act.

2976 ~~[(b) As used in Subsection (3)(a):]~~

2977 ~~[(i) "Community" means the same as that term is defined in Section [17C-1-102](#).]~~

2978 ~~[(ii) "Income targeted housing" means the same as that term is defined in Section~~
2979 ~~[17C-1-102](#).]~~

2980 ~~[(4)]~~ (5) Except for federal money, money received under Section [17C-1-412](#), and
2981 money appropriated for use in accordance with Section [35A-8-2105](#), the executive director
2982 shall distribute, as directed by the board, money in the fund according to the following
2983 requirements:

2984 ~~[(a) the executive director shall distribute at least 30% of the money in the fund to rural~~
2985 ~~areas of the state;]~~

2986 ~~[(b)]~~ (a) the executive director shall distribute at least 70% of the money in the fund to
2987 benefit persons whose annual income is at or below 50% of the median family income for the
2988 state;

2989 ~~[(c)]~~ (b) the executive director may ~~[not use more than]~~ use up to 3% of the revenues of
2990 the fund, including any appropriation to the fund, to offset department or board administrative
2991 expenses;

2992 ~~[(d)]~~ (c) the executive director shall distribute any remaining money in the fund to
2993 benefit persons whose annual income is at or below 80% of the median family income for the
2994 state; and

2995 ~~[(e)]~~ (d) if the executive director or the executive director's designee makes a loan in
2996 accordance with this section, the interest rate of the loan shall be based on the borrower's
2997 ability to pay.

2998 ~~[(5)]~~ (6) The executive director may, with the approval of the board:

2999 (a) enact rules to establish procedures for the grant and loan process by following the
3000 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
3001 and

3002 (b) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the
3003 servicing of loans made by the fund.

3004 Section 23. Section **35A-8-507.5** is amended to read:

3005 **35A-8-507.5. Predevelopment grants.**

3006 ~~[(1) The executive director under the direction of the board may:]~~

3007 ~~[(a) award one or more predevelopment grants to nonprofit or for-profit entities in
3008 preparation for the construction of low-income housing units;]~~

3009 ~~[(b) award a predevelopment grant in an amount of no more than \$50,000 per project;]~~

3010 ~~[(c) may only award a predevelopment grant in relation to a project in:]~~

3011 ~~[(i) a city of the fifth or sixth class, or a town, in a rural area of the state; or]~~

3012 ~~[(ii) any municipality or unincorporated area in a county of the fourth, fifth, or sixth
3013 class.]~~

3014 (1) The executive director may, under the direction of the board, award one or more
3015 predevelopment grants to a nonprofit or for-profit entity:

3016 (a) in preparation for a project that:

3017 (i) involves the construction of moderate income housing units; and

3018 (ii) is located within:

3019 (A) a city of the fifth or sixth class, or a town, in a rural area of the state; or

3020 (B) any municipality or unincorporated area in a county of the fourth, fifth, or sixth
3021 class; and

3022 (b) in an amount of no more than \$50,000 per project.

3023 (2) The executive director shall, under the direction of the board ~~[shall]~~, award each
3024 predevelopment grant in accordance with the provisions of this section and the provisions
3025 related to grant applications, grant awards, and reporting requirements in this part.

3026 (3) ~~[A]~~ The recipient of a predevelopment grant:

3027 (a) may ~~[be used by a recipient for offsetting]~~ use grant funds to offset the
3028 predevelopment funds needed to prepare for the construction of low-income housing units,
3029 including market studies, surveys, environmental and impact studies, technical assistance, and
3030 preliminary architecture, engineering, or legal work; and

3031 (b) may not ~~[be used by a recipient]~~ use grant funds to pay for staff salaries ~~[of a grant~~
3032 ~~recipient]~~ or construction costs.

3033 (4) The executive director shall, under the direction of the board ~~[shall]~~, prioritize the
3034 awarding of a predevelopment grant for a project ~~[in]~~ that is located within:

3035 (a) a county of the fifth or sixth class ~~[and where the municipality or unincorporated];~~
3036 and

3037 (b) an area that has underdeveloped infrastructure, as demonstrated by at least two of
3038 the following:

3039 ~~[(a)]~~ (i) limited or no availability of natural gas;

3040 ~~[(b)]~~ (ii) limited or no availability of a sewer system;

3041 ~~[(c)]~~ (iii) limited or no availability of broadband Internet;

3042 ~~[(d)]~~ (iv) unpaved residential streets; or

3043 ~~[(e)]~~ (v) limited local construction professionals, vendors, or services.

3044 Section 24. Section **35A-8-508** is amended to read:

3045 **35A-8-508. Annual accounting.**

3046 (1) The executive director shall monitor the activities of recipients of grants and loans
3047 issued under this part on a yearly basis to ensure compliance with the terms and conditions
3048 imposed on the recipient by the executive director with the approval of the board or by this
3049 part.

3050 (2) ~~[An]~~ Beginning July 1, 2021, an entity that receives ~~[a grant or loan]~~ any money
3051 from the fund under this part shall provide the executive director with an annual accounting of
3052 how the money the entity received from the fund has been spent.

3053 (3) The executive director shall make an annual report to the board accounting for the

3054 expenditures authorized by the board.

3055 (4) The board shall submit a report to the department for inclusion in the annual
3056 written report described in Section 35A-1-109:

3057 (a) accounting for expenditures authorized by the board; and

3058 (b) evaluating the effectiveness of the program.

3059 Section 25. Section 35A-8-509 is amended to read:

3060 **35A-8-509. Economic Revitalization and Investment Fund.**

3061 (1) There is created an enterprise fund known as the "Economic Revitalization and
3062 Investment Fund."

3063 (2) The Economic Revitalization and Investment Fund consists of money from the
3064 following:

3065 (a) money appropriated to the account by the Legislature;

3066 (b) private contributions;

3067 (c) donations or grants from public or private entities; and

3068 (d) money returned to the department under ~~[Section 35A-8-512]~~ Subsection
3069 35A-8-512(3)(a).

3070 (3) The Economic Revitalization and Investment Fund shall earn interest, which shall
3071 be deposited into the Economic Revitalization and Investment Fund.

3072 (4) The executive director may distribute money from the Economic Revitalization and
3073 Investment Fund to one or more projects that:

3074 (a) include affordable housing units for households~~[(i)]~~ whose income is no more
3075 than 30% of the area median income for households of the same size in the county or
3076 municipality where the project is located; and

3077 ~~[(ii) at rental rates no greater than the rates described in Subsection 35A-8-511(2)(b);~~
3078 ~~and]~~

3079 (b) have been approved by the board in accordance with Section 35A-8-510.

3080 (5) (a) A housing sponsor may apply to the department to receive a distribution in
3081 accordance with Subsection (4).

- 3082 (b) The application shall include:
- 3083 (i) the location of the project;
- 3084 (ii) the number, size, and tenant income requirements of affordable housing units
- 3085 described in Subsection (4)(a) that will be included in the project; and
- 3086 (iii) a written commitment to enter into a deed restriction that reserves for a period of
- 3087 30 years the affordable housing units described in Subsection (5)(b)(ii) or their equivalent for
- 3088 occupancy by households that meet the income requirements described in Subsection (5)(b)(ii).
- 3089 (c) The commitment in Subsection (5)(b)(iii) shall be considered met if a housing unit
- 3090 is:
- 3091 (i) (A) occupied or reserved for occupancy by a household whose income is no more
- 3092 than 30% of the area median income for households of the same size in the county or
- 3093 municipality where the project is located; or
- 3094 (B) occupied by a household whose income is no more than 60% of the area median
- 3095 income for households of the same size in the county or municipality where the project is
- 3096 located if that household met the income requirement described in Subsection (4)(a) when the
- 3097 household originally entered into the lease agreement for the housing unit; and
- 3098 (ii) rented at a rate no greater than the rate described in Subsection 35A-8-511(2)(b).
- 3099 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3100 department may make additional rules providing procedures for a person to apply to the
- 3101 department to receive a distribution described in Subsection (4).
- 3102 (6) The executive director may expend up to 3% of the revenues of the Economic
- 3103 Revitalization and Investment Fund, including any appropriation to the Economic
- 3104 Revitalization and Investment Fund, to offset department or board administrative expenses.
- 3105 Section 26. Section 35A-8-509.5 is enacted to read:
- 3106 **35A-8-509.5. Rural Housing Fund.**
- 3107 (1) There is created an enterprise fund known as the "Rural Housing Fund."
- 3108 (2) The Rural Housing Fund consists of money from the following:
- 3109 (a) money appropriated to the account by the Legislature;

3110 (b) private contributions;
3111 (c) donations or grants from public or private entities; and
3112 (d) money returned to the department under Subsection [35A-8-512\(3\)\(b\)](#).
3113 (3) The Rural Housing Fund shall earn interest, which shall be deposited into the Rural
3114 Housing Fund.
3115 (4) Subject to appropriation, the executive director may expend funds in the Rural
3116 Housing Fund to provide loans for projects that:
3117 (a) are located within:
3118 (i) a county of the third, fourth, fifth, or sixth class; or
3119 (ii) a municipality in a county of the second class with a population of 10,000 or less;
3120 (b) include moderate income housing units; and
3121 (c) have been approved by the board in accordance with Section [35A-8-510](#).
3122 (5) (a) A housing sponsor may apply to the department to receive a loan under this
3123 section.
3124 (b) An application under Subsection (5)(a) shall specify:
3125 (i) the location of the project;
3126 (ii) the number, size, and income requirements of moderate income housing units that
3127 will be included in the project; and
3128 (iii) a written commitment to enter into a deed restriction that reserves for a period of
3129 50 years the moderate income housing units described in Subsection (5)(b)(ii).
3130 (c) A commitment under Subsection (5)(b)(iii) shall be considered satisfied if a
3131 housing unit is occupied by a household that met the income requirement for moderate income
3132 housing when the household originally entered into the lease agreement for the housing unit.
3133 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3134 department may make rules establishing procedures and requirements for housing sponsors to
3135 apply for and receive loans under this section.
3136 (6) The executive director may expend up to 3% of the revenues of the Rural Housing
3137 Fund, including any appropriation to the Rural Housing Fund, to offset department or board

3138 administrative expenses.

3139 Section 27. Section **35A-8-510** is amended to read:

3140 **35A-8-510. Housing loan fund board approval.**

3141 (1) The board shall review the project applications described in [~~Subsection~~]

3142 Subsections 35A-8-509(5) and 35A-8-509.5(5).

3143 (2) (a) The board may approve a project that meets the requirements of Subsections
3144 35A-8-509(4) and (5) to receive funds from the Economic Revitalization and Investment Fund.

3145 (b) The board may approve a project that meets the requirements of Subsections
3146 35A-8-509.5(4) and (5) to receive funds from the Rural Housing Fund.

3147 (3) The board shall give preference to projects:

3148 (a) that include significant additional or matching funds from an individual, private
3149 organization, or local government entity;

3150 (b) that include significant contributions by the applicant to total project costs,
3151 including contributions secured by the applicant from other sources such as professional, craft,
3152 and trade services and lender interest rate subsidies;

3153 (c) with significant local government contributions in the form of infrastructure,
3154 improvements, or other assistance;

3155 (d) where the applicant has demonstrated the ability, stability, and resources to
3156 complete the project;

3157 (e) that will serve the greatest need;

3158 (f) that promote economic development benefits;

3159 (g) that allow integration into a local government housing plan;

3160 (h) that would mitigate or correct existing health, safety, or welfare concerns; or

3161 (i) that remedy a gap in the supply of and demand for affordable housing.

3162 Section 28. Section **35A-8-511** is amended to read:

3163 **35A-8-511. Activities authorized to receive account money.**

3164 [(+)] The executive director may distribute funds from the Economic Revitalization
3165 and Investment Fund and the Rural Housing Fund for any of the following activities

3166 undertaken as part of an approved project:

3167 ~~[(a)]~~ (1) the acquisition, rehabilitation, or new construction of a building that includes
3168 ~~[affordable]~~ moderate income housing units;

3169 ~~[(b)]~~ (2) the purchase of land for the construction of a building that will include
3170 ~~[affordable]~~ moderate income housing units; or

3171 ~~[(c)]~~ (3) pre-development work, including planning, studies, design, and site work for a
3172 building that will include ~~[affordable]~~ moderate income housing units.

3173 ~~[(2) The maximum amount of money that may be distributed from the Economic
3174 Revitalization and Investment Fund for each affordable housing unit that has been committed
3175 in accordance with Subsection 35A-8-509(5)(b)(iii) is the present value, based on the current
3176 market interest rate as determined by the board for a multi-family mortgage loan in the county
3177 or metropolitan area where the project is located, of 360 monthly payments equal to the
3178 difference between:]~~

3179 ~~[(a) the most recent United States Department of Housing and Urban Development fair
3180 market rent for a unit of the same size in the county or metropolitan area where the project is
3181 located; and]~~

3182 ~~[(b) an affordable rent equal to 30% of the income requirement described in Subsection
3183 35A-8-509(5)(b)(ii) for a household of:]~~

3184 ~~[(i) one person if the unit is an efficiency unit;]~~

3185 ~~[(ii) two people if the unit is a one-bedroom unit;]~~

3186 ~~[(iii) four people if the unit is a two-bedroom unit;]~~

3187 ~~[(iv) five people if the unit is a three-bedroom unit;]~~

3188 ~~[(v) six people if the unit is a four-bedroom unit; or]~~

3189 ~~[(vi) eight people if the unit is a five-bedroom or larger unit.]~~

3190 Section 29. Section **35A-8-512** is amended to read:

3191 **35A-8-512. Repayment of funds.**

3192 (1) Upon the earlier of 30 years from the date an approved project is placed in service
3193 or the sale or transfer of the affordable housing units acquired, constructed, or rehabilitated as

3194 part of an approved project funded under ~~[Section 35A-8-511]~~ Subsection 35A-8-511(1), the
3195 housing sponsor shall remit to the department:

3196 (a) the total amount of money distributed by the department to the housing sponsor for
3197 the project; and

3198 (b) an additional amount of money determined by contract with the department prior to
3199 the initial disbursement of money ~~[from the Economic Revitalization and Investment Fund]~~.

3200 (2) Any claim arising under Subsection (1) is a lien against the real property funded
3201 under this chapter.

3202 (3) (a) Any money returned to the department under Subsection (1) from a housing
3203 sponsor that received funds from the Economic Revitalization and Investment Fund shall be
3204 deposited in the Economic Revitalization and Investment Fund.

3205 (b) Any money returned to the department under Subsection (1) from a housing
3206 sponsor that received funds from the Rural Housing Fund shall be deposited in the Rural
3207 Housing Fund.

3208 Section 30. Section **35A-8-513** is amended to read:

3209 **35A-8-513. Annual accounting.**

3210 (1) The executive director shall monitor the activities of recipients of funds from the
3211 Economic Revitalization and Investment Fund and the Rural Housing Fund on a yearly basis to
3212 ensure compliance with the terms and conditions imposed on the recipient by the executive
3213 director with the approval of the board.

3214 (2) (a) A housing sponsor that receives funds from the Economic Revitalization and
3215 Investment Fund shall provide the executive director with an annual accounting of how the
3216 money the entity received from the Economic Revitalization and Investment Fund has been
3217 spent and evidence that the commitment described in Subsection 35A-8-509(5) has been met.

3218 (b) A housing sponsor that receives funds from the Rural Housing Fund shall provide
3219 the executive director with an annual accounting of how the money the entity received from the
3220 Rural Housing Fund has been spent and evidence that the commitment described in Subsection
3221 35A-8-509.5(5) has been met.

(3) The executive director shall make an annual report to the board accounting for the expenditures authorized by the board under the Economic Revitalization and Investment Fund and the Rural Housing Fund.

(4) The board shall submit a report to the department for inclusion in the annual written report described in Section 35A-1-109 that includes:

(a) an accounting for expenditures authorized by the board; and

(b) an evaluation of the effectiveness of ~~[the]~~ each program.

Section 31. Section 35A-8-803 is amended to read:

35A-8-803. Division -- Functions.

(1) In addition to any other functions the governor or Legislature may assign:

(a) the division shall:

(i) provide a clearinghouse of information for federal, state, and local housing assistance programs;

(ii) establish, in cooperation with political subdivisions, model plans and management methods to encourage or provide for the development of affordable housing that may be adopted by political subdivisions by reference;

(iii) undertake, in cooperation with political subdivisions, a realistic assessment of problems relating to housing needs, such as:

(A) inadequate supply of dwellings;

(B) substandard dwellings; and

(C) inability of medium and low income families to obtain adequate housing;

(iv) provide the information obtained under Subsection (1)(a)(iii) to:

(A) political subdivisions;

(B) real estate developers;

(C) builders;

(D) lending institutions;

(E) affordable housing advocates; and

(F) others having use for the information;

3250 (v) advise political subdivisions of serious housing problems existing within their
3251 jurisdiction that require concerted public action for solution;

3252 (vi) assist political subdivisions in defining housing objectives and in preparing for
3253 adoption a plan of action covering a five-year period designed to accomplish housing
3254 objectives within their jurisdiction; ~~[and]~~

3255 (vii) for municipalities or counties required to submit an annual moderate income
3256 housing report to the department as described in Section 10-9a-408 or 17-27a-408:

3257 (A) assist in the creation of the reports; and
3258 ~~[(B) evaluate the reports for the purposes of Subsections 72-2-124(5) and (6); and]~~
3259 (B) review the reports to meet the requirements of Sections 10-9a-408 and 17-27a-408;

3260 (viii) establish and maintain a database of moderate income housing units located
3261 within the state; and

3262 (ix) on or before December 1, 2022, develop and submit to the Commission on
3263 Housing Affordability a methodology for determining whether a municipality or county is
3264 taking sufficient measures to protect and promote moderate income housing in accordance with
3265 the provisions of Sections 10-9a-403 and 17-27a-403; and

3266 (b) within legislative appropriations, the division may accept for and on behalf of, and
3267 bind the state to, any federal housing or homeless program in which the state is invited,
3268 permitted, or authorized to participate in the distribution, disbursement, or administration of
3269 any funds or service advanced, offered, or contributed in whole or in part by the federal
3270 government.

3271 (2) The administration of any federal housing program in which the state is invited,
3272 permitted, or authorized to participate in distribution, disbursement, or administration of funds
3273 or services, except those administered by the Utah Housing Corporation, is governed by
3274 Sections 35A-8-501 through 35A-8-508.

3275 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3276 department shall make rules describing the ~~[evaluation]~~ review process for moderate income
3277 housing reports described in Subsection (1)(a)(vii).

3278 Section 32. Section **35A-8-2105** is amended to read:

3279 **35A-8-2105. Allocation of volume cap.**

3280 (1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed
3281 by the board of review to the allotment accounts as described in Section **35A-8-2106**.

3282 (b) The board of review may distribute up to 50% of each increase in the volume cap
3283 for use in development that occurs in quality growth areas, depending upon the board's analysis
3284 of the relative need for additional volume cap between development in quality growth areas
3285 and the allotment accounts under Section **35A-8-2106**.

3286 (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the
3287 board of review an application containing information required by the procedures and
3288 processes of the board of review.

3289 (3) (a) The board of review shall establish criteria for making allocations of volume
3290 cap that are consistent with the purposes of the code and this part.

3291 (b) In making an allocation of volume cap the board of review shall consider the
3292 following:

3293 (i) the principal amount of the bonds proposed to be issued;

3294 (ii) the nature and the location of the project or the type of program;

3295 (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;

3296 (iv) whether the project or program could obtain adequate financing without an
3297 allocation of volume cap;

3298 (v) the degree to which an allocation of volume cap is required for the project or
3299 program to proceed or continue;

3300 (vi) the social, health, economic, and educational effects of the project or program on
3301 the local community and state as a whole;

3302 (vii) the anticipated economic development created or retained within the local
3303 community and the state as a whole;

3304 (viii) the anticipated number of jobs, both temporary and permanent, created or
3305 retained within the local community and the state as a whole;

3306 (ix) if the project is a residential rental project, the degree to which the residential
3307 rental project:

3308 (A) targets lower income populations; and

3309 (B) is accessible housing; and

3310 (x) whether the project meets the principles of quality growth recommended by the
3311 Quality Growth Commission created in Section 11-38-201.

3312 (4) The board of review shall provide evidence of an allocation of volume cap by
3313 issuing a certificate in accordance with Section 35A-8-2107.

3314 (5) (a) [~~From~~] Subject to Subsection (5)(c), from January 1 to June 30 of each year, the
3315 board of review shall set aside at least 50% of the Small Issue Bond Account that may only be
3316 allocated to manufacturing projects.

3317 (b) [~~From~~] Subject to Subsection (5)(c), from July 1 to August 15 of each year, the
3318 board of review shall set aside at least 50% of the Pool Account that may only be allocated to
3319 manufacturing projects.

3320 (c) The board of review is not required to set aside any unused volume cap under
3321 Subsection 35A-8-2106(2)(c) to satisfy the requirements of Subsection (5)(a) or (b).

3322 Section 33. Section 35A-8-2106 is amended to read:

3323 **35A-8-2106. Allotment accounts.**

3324 (1) There are created the following allotment accounts:

3325 (a) the Single Family Housing Account, for which eligible issuing authorities are those
3326 authorized under the code and state statute to issue qualified mortgage bonds under Section 143
3327 of the code;

3328 (b) the Student Loan Account, for which eligible issuing authorities are those
3329 authorized under the code and state statute to issue qualified student loan bonds under Section
3330 144(b) of the code;

3331 (c) the Small Issue Bond Account, for which eligible issuing authorities are those
3332 authorized under the code and state statute to issue:

3333 (i) qualified small issue bonds under Section 144(a) of the code;

- 3334 (ii) qualified exempt facility bonds for qualified residential rental projects under
3335 Section 142(d) of the code; or
- 3336 (iii) qualified redevelopment bonds under Section 144(c) of the code;
- 3337 (d) the Exempt Facilities Account, for which eligible issuing authorities are those
3338 authorized under the code and state statute to issue any bonds requiring an allocation of volume
3339 cap other than for purposes described in ~~[Subsections]~~ Subsection (1)(a), (b), or (c);
- 3340 (e) the Pool Account, for which eligible issuing authorities are those authorized under
3341 the code and state statute to issue any bonds requiring an allocation of volume cap; and
- 3342 (f) the Carryforward Account, for which eligible issuing authorities are those with
3343 projects or programs qualifying under Section 146(f) of the code.
- 3344 (2) (a) The volume cap shall be distributed to the allotment accounts on January 1 of
3345 each year on the following basis:
- 3346 (i) 42% to the Single Family Housing Account;
- 3347 (ii) 33% to the Student Loan Account;
- 3348 (iii) 1% to the Exempt Facilities Account; and
- 3349 (iv) 24% to the Small Issue Bond Account.
- 3350 (b) From July 1 to September 30 of each year, the board of review may transfer any
3351 unallocated volume cap from the Exempt Facilities Account or the Small Issue Bond Account
3352 to the Pool Account.
- 3353 (c) Upon written notification by the issuing authorities eligible for volume cap
3354 allocation from the Single Family Housing Account or the Student Loan Account that all or a
3355 portion of volume cap distributed into that allotment account will not be used, the board of
3356 review may transfer the unused volume cap ~~[between the Single Family Housing Account and~~
3357 ~~the Student Loan Account]~~ to any other allotment account.
- 3358 (d) From October 1 to the third Friday of December of each year, the board of review
3359 shall transfer all unallocated volume cap into the Pool Account.
- 3360 (e) On the third Saturday of December of each year, the board of review shall transfer
3361 uncollected volume cap, or allocated volume cap for which bonds have not been issued prior to

the third Saturday of December, into the Carryforward Account.

(f) If the authority to issue bonds designated in any allotment account is rescinded by amendment to the code, the board of review may transfer any unallocated volume cap from that allotment account to any other allotment account.

Section 34. Section **35A-8-2203** is amended to read:

35A-8-2203. Duties of the commission.

(1) The commission's duties include:

(a) increasing public and government awareness and understanding of the housing affordability needs of the state and how those needs may be most effectively and efficiently met, through empirical study and investigation;

(b) identifying and recommending implementation of specific strategies, policies, procedures, and programs to address the housing affordability needs of the state;

(c) facilitating the communication and coordination of public and private entities that are involved in developing, financing, providing, advocating for, and administering affordable housing in the state;

(d) studying, evaluating, and reporting on the status and effectiveness of policies, procedures, and programs that address housing affordability in the state;

(e) studying and evaluating the policies, procedures, and programs implemented by other states that address housing affordability;

(f) providing a forum for public comment on issues related to housing affordability;
[and]

(g) providing recommendations to the governor and Legislature on strategies, policies, procedures, and programs to address the housing affordability needs of the state[-]; and

(h) on or before December 31, 2022, approving the methodology developed by the division under Subsection [35A-8-803\(1\)\(a\)\(ix\)](#).

(2) To accomplish its duties, the commission may:

(a) request and receive from a state or local government agency or institution summary information relating to housing affordability, including:

- 3390 (i) reports;
3391 (ii) audits;
3392 (iii) projections; and
3393 (iv) statistics; and
3394 (b) appoint one or more advisory groups to advise and assist the commission.
3395 (3) (a) A member of an advisory group described in Subsection (2)(b):
3396 (i) shall be appointed by the commission;
3397 (ii) may be:
3398 (A) a member of the commission; or
3399 (B) an individual from the private or public sector; and
3400 (iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for
3401 any work done in relation to the advisory group.
3402 (b) An advisory group described in Subsection (2)(b) shall report to the commission on
3403 the progress of the advisory group.
3404 Section 35. Section 63J-4-802 is amended to read:
3405 **63J-4-802. Creation of COVID-19 Local Assistance Matching Grant Program --**
3406 **Eligibility -- Duties of the office.**
3407 (1) There is established a grant program known as COVID-19 Local Assistance
3408 Matching Grant Program that is administered by the office.
3409 (2) The office shall award financial grants to local governments that meet the
3410 qualifications described in Subsection (3) to provide support for:
3411 (a) projects or services that address the economic impacts of the COVID-19 emergency
3412 on housing insecurity, lack of affordable housing, or homelessness;
3413 (b) costs incurred in addressing public health challenges resulting from the COVID-19
3414 emergency;
3415 (c) necessary investments in water and sewer infrastructure; or
3416 (d) any other purpose authorized under the American Rescue Plan Act.
3417 (3) To be eligible for a grant under this part, a local government shall:

- 3418 (a) provide matching funds in an amount determined by the office; and
3419 (b) certify that the local government will spend grant funds:
3420 (i) on a purpose described in Subsection (2);
3421 (ii) within the time period determined by the office; and
3422 (iii) in accordance with the American Rescue Plan Act.
3423 (4) As soon as is practicable, but on or before September 15, 2021, the office shall,
3424 with recommendations from the review committee, establish:
3425 (a) procedures for applying for and awarding grants under this part, using an online
3426 grants management system that:
3427 (i) manages each grant throughout the duration of the grant;
3428 (ii) allows for:
3429 (A) online submission of grant applications; and
3430 (B) auditing and reporting for a local government that receives grant funds; and
3431 (iii) generates reports containing information about each grant;
3432 (b) criteria for awarding grants; and
3433 (c) reporting requirements for grant recipients.
3434 (5) Subject to appropriation, the office shall award grant funds on a competitive basis
3435 until December 31, 2024.
3436 (6) If the office receives a notice of prioritization for a municipality as described in
3437 Subsection [10-9a-408](#)(5), or a notice of prioritization for a county as described in Subsection
3438 [17-27a-408](#)(5), the office may prioritize the awarding of a financial grant under this section to
3439 the municipality or county during the fiscal year specified in the notice.
3440 (7) If the office receives a notice of ineligibility for a municipality as described in
3441 Subsection [10-9a-408](#)(7), or a notice of ineligibility for a county as described in Subsection
3442 [17-27a-408](#)(7), the office may not award a financial grant under this section to the municipality
3443 or county during the fiscal year specified in the notice.
3444 ~~[(6)]~~ (8) Before November 30 of each year, ending November 30, 2025, the office shall
3445 submit a report to the Executive Appropriations Committee that includes:

- 3446 (a) a summary of the procedures, criteria, and requirements established under
3447 Subsection (4);
- 3448 (b) a summary of the recommendations of the review committee under Section
3449 [63J-4-803](#);
- 3450 (c) the number of applications submitted under the grant program during the previous
3451 year;
- 3452 (d) the number of grants awarded under the grant program during the previous year;
- 3453 (e) the aggregate amount of grant funds awarded under the grant program during the
3454 previous year; and
- 3455 (f) any other information the office considers relevant to evaluating the success of the
3456 grant program.
- 3457 ~~[(7)]~~ (9) The office may use funds appropriated by the Legislature for the grant
3458 program to pay for administrative costs.

3459 Section 36. Section **63L-12-101** is enacted to read:

3460 **CHAPTER 12. GRANTING OF REAL PROPERTY FOR MODERATE INCOME**
3461 **HOUSING**

3462 **63L-12-101. Definitions.**

3463 As used in this chapter:

3464 (1) "Governmental entity" means:

3465 (a) an agency, as that term is defined in Section [63G-10-102](#);

3466 (b) the School and Institutional Trust Lands Administration created in Section
3467 [53C-1-201](#);

3468 (c) the School and Institutional Trust Lands Board of Trustees created in Section
3469 [53C-1-202](#); or

3470 (d) a political subdivision, as that term is defined in Section [63L-11-102](#).

3471 (2) "Moderate income housing" means housing occupied or reserved for occupancy by
3472 households with a gross household income equal to or less than 80% of the median gross
3473 income for households of the same size in the county in which the housing is located.

(3) "Municipality" means the same as that term is defined in Section [10-1-104](#).

Section 37. Section **63L-12-102**, which is renumbered from Section 10-8-501 is renumbered and amended to read:

~~[10-8-501]~~. **63L-12-102. Grant of real property for moderate income housing.**

~~[(1) As used in this part, "affordable housing unit" means a rental housing unit where a household whose income is no more than 50% of the area median income for households where the housing unit is located is able to occupy the housing unit paying no more than 31% of the household's income for gross housing costs including utilities.]~~

~~[(2)]~~ (1) Subject to the requirements of this section, ~~[and for a municipality, Subsection [10-8-2](#)(4), a political subdivision]~~ a governmental entity may grant real property owned by the ~~[political subdivision]~~ governmental entity to an entity for the development of ~~[one or more affordable housing units on the real property that will serve households at various income levels whereby at least 20% of the housing units are affordable housing units]~~ moderate income housing on the real property.

~~[(3) A political subdivision]~~

(2) A governmental entity shall ensure that real property granted ~~[as described in]~~ under Subsection ~~[(2)]~~ (1) is deed restricted for ~~[affordable]~~ moderate income housing for at least 30 years after the day on which each ~~[affordable]~~ moderate income housing unit is completed and occupied.

~~[(4)]~~ (3) If applicable, a ~~[political subdivision]~~ governmental entity granting real property under this section shall comply with:

(a) the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain[-];

(b) Subsection [10-8-2](#)(4), if a municipality is granting real property under this section;

(c) Subsection [17-50-312](#)(5), if a county is granting real property under this section;

and

(d) except as provided in Subsection (4), any other applicable provisions of law that govern the granting of real property by the governmental entity.

~~[(5)]~~ (4) A municipality granting real property under this section is not subject to the

3502 provisions of Subsection [10-8-2](#)(3).

3503 Section 38. Section **63N-3-113** is enacted to read:

3504 **63N-3-113. Financial assistance to entities offering technical assistance to**
3505 **municipalities in connection with planning.**

3506 (1) The administrator may provide money from the Industrial Assistance Account to an
3507 entity offering technical assistance to a municipality in connection with planning for housing,
3508 transportation, and growth.

3509 (2) As part of an application for receiving money under this section, an applicant shall:

3510 (a) describe the activities the entity will undertake to provide technical assistance to a
3511 municipality in connection with planning for housing, transportation, and growth; and

3512 (b) satisfy other criteria the administrator considers appropriate.

3513 (3) Before awarding any money under this section, the administrator shall:

3514 (a) make findings as to whether an applicant has satisfied the requirements of
3515 Subsection (2);

3516 (b) establish benchmarks and timeframes in which progress toward the completion of
3517 the agreed upon activities are to occur;

3518 (c) monitor compliance by an applicant with any contract or agreement entered into by
3519 the applicant and the state as provided by Section [63N-3-107](#); and

3520 (d) make funding decisions based upon appropriate findings and compliance.

3521 Section 39. Section **63N-3-603** is amended to read:

3522 **63N-3-603. Applicability, requirements, and limitations on a housing and transit**
3523 **reinvestment zone.**

3524 (1) A housing and transit reinvestment zone proposal created under this part shall
3525 promote the following objectives:

3526 (a) higher utilization of public transit;

3527 (b) increasing availability of housing, including affordable housing;

3528 (c) conservation of water resources through efficient land use;

3529 (d) improving air quality by reducing fuel consumption and motor vehicle trips;

3530 (e) encouraging transformative mixed-use development and investment in
3531 transportation and public transit infrastructure in strategic areas;
3532 (f) strategic land use and municipal planning in major transit investment corridors as
3533 described in Subsection 10-9a-403(2); and
3534 (g) increasing access to employment and educational opportunities.

3535 (2) In order to accomplish the objectives described in Subsection (1), a municipality or
3536 public transit county that initiates the process to create a housing and transit reinvestment zone
3537 as described in this part shall ensure that the proposal for a housing and transit reinvestment
3538 zone includes:

3539 (a) except as provided in Subsection (3), at least 10% of the proposed housing units
3540 within the housing and transit reinvestment zone are affordable housing units;

3541 (b) a dedication of at least 51% of the developable area within the housing and transit
3542 reinvestment zone to residential development with an average of 50 multi-family dwelling
3543 units per acre or greater; and

3544 (c) mixed-use development.

3545 (3) A municipality or public transit county that, at the time the housing and transit
3546 reinvestment zone proposal is approved by the housing and transit reinvestment zone
3547 committee, meets the affordable housing guidelines of the United States Department of
3548 Housing and Urban Development at 60% area median income is exempt from the requirement
3549 described in Subsection (2)(a).

3550 (4) A municipality or public transit county may only propose a housing and transit
3551 reinvestment zone that:

3552 (a) subject to Subsection (5):

3553 (i) (A) for a municipality, does not exceed a 1/3 mile radius of a commuter rail station;
3554 or
3555 (B) for a public transit county, does not exceed a 1/3 mile radius of a public transit
3556 hub; and
3557 (ii) has a total area of no more than 125 noncontiguous square acres;

3558 (b) subject to Section [63N-3-607](#), proposes the capture of a maximum of 80% of each
3559 taxing entity's tax increment above the base year for a term of no more than 25 consecutive
3560 years on each parcel within a 45-year period not to exceed the tax increment amount approved
3561 in the housing and transit reinvestment zone proposal; and

3562 (c) the commencement of collection of tax increment, for all or a portion of the
3563 housing and transit reinvestment zone, will be triggered by providing notice as described in
3564 Subsection (6).

3565 (5) If a parcel is bisected by the 1/3 mile radius, the full parcel may be included as part
3566 of the housing and transit reinvestment zone area and will not count against the limitations
3567 described in Subsection (4)(a).

3568 (6) The notice of commencement of collection of tax increment required in Subsection
3569 (4)(c) shall be sent by mail or electronically to:

3570 (a) the tax commission;

3571 (b) the State Board of Education;

3572 (c) the state auditor;

3573 (d) the auditor of the county in which the housing and transit reinvestment zone is
3574 located;

3575 (e) each taxing entity affected by the collection of tax increment from the housing and
3576 transit reinvestment zone; and

3577 (f) the Governor's Office of Economic Opportunity.

3578 (7) (a) This Subsection (7) applies to a specified county, as defined in Section
3579 [17-27a-408](#), that has created a small public transit district on or before January 1, 2022.

3580 (b) A county described in Subsection (7)(a) shall, in accordance with Section
3581 [63N-3-604](#), prepare and submit to the Governor's Office of Economic Opportunity a proposal
3582 to create a housing and transit reinvestment zone on or before December 31, 2022.

3583 Section 40. Section **72-1-304** is amended to read:

3584 **72-1-304. Written project prioritization process for new transportation capacity**
3585 **projects -- Rulemaking.**

(1) (a) The Transportation Commission, in consultation with the department and the metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written prioritization process for the prioritization of:

(i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;

(ii) paved pedestrian or paved nonmotorized transportation projects that:

(A) mitigate traffic congestion on the state highway system; and

(B) are part of an active transportation plan approved by the department;

(iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and

(iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.

(b) (i) A local government or district may nominate a project for prioritization in accordance with the process established by the commission in rule.

(ii) If a local government or district nominates a project for prioritization by the commission, the local government or district shall provide data and evidence to show that:

(A) the project will advance the purposes and goals described in Section 72-1-211;

(B) for a public transit project, the local government or district has an ongoing funding source for operations and maintenance of the proposed development; and

(C) the local government or district will provide 40% of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

(2) The following shall be included in the written prioritization process under Subsection (1):

(a) a description of how the strategic initiatives of the department adopted under Section 72-1-211 are advanced by the written prioritization process;

(b) a definition of the type of projects to which the written prioritization process applies;

(c) specification of a weighted criteria system that is used to rank proposed projects

3614 and how it will be used to determine which projects will be prioritized;

3615 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

3616 (e) any other provisions the commission considers appropriate, which may include

3617 consideration of:

3618 (i) regional and statewide economic development impacts, including improved local

3619 access to:

3620 (A) employment;

3621 (B) educational facilities;

3622 (C) recreation;

3623 (D) commerce; and

3624 (E) residential areas, including moderate income housing as demonstrated in the local

3625 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

3626 (ii) the extent to which local land use plans relevant to a project support and

3627 accomplish the strategic initiatives adopted under Section 72-1-211; and

3628 (iii) any matching funds provided by a political subdivision or public transit district in

3629 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

3630 (3) (a) When prioritizing a public transit project that increases capacity, the

3631 commission:

3632 (i) may give priority consideration to projects that are part of a transit-oriented

3633 development or transit-supportive development as defined in Section 17B-2a-802; and

3634 (ii) shall give priority consideration to projects that are within the boundaries of a

3635 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,

3636 Housing and Transit Reinvestment Zone Act.

3637 (b) When prioritizing a transportation project that increases capacity, the commission

3638 may give priority consideration to projects that are:

3639 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

3640 (A) the state is a participant in the transportation reinvestment zone; or

3641 (B) the commission finds that the transportation reinvestment zone provides a benefit

to the state transportation system; or

(ii) within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(c) If the department receives a notice of prioritization for a municipality as described in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county.

(4) In developing the written prioritization process, the commission:

(a) shall seek and consider public comment by holding public meetings at locations throughout the state; and

(b) may not consider local matching dollars as provided under Section 72-2-123 unless the state provides an equal opportunity to raise local matching dollars for state highway improvements within each county.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Transportation Commission, in consultation with the department, shall make rules establishing the written prioritization process under Subsection (1).

(6) The commission shall submit the proposed rules under this section to a committee or task force designated by the Legislative Management Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules described in Subsection (5).

Section 41. Section 72-2-124 is amended to read:

72-2-124. Transportation Investment Fund of 2005.

(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.

(2) The fund consists of money generated from the following sources:

(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;

3670 (b) appropriations made to the fund by the Legislature;
3671 (c) registration fees designated under Section 41-1a-1201;
3672 (d) the sales and use tax revenues deposited into the fund in accordance with Section
3673 59-12-103; and
3674 (e) revenues transferred to the fund in accordance with Section 72-2-106.
3675 (3) (a) The fund shall earn interest.
3676 (b) All interest earned on fund money shall be deposited into the fund.
3677 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
3678 fund money to pay:
3679 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
3680 federal highways prioritized by the Transportation Commission through the prioritization
3681 process for new transportation capacity projects adopted under Section 72-1-304;
3682 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
3683 projects described in Subsections 63B-18-401(2), (3), and (4);
3684 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
3685 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
3686 with Subsection 72-2-121(4)(e);
3687 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
3688 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
3689 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
3690 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
3691 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
3692 for projects prioritized in accordance with Section 72-2-125;
3693 (vi) all highway general obligation bonds that are intended to be paid from revenues in
3694 the Centennial Highway Fund created by Section 72-2-118;
3695 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
3696 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
3697 in Section 72-2-121;

3698 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
3699 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
3700 nonmotorized transportation for projects that:

3701 (A) mitigate traffic congestion on the state highway system;

3702 (B) are part of an active transportation plan approved by the department; and

3703 (C) are prioritized by the commission through the prioritization process for new
3704 transportation capacity projects adopted under Section 72-1-304;

3705 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
3706 reconstruction, or renovation of or improvement to the following projects:

3707 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

3708 (B) Geneva Road from University Parkway to 1800 South;

3709 (C) the SR-97 interchange at 5600 South on I-15;

3710 (D) two lanes on U-111 from Herriman Parkway to 11800 South;

3711 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

3712 (F) improvements to 1600 North in Orem from 1200 West to State Street;

3713 (G) widening I-15 between mileposts 6 and 8;

3714 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

3715 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
3716 Spanish Fork Canyon;

3717 (J) I-15 northbound between mileposts 43 and 56;

3718 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
3719 and 45.1;

3720 (L) east Zion SR-9 improvements;

3721 (M) Toquerville Parkway;

3722 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

3723 (O) for construction of an interchange on Bangerter Highway at 13400 South; and

3724 (P) an environmental impact study for Kimball Junction in Summit County; and

3725 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project

costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:

(A) \$5,000,000 for Payson Main Street repair and replacement;

(B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

(C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

(D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10.

(b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).

(5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of [a municipality that is required to adopt a moderate income housing plan element as part of the municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has failed to adopt a moderate income housing plan element as part of the municipality's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii)] the municipality during the fiscal year specified in the notice.

~~[(b) Within the boundaries of a municipality that is required under Subsection 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate income housing plan element as part of the municipality's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:]~~

(b) Within the boundaries of a municipality described in Subsection (5)(a), the

3754 executive director:

3755 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
3756 facility or interchange connecting limited-access facilities;

3757 (ii) may not program fund money for the construction, reconstruction, or renovation of
3758 an interchange on a limited-access facility;

3759 (iii) may program Transit Transportation Investment Fund money for a
3760 multi-community fixed guideway public transportation project; and

3761 (iv) may not program Transit Transportation Investment Fund money for the
3762 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
3763 transportation project.

3764 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
3765 director before ~~[May 1, 2020]~~ July 1, 2022, for projects prioritized by the commission under
3766 Section 72-1-304.

3767 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of
3768 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may
3769 not program fund money to a project prioritized by the commission under Section 72-1-304,
3770 including fund money from the Transit Transportation Investment Fund, within the boundaries
3771 of the unincorporated area of ~~[a county, if the county is required to adopt a moderate income~~
3772 ~~housing plan element as part of the county's general plan as described in Subsection~~
3773 17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as
3774 part of the county's general plan or has failed to implement the requirements of the moderate
3775 income housing plan as determined by the results of the Department of Workforce Service's
3776 review of the annual moderate income housing report described in Subsection
3777 35A-8-803(1)(a)(vii)] the county during the fiscal year specified in the notice.

3778 ~~[(b) Within the boundaries of the unincorporated area of a county where the county is~~
3779 ~~required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has~~
3780 ~~failed to adopt a moderate income housing plan element as part of the county's general plan or~~
3781 ~~has failed to implement the requirements of the moderate income housing plan as determined~~

3782 by the results of the Department of Workforce Service's review of the annual moderate income
3783 housing report described in Subsection ~~35A-8-803~~(1)(a)(vii), the executive director:]

3784 (b) Within the boundaries of the unincorporated area of a county described in
3785 Subsection (6)(a), the executive director:

3786 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
3787 facility to a project prioritized by the commission under Section ~~72-1-304~~;

3788 (ii) may not program fund money for the construction, reconstruction, or renovation of
3789 an interchange on a limited-access facility;

3790 (iii) may program Transit Transportation Investment Fund money for a
3791 multi-community fixed guideway public transportation project; and

3792 (iv) may not program Transit Transportation Investment Fund money for the
3793 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
3794 transportation project.

3795 (c) Subsections ~~[(5)]~~ (6)(a) and (b) do not apply to a project programmed by the
3796 executive director before July 1, ~~[2020]~~ 2022, for projects prioritized by the commission under
3797 Section ~~72-1-304~~.

3798 (7) (a) Before bonds authorized by Section ~~63B-18-401~~ or ~~63B-27-101~~ may be issued
3799 in any fiscal year, the department and the commission shall appear before the Executive
3800 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
3801 department needs to provide funding for the projects identified in Subsections ~~63B-18-401~~(2),
3802 (3), and (4) or Subsection ~~63B-27-101~~(2) for the current or next fiscal year.

3803 (b) The Executive Appropriations Committee of the Legislature shall review and
3804 comment on the amount of bond proceeds needed to fund the projects.

3805 (8) The Division of Finance shall, from money deposited into the fund, transfer the
3806 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
3807 Section ~~63B-18-401~~ or ~~63B-27-101~~ in the current fiscal year to the appropriate debt service or
3808 sinking fund.

3809 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit

3810 Transportation Investment Fund.

3811 (b) The fund shall be funded by:

3812 (i) contributions deposited into the fund in accordance with Section 59-12-103;

3813 (ii) appropriations into the account by the Legislature;

3814 (iii) deposits of sales and use tax increment related to a housing and transit

3815 reinvestment zone as described in Section 63N-3-610;

3816 (iv) private contributions; and

3817 (v) donations or grants from public or private entities.

3818 (c) (i) The fund shall earn interest.

3819 (ii) All interest earned on fund money shall be deposited into the fund.

3820 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund

3821 for public transit capital development of new capacity projects to be used as prioritized by the

3822 commission through the prioritization process adopted under Section 72-1-304.

3823 (e) (i) The Legislature may only appropriate money from the fund for a public transit
3824 capital development project or pedestrian or nonmotorized transportation project that provides
3825 connection to the public transit system if the public transit district or political subdivision
3826 provides funds of equal to or greater than 40% of the costs needed for the project.

3827 (ii) A public transit district or political subdivision may use money derived from a loan
3828 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
3829 part of the 40% requirement described in Subsection (9)(e)(i) if:

3830 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
3831 State Infrastructure Bank Fund; and

3832 (B) the proposed capital project has been prioritized by the commission pursuant to
3833 Section 72-1-303.

3834 (10) (a) There is created in the Transportation Investment Fund of 2005 the
3835 Cottonwood Canyons Transportation Investment Fund.

3836 (b) The fund shall be funded by:

3837 (i) money deposited into the fund in accordance with Section 59-12-103;

- 3838 (ii) appropriations into the account by the Legislature;
 3839 (iii) private contributions; and
 3840 (iv) donations or grants from public or private entities.
 3841 (c) (i) The fund shall earn interest.
 3842 (ii) All interest earned on fund money shall be deposited into the fund.
 3843 (d) The Legislature may appropriate money from the fund for public transit or
 3844 transportation projects in the Cottonwood Canyons of Salt Lake County.

3845 Section 42. **Appropriation.**

3846 The following sums of money are appropriated for the fiscal year beginning July 1,
 3847 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
 3848 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 3849 Act, the Legislature appropriates the following sums of money from the funds or accounts
 3850 indicated for the use and support of the government of the state of Utah.

3851 ITEM 1

3852 To Department of Workforce Services -- Housing and Community Development

3853 From General Fund, One-time \$500,000

3854 Schedule of Programs:

3855 Housing Development \$500,000

3856 The Legislature intends that the Department of Workforce Services use funds
 3857 appropriated under this item to develop a statewide database for moderate income housing
 3858 units as described in Subsection [35A-8-803\(1\)\(a\)\(viii\)](#).

3859 ITEM 2

3860 To Department of Workforce Services -- Housing and Community Development

3861 From General Fund, One-time \$750,000

3862 Schedule of Programs:

3863 Housing Development \$750,000

3864 The Legislature intends that:

3865 (1) the Department of Workforce Services use \$375,000 of the funds appropriated

3866 under this item in each of the fiscal years 2023 and 2024 to provide assistance to landlords
 3867 under the Department of Workforce Services' Section 8 Landlord Incentive Program; and
 3868 (2) under the terms of Section 63J-1-603 of the Utah Code, appropriations under this
 3869 item not lapse at the close of fiscal year 2023.

3870 ITEM 3

3871 To Department of Workforce Services -- Administration

3872 From General Fund \$132,000

3873 Schedule of Programs:

3874 Administrative Support \$132,000

3875 The Legislature intends that the Department of Workforce Services use funds
 3876 appropriated under this item to hire one full-time equivalent employee.

3877 ITEM 4

3878 To Department of Workforce Services -- Housing and Community Development

3879 From General Fund, One-time \$250,000

3880 Schedule of Programs:

3881 Housing Development \$250,000

3882 The Legislature intends that:

3883 (1) the Department of Workforce Services distribute funds appropriated under this item
 3884 to a nonprofit entity in the state that provides training and education on land use law;

3885 (2) the Department of Workforce Services follow the provisions of Title 63G, Chapter
 3886 6a, Utah Procurement Code, in selecting the recipient entity; and

3887 (3) the recipient entity use funds distributed from the Department of Workforce
 3888 Services under this item to provide regional land use training and workshops to local officials
 3889 and policymakers on housing issues.

3890 ITEM 5

3891 To Department of Workforce Services -- Housing and Community Development

3892 From General Fund, One-time \$250,000

3893 Schedule of Programs:

Exhibit 3

Housing Plan 2019



Planning and Development Services
Greater Salt Lake Municipal Services District
November 2019

Acknowledgements

Kearns Metro Township

Planning Commission

Kearns Metro Township Council

Residents

Greater Salt Lake Municipal Services District

Lupita McClenning, Director of Planning and Development Services

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Executive Summary

Highlights of Report

- ❖ In 2017, Kearns' population was 37,194.
- ❖ A significant portion of Kearns' population is under 18-years old, and young children are the fastest growing age group.
- ❖ 2,627 households in Kearns are cost-burdened with their housing costs.
- ❖ Salt Lake County's 2017 median household income is \$67,922. For renter households, the median income is \$42,351.
- ❖ In 2017, Kearns had a deficit of 112 housing units across targeted income groups.



Chapter One - Introduction

Plan Structure

This housing plan is organized into six major sections:

1. Introduction
2. Methodology
3. Demographic Summary
4. Housing Stock
5. Housing Availability and Affordability
6. Action Plan

The sections progress from an understanding of the plan's impetus and the community's existing conditions, to the methods used to make this plan, to an analysis of affordable housing in the community, to an action plan to accomplish Kearns' goals.

Planning Context

State code requires that general plans estimate the need for moderate-income housing. This plan estimates the current need and projects the future need in Kearns Metro Township. The assessment of current conditions guided the development of goals and action items in the Moderate-Income Housing Plan. These goals address community needs regarding housing, including its connection to land-use and transportation. Our findings can inform on-the-ground decisions and township policies as well as General Plan updates and future planning. The housing plan will be reviewed biennially using the Department of Workforce Services' Report Form. The review will evaluate Kearns' progress toward its goals and policies regarding housing as outlined in this plan.

Kearns Metro Township and the Greater Salt Lake Municipal Services District understand that good planning encourages and includes public input. This assessment will be shared during public outreach events regarding the formation of the Moderate-Income Housing Plan. Additionally, the metro township council, metro township planning commission, and general plan steering committee will receive copies of this assessment via email and/or in-person at meetings.

Additionally, Kearns Metro Township and the Greater Salt Lake Municipal Services District recognize the importance of regional cooperation, especially regarding housing. Kearns' planners are actively engaged in the Wasatch Front Regional Council committees, including the Technical Advisory Committee, the Active Transportation Committee, and the Regional Growth Committee. Expertise and information from the Utah Department of Workforce Services, Housing and Community Development Division; the Wasatch Front Regional Council; the Utah League of Cities and Towns; Zions Public Finance; and others all contributed to this assessment.

Purpose of the Plan

Based upon regulatory requirements by the State of Utah, existing conditions, future projections, community feedback, and planning best practices, the plan has the following objectives:

Meet regulatory requirements by reporting the current status of housing to the State of Utah and to provide a methodology to meet community needs. House Bill 295 (represented in Utah Code 10-9a-403 and 10-9a-408) and Senate Bill 34 state these regulatory requirements.

Provide Kearns Metro Township with the necessary resources to inform residential development decisions to be beneficial, fair, equitable, and a good fit for the needs of residents. Decisions made regarding zoning, fees, land-use planning, and other choices can impact housing. These decisions are best made with full and detailed information regarding current and future conditions and needs.

Provide an action plan and tools for implementing community goals. The action plan is presented as broad goals with specific objectives, as well as with policies and work programs that support these goals and objectives. The action plan informs how to put ideas into practice.

Enhance quality of life in the community with a community-based, ground-truthed housing plan. Housing matters. Affordable, safe housing bolsters the well-being of its residents at all income levels. When people are housed affordably, crime rates drop, and poverty is reduced. Low-income households depend less on public assistance and are more self-reliant when housed safely, affordably, and stably. When the workforce can afford to live in the community, businesses have access to employees, which influences the wages employees are willing to work for and thus impacts the number of well-paying jobs that local businesses offer. Furthermore, housing is directly tied to transportation, land-use, and community cohesion. Well-planned neighborhoods with balanced housing options improve traffic congestion, are compatible with community open-space needs, and keep “eyes on the street,” which encourages walkability and neighborliness. Overall, the presence of decent, affordable housing supports and bolsters the long-term character of the Kearns community and the County as a whole.

The following legislative information is provided for context regarding the requirements of the Moderate-Income Housing Plan. From this context, the reasons for the information included in the assessment of current conditions become apparent.

Moderate-Income Housing Planning Requirements

In 1996, the Utah Legislature passed House Bill 295 to address the availability of moderate-income housing in response to a rapid increase in housing prices. Under threats to the dream of homeownership, as well as to community strength and stability, House Bill 295 (represented in Utah Code 10-9a-403 and 10-9a-408) requires municipalities to consider moderate-income housing concerns and housing needs of residents as part of their general plans and other planning efforts. The Code requires an estimate of the “need for the development of additional moderate-income housing within the city, and a plan to provide a realistic opportunity to meet estimated needs” to “(A) meet the needs of people desiring to live there; and (B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life.” In 2018, House Bill 259 was passed to reiterate the importance of planning for moderate-income housing in Utah. In February 2019, Senate Bill 34 was passed. The new legislation “modifies provisions related to a municipality’s and a county’s general plan related to moderate income housing.” It defines terms, requires general plans to integrate affordable housing with the transportation and land-use elements, and requires municipalities of a certain population size to have a moderate-income housing element in the general plan. Senate Bill 34 states that, for qualifying municipalities, the general plan must “provid[e] a realistic opportunity to meet the need for additional moderate-income housing” by including at least three of 23 listed strategies.

The Wasatch Front Regional Council and the Utah League of Cities and Towns produced a summary of the current legal requirements (and changes to previous requirements) for municipalities and counties regarding planning and moderate-income housing. They summarize:

Land Use element: Must now consider location of land for housing for residents of various income levels in addition to the other categories of public and private uses of land (line 481 for municipalities; 1172 for counties).

Transportation and Traffic Circulation element: “Provide the general location and extent” of active transportation facilities in addition to freeways, arterial and collector streets, public transit, and other modes of transportation (491; 1182).

Plan residential and commercial development around “major transit investment corridors” to improve connections between housing, employment, education, recreation, and commerce (494; 1185).

Defines “major transit investment corridor” as public transit service that uses or occupies: (a) public transit rail right-of-way; (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county

and (i) a public transit district as defined in Section 17B-2a-802, or (ii) an eligible political subdivision as defined in Section 59-12-2219 (246; 858).

Municipalities without a major transit investment corridor must plan for residential and commercial development in areas that maintain and improve these connections (498).

Correlate the transportation plan with population and employment projections, and the proposed land use element (502, 1188).

Consider the regional transportation plan developed by the region's metropolitan planning organization (MPO); if outside an MPO, consider the long-range transportation plan developed by UDOT (575; 1258).

Moderate-Income Housing (MIH) element: Municipalities/counties covered: Utah Code has long required municipalities and counties to plan for moderate income housing growth. SB34 requires, by December 1, 2019, the following municipalities and counties to update and adopt the moderate-income housing element of their general plan (444; 1074), and annually report on implementation (614; 1296):

all municipalities of the 1st, 2nd, 3rd, and 4th class;

cities of the 5th class with a population of 5,000 or more that are located in counties of the 1st, 2nd, and 3rd class;

metro townships with a population of 5,000 or more; and

all counties must plan and adopt a MIH element including strategies from the 'menu' (see below) but only counties of the 1st, 2nd, and 3rd class with an unincorporated population of 5,000 or more must annually report on implementation.

Facilitate a reasonable opportunity for a variety of housing including MIH and shall now 1) meet the needs of people of various income levels living, working, or desiring to live or work in the community (509; 1198); 2) "allow people with various incomes to benefit from and participate in all aspects of neighborhood and community life" (511; 1200); 3) towns may and cities shall analyze how they will provide a realistic opportunity for the development of MIH within 5 years for cities (513) and within the planning horizon for counties (1203).

Menu: Shall include a recommendation to implement 3 or more of the following strategies, aka the 'menu' (518; 1205):

(A) rezone for densities necessary to assure the production of MIH

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH

(C) facilitate the rehabilitation of existing uninhabitable housing stock into MIH

- (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 their own vehicle, e.g. 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 MIH
- (M) reduce impact fees, as defined in Section 11-36a-102, related to low and MIH
- (N) participate in a community land trust program for low or MIH
- (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 MIH
- (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 [not in county list of recommendations]
- (T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
- (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 MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency

(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

In addition to the recommendations required above, municipalities that have a “fixed guideway public transit station” shall include a recommendation to implement either “G” or “H” (568) [not required for counties].

Annual reporting and review of the moderate-income housing plan: The municipal/county legislative body shall annually review their MIH plan and implementation of that plan; prepare and post a report of their findings on their website; and send the report to Dept. of Workforce Services, AOG, and MPO if applicable (612; 1294).

The report shall include: a) revised estimate of the need for MIH in the next 5 years; b) description of progress made to provide MIH by analyzing and publishing data on the # of housing units that are at or below 80%, 50%, and 30% adjusted median family income; c) description of efforts to utilize a MIH set-aside from community reinvestment agency, redevelopment agency, or community development and renewal agency; d) description of the implementation of the MIH recommendations aka ‘menu’.

Requires the DWS Division of Housing and Community Development to (i) assist in the creation of the MIH reports, and (ii) evaluate the reports for purposes of determining eligibility for state transportation funds. Gives DWS rulemaking authority to develop the evaluation process (1414).

Revisions to Olene Walker Housing Loan Fund (1325): SB34 did not provide any additional funding for housing. Revises Olene Walker Housing Loan Fund board to add one member with expertise in transit-oriented development and one member who represents rural interests. The board must hold two public input meetings each year, once in a rural area. Allows fund money to be used to purchase land for low-income housing (1388).

Revisions to state transportation funding: Adds access to educational facilities and MIH to the prioritization process for new transportation capacity projects administered by the Utah Transportation Commission (1749). State Transportation Investment Fund (TIF) or Transit Transportation Investment Fund (TTIF) funds may not be used in a municipality or unincorporated county that has failed to adopt a MIH plan or has failed to report on implementation of their MIH plan as determined by DWS. TIF funds can still be used for a limited-access facility, but not for construction, reconstruction, or renovation of an interchange. TTIF funds can still be used for a multi-community fixed-guideway public transportation project, but not for the construction, reconstruction, or renovation of a station (1808).

Utah Fair Housing Act

In accordance with state and federal laws, Kearns Metro Township exercises the authority to plan, zone, and regulate land-use in promoting the community's health, safety, and welfare. The moderate-income housing element of this plan acknowledges and upholds the Utah Fair Housing Act by promoting the equal protection and equitable treatment of all people who lawfully seek to rent, lease, purchase, or develop real property within its jurisdiction. Its housing policies and plans strictly prohibit discrimination based on color, disability, ethnicity, familial status, gender identity, national origin, race, religion, sex, sexual orientation, source of income, or any other suspect classification. It is the policy of Kearns Metro Township to report housing discrimination to the Utah Antidiscrimination Labor Division immediately. It is the goal of Kearns Metro Township to prevent, eliminate, and/or mitigate any unfair housing practices that may result from its plans, policies, regulations, and ordinances. It is also the goal Kearns Metro Township to affirmatively further fair and affordable housing by reviewing the housing needs of its moderate-income households and its vulnerable populations biennially, and by proactively planning to meet their needs.

Terminology

A variety of terms are used in this plan in reference to housing. The following list defines and explains these terms:

Types of Housing and Development

Housing unit: a house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters

Single-family residential: housing units that are individually assessed and can be bought and sold as a single unit. This includes single-family dwellings, townhomes, condos, and mobile homes.

Multi-family residential: housing units such as duplexes and apartments, that are typically rented

Workforce housing: housing for which gross monthly costs target working class households. Workforce housing aims to allow people gainfully employed in working class occupations to live and work in the same community. (*Definition from ULCT "Housing Policy in Utah" 2018*).

Fair housing: The Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) protects people from discrimination when they are renting, buying, or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, national origin, religion, sex, disability, and children. In Utah, state law also recognizes source of income as a protected class. (*Definition from ULCT "Housing Policy in Utah" 2018*).

Transit-oriented development (TOD): type of development that maximizes the amount of mixed-use development that is built around quality transit hubs, including train and bus centers. Linking housing and transportation can give workers better access to jobs, and businesses better access to potential employees and customers. (*Definition from ULCT "Housing Policy in Utah" 2018*).

Mixed-use development: pedestrian-friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses. A mixed-use development may have retail space on the bottom floor of a multi-story building with offices and apartments on the middle and top floors. It can provide for ample job opportunities, convenience amenities, and a high walkability score for individuals on residential floors or residing in nearby communities. *(Definition from ULCT “Housing Policy in Utah” 2018).*

Accessory dwelling unit (ADU): small, self-contained residential units located on the same lot as an existing, single-family home. These can be attached or detached units. *(Definition from ULCT “Housing Policy in Utah” 2018).*

Infill development: development of vacant or under-used parcels within existing urban centers that are otherwise built-out and fully developed. *(Definition from ULCT “Housing Policy in Utah” 2018).*

Regarding Income

Area median income (AMI): the median family income level for an area (in this report, Salt Lake County) as determined by the Federal Department of Housing and Urban Development, based on U.S. Census data. The median divides the income distribution into two equal parts: one-half of the cases fall below the median income and one-half above it. HUD uses the median income to calculate income limits for eligibility in a variety of housing programs. HUD estimates the median family income for an area and adjusts that amount for different family sizes. Referred to as AMI in this plan.

Target income groups: Low-income households are split into three groups based upon a percentage of the AMI. They are referred to as the Targeted Income Groups in this plan. The three groups include:

Moderate-income – 80 to 50 percent of AMI

Low-income – 50 to 30 percent of AMI

Very low-income – 30 percent of AMI and less

Monthly housing allowance: the maximum amount a household can spend on housing costs per month, including utilities and other fees. The monthly housing allowance represents the total housing costs affordable at 30 percent of gross income. *(Definition from ULCT “Housing Policy in Utah” 2018).*

Housing Cost-Burden: a household that spends 30% or more of their income on housing costs, including rent and utilities.

Affordability threshold: the maximum home price for each of the targeted income groups based on calculated monthly housing allowances

Housing gap: the difference between the number of housing units available at 30, 50, 80, and 100 percent AMI and the number of households at those income levels. If there are more households

than available housing units, then households are forced to pay above or below their means for their housing.

Programs and Agencies

Affordable Housing Program (AHP): a federal competitive program of the Federal Home Loan Bank system that provides grants twice a year through financial institutions for investment in low- or moderate-income housing initiatives. This program is flexible: AHP funds can be used in combination with other programs and funding sources, helping makes projects more feasible. *(Definition from ULCT “Housing Policy in Utah” 2018).*

American Community Survey (ACS): an annual survey administered by the U.S. Census Bureau that gathers demographic and economic data from a sample of the U.S. population.

Utah Department of Workforce Services (DWS): an agency that consolidates employment and public assistance programs to help people find jobs, to assist businesses in finding workforces, and to support housing needs.

Department of Housing and Urban Development (HUD): This agency develops and implements policies regarding housing and metropolises. The Utah branch offers programs to help provide affordable housing.

Low-income housing tax credit program (LIHTC): This program was formed in the Federal Tax Reform Act of 1986. Developer-owners of LIHTC properties can get credits for federal income tax liability, so the program incentives developers to invest in affordable housing projects. There are also state run LIHTC programs. The Utah Housing Corporation (UHC), made in 1975 by Utah legislation, creates an adequate supply of money available for mortgage loans at reasonable interest rates help provide affordable housing for low- and moderate-income persons. *(Definition from ULCT “Housing Policy in Utah” 2018).*

Olene Walker Housing Loan Fund (OWHLF): Created in 1987 by the State of Utah, the OWHLF supports quality affordable housing options to meet the needs of Utah’s individuals and families. The fund partners with public and private organizations to develop housing that is affordable for moderate-income, low-income, and very low-income households. *(Definition from ULCT “Housing Policy in Utah” 2018).*

United States Census Bureau (USCB): a federal agency in charge of the decennial census and the yearly American Community Survey data on population and demographics throughout the United States.

Utah Non-Profit Housing Corporation (UNPHC): a non-profit that aims to help develop and provide affordable housing to families throughout Utah.

Chapter Two - Methodology

Background Research

A variety of resources were used in the formation of this plan. Data were retrieved from the United States Census Bureau *American Community Surveys*, ESRI Business Analyst Online, and Salt Lake County Geographic Information Systems. The Utah Department of Workforce Services, Housing and Community Development Division, provides a database of resources to assist municipalities in the creation of their moderate-income housing plans. The following resources were particularly critical in this assessment's development:

- Moderate-income housing element outline
- Moderate-income plan writing guide
- DWS housing projection tool
- Model resolution for amending the general plan
- Affordable housing plan examples:
 - City of Meropis: Moderate-Income Housing Plan
 - Salt Lake County: Moderate-Income Housing Plan 2017
 - Sandy City General Plan: Section 3 Housing Needs
 - South Salt Lake City: Moderate-Income Housing Plan
 - State of Utah Affordable Housing Report 2018
 - Snyderville Basin and East Summit County: Housing Affordability Assessment

Consultation and Collaboration

Planning staff collaborated with and consulted various housing experts in researching and writing this plan. On 18 May 2019, staff attended SB 34 housing training sessions hosted by The Utah League of Cities and Towns. Staff consulted David Fields, Housing and Community Development, Utah Department of Workforce Services, regarding SB 34 requirements for the metro townships. Staff also corresponded with Meg Ryan, The Utah League of Cities and Towns, for her information and expertise on housing legislation. Planning staff met with Michael Gallegos and Jake Young, Salt Lake County, Department of Housing and Community Development to discuss housing opportunities for Kearns. On 22 August 2019, staff attended the Salt Lake County Community Needs Assessment Meeting. Hosted by Salt Lake County, Department of Housing and Community Development, this meeting brought together stakeholders from throughout the Greater Salt Lake Municipal Services District to discuss community needs, including housing.

Community Engagement

Greater Salt Lake MSD Planning staff focused on eliciting public desires and needs for housing with the goal of completing the Housing Element by the December 2019 deadline. Beginning early July, staff coordinated with Mayor Kelly Bush about the required Moderate-Income Housing Plan. Staff developed and sent a timeline for accomplishing this Plan. In early August, staff surveyed the Metro Township Council and the Planning Commission for a preferred Housing Element Open House date. From this feedback, planning staff scheduled a Housing Element Open House on 28 September 2019. The Open House included Magna, Kearns, White City Metro Townships, and Unincorporated Salt Lake County. Salt Lake County Department of Housing and Community Development also participated in the Open House.

Staff kept the Metro Township Council, Planning Commission, and General Plan Steering Committee updated on the Housing Element Open House agenda and asked that the Open House be promulgated by inviting friends and neighbors. Stakeholders were provided the Housing Plan timeline, a summary of Senate Bill 34, and the Department of Workforce Services Moderate-Income Housing Plan Writing Guide. A flyer announcing the Open House was posted on Kearns Metro Township website as well as Kearns Community Council facebook page. Staff also reached out to local and state agencies and non-profits concerned with housing and invited them to the Housing Element Open House. While coordinating with the Metro Township Council and Planning Commission, planning staff sent drafts of Kearns' Housing Assessment for their reference. A final draft of the assessment was prepared for the Housing Element Open House.

At the Housing Element Open House, Randy Jepperson from Salt Lake County Regional Development spoke about the Green and Healthy Homes Initiative. This exemplified the kind of program that Kearns could partner with to strengthen its moderate-income housing supply. Following Randy's presentation, Christie Oostema from People + Place, LLC spoke with residents about community needs and informed them of the Consolidated Plan.



As part of the Open House, participants were asked to provide community feedback. Planning staff worked with communities in break-out sessions. Large printed maps of current zoning, housing, and transportation systems were used as visual aids. Residents from Kearns discussed many of the 23 Menu Items. They talked through what they thought could be implemented and what they thought would be effective.

When community members felt ready, they voted on their top three preferred Menu Items prescribed by SB 34. These items were listed in large print on easels. Each community was assigned a different color sticker for planning staff to record those items preferred by each community. Kearns residents voted for six of the 23 elements (Table 1). Additionally, a Comments Box was provided for the public to leave opinions not captured by the voting exercise.

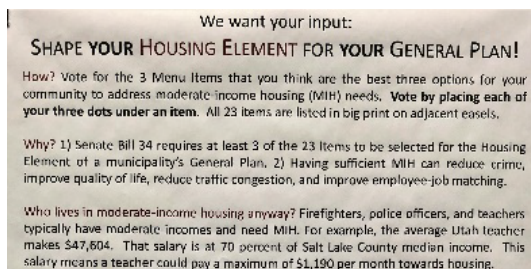
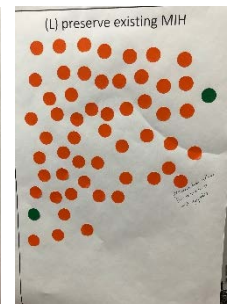
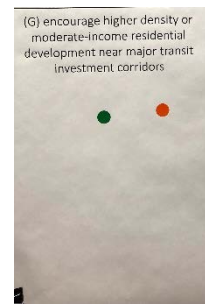
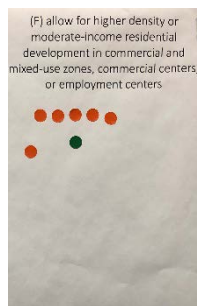
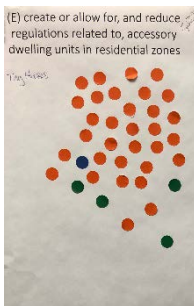
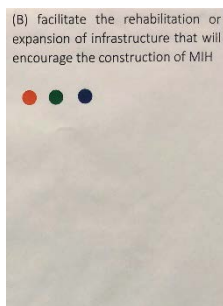


Table 1: Kearns' Votes for SB 34 Menu Items

| Menu Item | Number of Votes |
|---|-----------------|
| B) Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH | 1 |
| C) Facilitate the rehabilitation of existing uninhabitable housing stock into MIH | 3 |
| E) Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones | 4 |
| F) Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers | 1 |
| G) Encourage higher density or moderate-income residential development near major transit investment corridors | 1 |
| L) Preserve existing MIH | 2 |



Chapter Three - Demographic Summary

Population Size

Kearns Metro Township is in the central-west part of Salt Lake County. Population in 2017 numbered approximately 37,194 people (ACS DP1) with a household size of 3.75 (ACS DP2). Population in 2017 showed a four percent increase from 2010's population of 35,731 (ACS DP4). Population is predicted to keep growing, but at a lower rate (Table 2). The rate of population growth between 1990 and 2010 was 26 percent, while growth between 2000 and 2020 is predicted to be 19 percent.

ESRI Business Analyst Online **predicts a 2024 population of 37,804**; similarly, Utah Department of Workforce Services predicts a 2024 population of 38,953. Given the high growth rates of surrounding areas and Kearns's relative location in the growing Salt Lake Valley, growth makes sense. Salt Lake County's 2017 population numbered 1,029,655 (ACS DP1). Between 2010 and 2017, Salt Lake County displayed a growth rate of 10 percent.

Table 2: Historic and Projected Population

| Year | Count | Percent |
|------|--------|---------|
| 1990 | 28,374 | ----- |
| 2010 | 35,731 | 26% |
| 2020 | 40,040 | 12% |
| 2024 | 37,804 | 6% |
| 2030 | 44,567 | 11% |
| 2040 | 49,352 | 11% |
| 2050 | 53,772 | 9% |

Source: ACS DP1 and B01003; S. Manson, J. Schroeder, D. Van Riper, & S. Ruggles. IPUMS NHIS: V13.0 [Database]. Minneapolis: University of Minnesota. 2018; ESRI Business Analyst Online "Demographic and Income Profile"; Department of Workforce Services (DWS) "5-Year Housing Projection Calculator"

Age

As of 2017, Kearns's **median age was 29.6 years** (ACS DP1). This value shows an approximately one-year increase from 2010, when the median age was 28.4 years (ACS DP1). Kearns's median age is about three years younger than Salt Lake County (32.9 years) (ACS DP1). Median age is projected to increase slightly by 2024, to 30.7 years (ESRI Business Analyst Online "Demographic and Income Profile"). Kearns has a numerous population of children; in fact, **over 32 percent of people in Kearns are under 18 years old**. About **eight percent of the population is elderly**, or 65 years or older (ACS DP1). ESRI Business Analyst Online predicts **highest growth (18 percent) in young children (5 to 14)** over the next five years ("Detailed Age Profile").

Race and Ethnicity

Kearns has become increasingly racially and ethnically diverse. In 2019, 21.0 percent of Kearns residents identify as some other race, 4.0 percent identify as two or more races, and 3.0 percent identify as Native Hawaiian and other Pacific Islander (ESRI Business Analyst Online "Demographic

and Income Profile”). 35.3 percent of Kearns residents of any race identify as Hispanic or Latino/a. 66.1 percent of Kearns residents are white. Kearns is predicted to become more diverse by 2024, with a non-white population approaching 37 percent (ESRI Business Analyst Online “Demographic and Income Profile”).

Disabled

Of Kearns’s 37,172 people in 2017, **3,818 (or about 10.3 percent) had a disability in 2017**. 5.2 percent had an ambulatory difficulty (ACS S1810). 4.2 percent had an independent living difficulty while 1.6 percent had a self-care difficulty (ACS S1810). 2.6 percent had a hearing difficulty; 4.7 percent had a vision difficulty; and 5.6 percent had a cognitive difficulty (ACS S1810). About a third of those 75 years and over had a hearing difficulty, ambulatory difficulty, or independent living difficulty. The most common disability for the population under 18 years old was having a cognitive difficulty: 617 children, or 7.0 percent of Kearns’s population of children, had a cognitive difficulty in 2017 (ACS S1810).

Assuming this percentage (10.3 percent of total population) remains constant, Kearns could have 3,894 people with disabilities in 2024 using ESRI’s total population estimate of 37,804 or 4,012 people with disabilities in 2024 using DWS’s total population estimate of 38,953. **People with disabilities face particular difficulties regarding housing**, from affordability to specific structural needs (such as wheelchair ramps, easy access to public transit, etc.). Effective planning is needed to meet the needs of this group as its population grows.

Veterans

In 2017, 1,252 people (five percent of Kearns’s population) were veterans (ACS S2101). Of this population of veterans, 371 people had a disability (ACS B21100). **This means that about 30 percent of veterans in Kearns had a disability in 2017**. Additionally, this means that 10 percent of all people with disabilities in Kearns in 2017 were veterans. Carrying these percentages into the future, there may be 1,948 veterans in 2024 (using DWS estimate). This translates to about 584 veterans with disabilities in 2024.

Income

There are three main measures of household income: mean, median, and per capita. *Mean household income* averages the income of all households in an area of consideration. Kearns’s 2017 mean household income was \$66,723 (ACS DP3). *Per capita income* is the total income divided by the total population; it conveys per person income assuming an even distribution. Kearns’s **2017 per capita income was \$18,933** (ACS DP3). *Median household income* is the middle amount when listing all household incomes from low to high. MHI is a better indicator of typical income than the mean household income if there are high or low outliers that artificially change the average. Kearns’s MHI in 2010 was \$52,790; **by 2017, MHI rose to \$59,543** (ACS DP3). In 2017, MHI for owner-occupied households was \$63,508 while **MHI for renter households was \$45,981** (ACS B25119).

Area median income, AMI, is the median household income of the larger geography in which a municipality is located. Both state guidelines and federal programs require housing to consider targeted low- and moderate-income groups in relation to housing affordability by using an AMI

calculation. The scale of consideration must be regional. This ensures a reasonable opportunity for moderate income households to move to the community. **Per Utah Senate Bill 34, the AMI used in this study is based on the AMI for Salt Lake County¹.** Salt Lake County's 2017 AMI was \$67,922 (Table 3). It is important to note that the median income for Kearns, \$59,543, is significantly below that of Salt Lake County. Households of various types, such as renter households or single-female parent households, have different median incomes. Types of households with median incomes well below the median include renter households, Black or African American households, families with single female householder, female non-family householders, male non-family householders, and elderly households.

Table 3: Median Household Income according to type of Household

| Household Income by Type | Annual Income | Monthly Income |
|--|---------------|----------------|
| Area Median Household | \$67,922 | \$5,660 |
| Area Median Family | \$75,400 | \$6,283 |
| Local Median Household | \$59,543 | \$4,962 |
| Area Median Homeowner Household | \$83,922 | \$6,994 |
| Area Median Renter Household | \$42,351 | \$3,529 |
| Local Median Homeowner Household | \$63,508 | \$5,292 |
| Local Median Renter Household | \$45,981 | \$3,832 |
| White Household | \$61,279 | \$5,107 |
| Black or African American Household | \$40,924 | \$3,410 |
| Asian Household | \$106,354 | \$8,863 |
| Native Hawaiian and other Pacific Islander Household | \$61,875 | \$5,156 |
| Some other race Household | \$53,684 | \$4,474 |
| Two or more races Household | \$70,641 | \$5,887 |
| Hispanic Household | \$55,195 | \$4,600 |
| Families with single Female Householder | \$39,076 | \$3,256 |
| Families with single Male Householder | \$66,887 | \$5,574 |
| Female householder (non-family) | \$24,576 | \$2,048 |
| Male householder (non-family) | \$46,188 | \$3,849 |
| Elderly Household (65 yr+) | \$40,554 | \$3,380 |

Data Source: ACS B25119 and S1903

¹ Utah State Legislature 10-9a-103: 36 "Moderate income housing means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size *in the county in which* the city is located."

Chapter Four - Housing Stock

Existing Housing

Housing value in Kearns is concentrated in the range of \$100,000 to \$300,000 (Table 4). 91.9 percent of the 8,102 owner-occupied houses, or 7,447 units, are valued in this range. Slightly over one-third are valued between \$150,00 and \$199,999 while slightly under one-third are valued at \$100,000 to \$149,000. Median value increased from \$160,700 to \$164,900 from 2010 to 2017. This marks 2.6 percent growth. In comparison, Salt Lake County's housing value grew by 9.8 percent from \$237,500 to \$260,700.

Table 4: 2017 Housing Values in Kearns

| Value | Count | Percentage |
|-----------------------------------|-----------|------------|
| <i>Total Owner-Occupied Units</i> | 8,102 | |
| Less than \$50,000 | 341 | 4.2% |
| \$50,000 to \$99,999 | 151 | 1.9% |
| \$100,000 to \$149,999 | 2,544 | 31.4% |
| \$150,000 to \$199,999 | 2,939 | 36.3% |
| \$200,000 to \$299,999 | 1,964 | 24.2% |
| \$300,000 to \$499,999 | 103 | 1.3% |
| \$500,000 to \$999,999 | 20 | 0.2% |
| \$1,000,000 or more | 40 | 0.5% |
| <i>Median Value</i> | \$164,900 | |

Data Source: ACS DP4

In 2017, Kearns held 9,892 occupied housing units (ACS DP4) (Table 5). **The mode type of unit was detached single units, which numbered 9,457.** There were also 100 attached single units. 198 housing types are mobile homes and 185 housing types are 10 to 19-unit apartments. 2,273 units (22.3 percent) have seven rooms and 2,187 units (21.5 percent) have six rooms (ACS DP4) (Table 6). Most units have three bedrooms (4,296 units or 42.2 percent) or four bedrooms (3,440 units or 33.8 percent) (ACS DP4).

Table 5: Housing Types

| Housing Type | 2010 | | 2017 | | Change 2010 - 2017 |
|-------------------------|-------|-------|-------|-------|--------------------|
| Total Occupied Units | 9,780 | | 9,892 | | 112 |
| Single Units (detached) | 9,299 | 95.1% | 9,457 | 95.6% | 158 |
| Single Units (attached) | 171 | 1.7% | 100 | 1.0% | -71 |
| 2 Units | 44 | 0.4% | 63 | 0.6% | 19 |
| 3 or 4 Units | 33 | 0.3% | 26 | 0.3% | -7 |
| 5 to 9 Units | 73 | 0.7% | 58 | 0.6% | -15 |
| 10 to 19 Units | 148 | 1.5% | 185 | 1.9% | 37 |
| 20 or More Units | 200 | 2.0% | 103 | 1.0% | -97 |
| Mobile Home | 232 | 2.4% | 198 | 2.0% | -34 |
| Boat, RV, Van, etc. | 0 | 0.0% | 0 | 0.0% | 0 |

Data Source: ACS DP4

Table 6: Number of Rooms and Bedrooms per Unit in 2017

| Rooms | Number | Percentage | Bedrooms | Number | Percentage |
|-----------|--------|------------|-----------|--------|------------|
| 1 | 12 | 0.1% | None | 12 | 0.1% |
| 2 | 27 | 0.3% | 1 | 58 | 0.6% |
| 3 | 136 | 1.3% | 2 | 984 | 9.7% |
| 4 | 741 | 7.3% | 3 | 4,296 | 42.2% |
| 5 | 1,684 | 16.5% | 4 | 3,440 | 33.8% |
| 6 | 2,187 | 21.5% | 5 or more | 1,400 | 13.7% |
| 7 | 2,273 | 22.3% | | | |
| 8 | 1,799 | 17.7% | | | |
| 9 or more | 1,331 | 13.1% | | | |

Data Source: ACS DP4

Most units were owner-occupied (1,496 or 85.4 percent) but 255 units were rented (14.6 percent) (Table 7). While 389 units were vacant in 2010, only 298 were vacant in 2017 (ACS DP4). In comparison to 2019 numbers, ESRI predicts that 230 more owner-occupied units and 31 more renter-occupied units will be available in Kearns by 2024 (“Demographic and Income Profile”).

Table 7: Housing Occupancy in Kearns

| Year | Owner | Renter | Vacant | Occupied | Total |
|------|-------|--------|--------|----------|--------|
| 2000 | 7,607 | 1,036 | 210 | 9,191 | 9,401 |
| 2010 | 8,000 | 1,780 | 389 | 9,780 | 10,169 |
| 2017 | 8,102 | 1,790 | 298 | 9,892 | 10,190 |
| 2019 | 8,038 | 1,940 | --- | 9,978 | --- |
| 2024 | 8,268 | 1,971 | --- | 10,239 | --- |

Data Source: ACS DP4; ESRI Business Analyst Online “Demographic and Income Profile”

Salt Lake County has specific and recent summations of residential housing projects. Based on Salt Lake County permitting records, between 2014 and 2019, 22 permits were issued for new residential, single family construction. Five permits were issued for residential multi-family construction, and four permits were issued for residential two family construction. An additional 222 certificates were issued for remodels, garages, living spaces, or additions. In Table 8, projects with actual or potential influence on housing stock are included (for example, a new detached garage could be retrofitted as a mother-in-law apartment in the future). From November 2014 through July 2019, projects relevant to this assessment included:

Table 8: Recent Residential Permits in Kearns

| New Construction | Changes to Existing Conditions | Demolitions |
|--|--|---------------------------|
| 5 Residential multi-family 22 Residential single-family 4 Residential two family | 20 residential additions 45 Residential garages, detached or attached 22 Residential living spaces 135 Residential remodels | 6 Residential demolitions |

Data Source: Salt Lake County “Residential Permits”

Kearns' houses have reportedly adequate facilities. In 2017, all housing units had complete plumbing facilities and only 0.2 percent (19 units) lacked complete kitchen facilities (ACS DP04) (Table 9). In 2010, 35 housing units lacked plumbing facilities and 25 lacked kitchen facilities, so improvement occurred over time. Additionally, 99 households gained telephone services between 2010 and 2017. **The majority—64 percent, or 6,516 houses—are at least 49 years old (built before 1980).** Over one-third of houses (34.7 percent, 3,546 houses)) are about 60 years old or older (built before 1960). **21 housing units were built between 2010 and 2017.** Therefore, upkeep and maintenance costs for homeowners are likely high.

Table 9: Housing Conditions and Age in Kearns

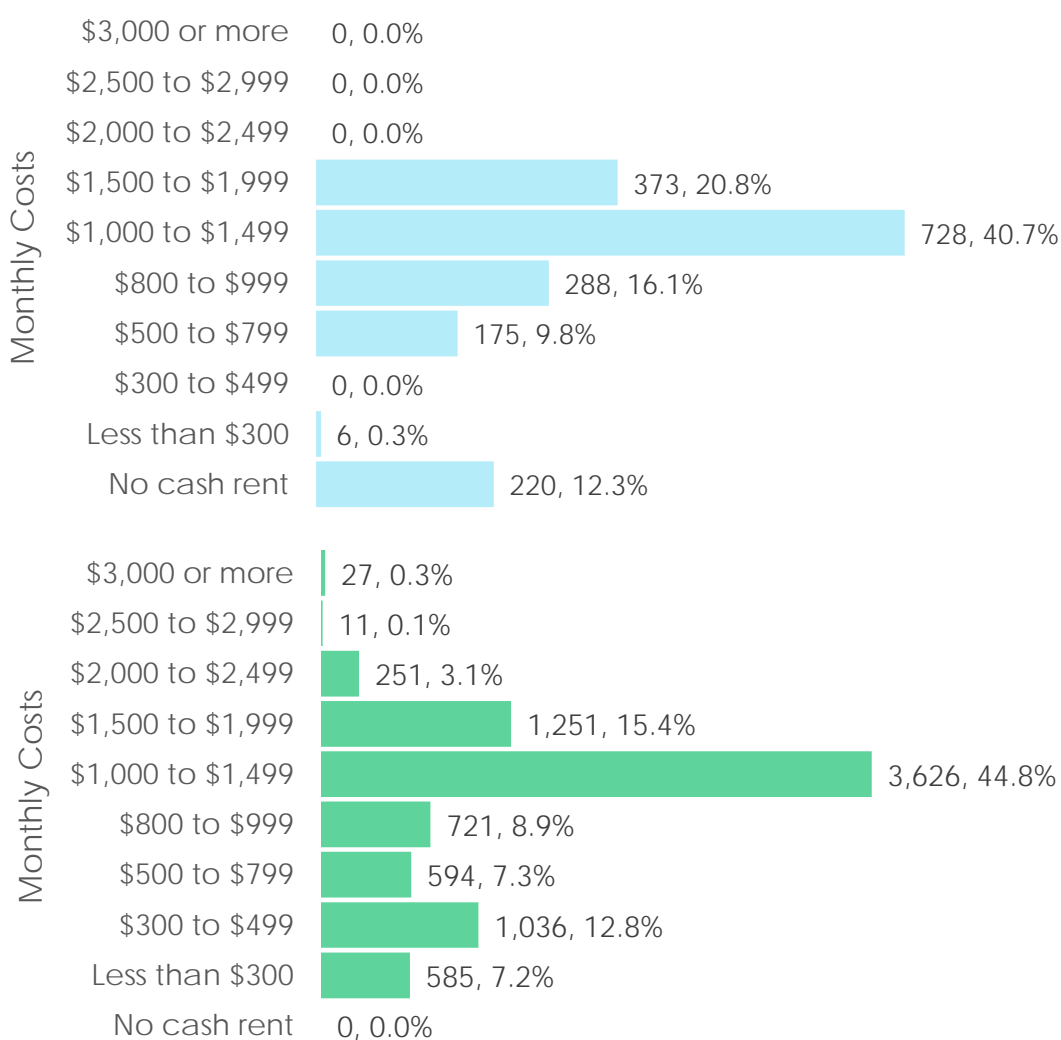
| Condition | 2010 | | 2017 | |
|--------------------------------------|-------|------------|-------|------------|
| | Count | Percentage | Count | Percentage |
| Lacking complete plumbing facilities | 35 | 0.4% | 0 | 0.0% |
| Lacking complete kitchen facilities | 25 | 0.3% | 19 | 0.2% |
| No telephone service available | 226 | 2.3% | 127 | 1.3% |
| Built before 1980 | 5,709 | 56.0% | 6,516 | 64.0% |
| Built 2014 or later | --- | --- | 8 | 0.1% |
| Built 2010 to 2013 | --- | --- | 13 | 0.1% |
| Built 2000 to 2009 | 1,036 | 10.2% | 579 | 5.7% |
| Built 1990 to 1999 | 1,436 | 14.1% | 1,572 | 15.4% |
| Built 1980 to 1989 | 2,019 | 19.8% | 1,502 | 14.7% |
| Built 1970 to 1979 | 2,503 | 24.5% | 2,633 | 25.8% |
| Built 1960 to 1969 | 454 | 4.5% | 337 | 3.3% |
| Built 1950 to 1959 | 2,527 | 24.8% | 3,069 | 30.1% |
| Built 1940 to 1949 | 160 | 1.6% | 306 | 3.0% |
| Built 1939 or earlier | 65 | 0.6% | 171 | 1.7% |

Data Source: ACS DP4

Existing Housing Costs

Housing costs are divided into nine categories. They range from under \$300 to more than \$3,000 per month. About 62 percent of renters and owners pay between \$1,000 and \$1,999 a month in housing costs (Figures 1). Similarly, about 60 percent of homeowners pay that much per month (Figure 2). 26 percent of renters pay between \$500 and \$999 per month. 12.9 percent of renters pay in the lowest three cost brackets while 20 percent of homeowners pay in these brackets. Since median renter household income is significantly lower than median owner-occupied household income, this raises concern about rental unit affordability.

Figures 1 and 2: 2017 Monthly Renter-Occupied Household Costs (top) and Owner-Occupied Household Costs (bottom)



Data Source: ACS S2503

Cost-Burdened Housing

HUD considers an affordable monthly housing payment for either an owner-occupied dwelling or rented unit to be no greater than 30 percent of gross monthly income. This includes utilities and other housing costs such as mortgage and hazard insurance. When monthly housing payments cost more than 30 percent of gross monthly income, that household is said to be cost-burdened. Households can be cost-burdened at any income level. The table below shows the 2017 rate of cost-burden households in Kearns (Table 10). **2,627 households in Kearns experience cost-burdened housing.** Some households at **all income-brackets** experience cost-burdened housing. The most cost-burdened group is households with income between \$20,000 to \$34,999 per year; 987 households in this bracket are cost-burdened. 1,880 of the 8,102 homeowner households are cost-burdened, while **747 of the 1,790 renter-occupied households are cost-burdened.** Between owners and renters, renters experience a greater housing cost-burden (Table 11). Of particular concern is that almost one-quarter of renters belonging to the second-lowest income bracket (\$20,000 to \$34,999) are cost-burdened.

Table 10: Percentage of Income going toward Housing, 2017

| | Not cost-burdened: < 20% | | Cost-burden risk: 20 - 29% | | Cost-burdened: > 20% | |
|----------------------|--------------------------|--------------|----------------------------|--------------|----------------------|--------------|
| Income Range | Count | Percentage | Count | Percentage | Count | Percentage |
| Under \$20,000 | 26 | 0.3% | 99 | 1.0% | 421 | 4.3% |
| \$20,000 to \$34,999 | 300 | 3.0% | 128 | 1.3% | 987 | 10.0% |
| \$35,000 to \$49,999 | 437 | 4.4% | 487 | 4.9% | 694 | 7.0% |
| \$50,000 to \$74,999 | 975 | 9.9% | 1,066 | 10.8% | 517 | 5.2% |
| \$75,000 or more | 2,801 | 28.3% | 698 | 7.1% | 8 | 0.1% |
| Total | 4,539 | 45.9% | 2,478 | 25.1% | 2,627 | 26.6% |

Data Source: ACS DP4

Table 11: Income Ranges who are Cost-Burdened with Housing by Occupancy, 2017

| Income Range | Total | Owner | | Renter | |
|----------------------|--------------|--------------|--------------|------------|--------------|
| | | Count | Percentage | Count | Percentage |
| < \$20,000 | 421 | 318 | 3.9% | 103 | 5.8% |
| \$20,000 to \$34,999 | 987 | 581 | 7.2% | 406 | 22.7% |
| \$35,000 to \$49,999 | 694 | 594 | 7.3% | 100 | 5.6% |
| \$50,000 to \$74,999 | 517 | 387 | 4.8% | 130 | 7.3% |
| \$75,000 or more | 8 | 0 | 0.0% | 8 | 0.4% |
| Total | 2,627 | 1,880 | 23.2% | 747 | 41.8% |

Data Source: ACS S2503

Housing and Land-use

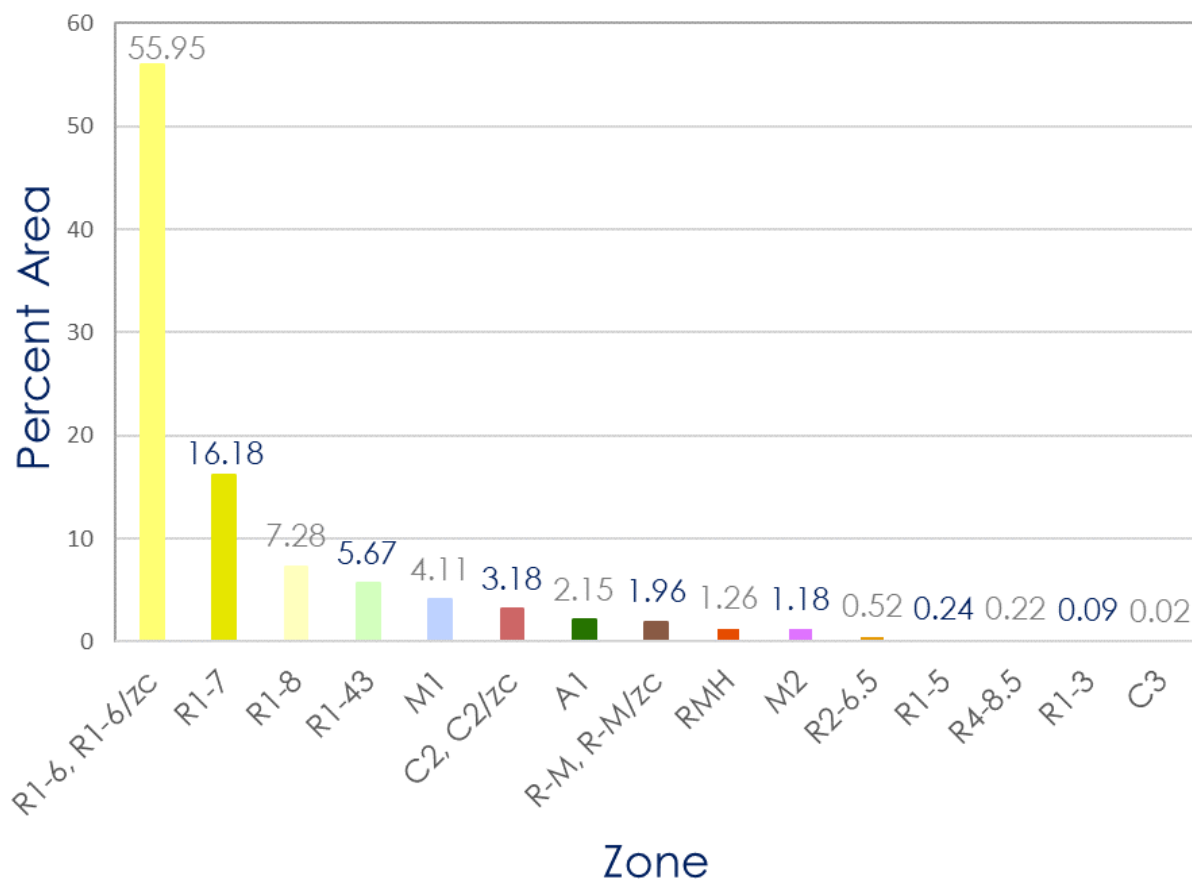
Housing and land-use are tightly connected. Zoning strongly influences how housing and land-use align. Zoning regulations determine the standards for new development, including building size, lot size, and lot use. Therefore, understanding current zoning provides context for what affordable housing opportunities are available based on existing conditions. Current zones within Kearns are described briefly below:

- **A-1 – Agricultural:** low density residential development with limited agricultural uses
- **C-2 – Community Commercial:** neighborhood commercial development
- **C-3 – Regional Commercial:** warehousing, wholesale business, and commercial uses
- **M-1 – Light Industrial:** light industry such as animal hospitals or carpenter shop
- **M-2 – Heavy Industrial:** heavy industry such as cement mixing plant or paper treatment
- **R-1-3 – Residential Single-Family Dwelling:** only SFD
- **R-1-5 – Residential Single-Family Dwelling:** allows single-family project developments
- **R-1-6 – Residential Single-Family Dwelling:** SFD, allows greenhouse/nursery
- **R-1-7 – Residential Single-Family Dwelling:** 5.5 detached units per acre, 10k-3750k sq. ft.
- **R-1-8 – Residential Single-Family Dwelling:** SFD, allows greenhouse/nursery
- **R-1-43 – Residential Single-Family Dwelling:** SFD, allows guest house and four horses
- **R-2-6.5 – Residential Single or Two-Family Dwelling:** allows home business and agriculture
- **R-4-8.5 – Residential High Density:** allows two dwelling units per structure per lot
- **R-M – Residential Multiple Family:** high-density, includes business/professional offices
- **RMH – Residential Mobile Home:** allows accessory buildings and agriculture

Zones are often classified into six major categories: agricultural, commercial, industrial, planned community, residential, and residential multi-family. About 89 percent of Kearns's land area is zoned residential. Most of the residential land is zoned for single-family dwellings (86 percent, or 1,998 acres), while three percent (74.7 acres) is zoned for multi-family dwellings. Two percent of the land (about 50 acres) is zoned Agricultural. Commercial zones occupy 74.2 acres, or three percent of the land. Industrial land covers 122.8 acres along the northwest border. No land is zoned planned community.

Zoning in Kearns is predominantly residential (Figure 3 and Map 1: Zoning). The most common residential zone is R 1-6 and R 1-6/zc. 55.95 percent of Kearns' land is zoned R 1-6 or R 1-6/zc (1,298 acres or 2 square miles). The second most common residential zone is R 1-7, which occupies 375 acres or 16 percent of the land. 168 acres are zoned R 1-8, and 95 acres are zoned R 1-43. R 1-6, R 1-7, and R 1-8 are single-family dwelling zones. R 1-43, while also a single-family dwelling zone, has more permitted and conditional uses, such as fowl for family food production or greenhouses. There are 17.2 acres of land zoned for medium residential density (zones 2-6.5 and 4-8.5). 29.2 acres are zoned for mobile home parks (zone RMH). 45.5 acres are zoned for high-density residential (zones R-M and R-M/zc). 122.7 acres are zoned industrial (M1 or M2). Zone M1 occupies 4 percent of Kearns' land while zone M2 takes up 1.2 percent. 74.3 acres are zoned commercial, with the majority zone C2 or C2/zc and only 0.4 acres zoned C3.

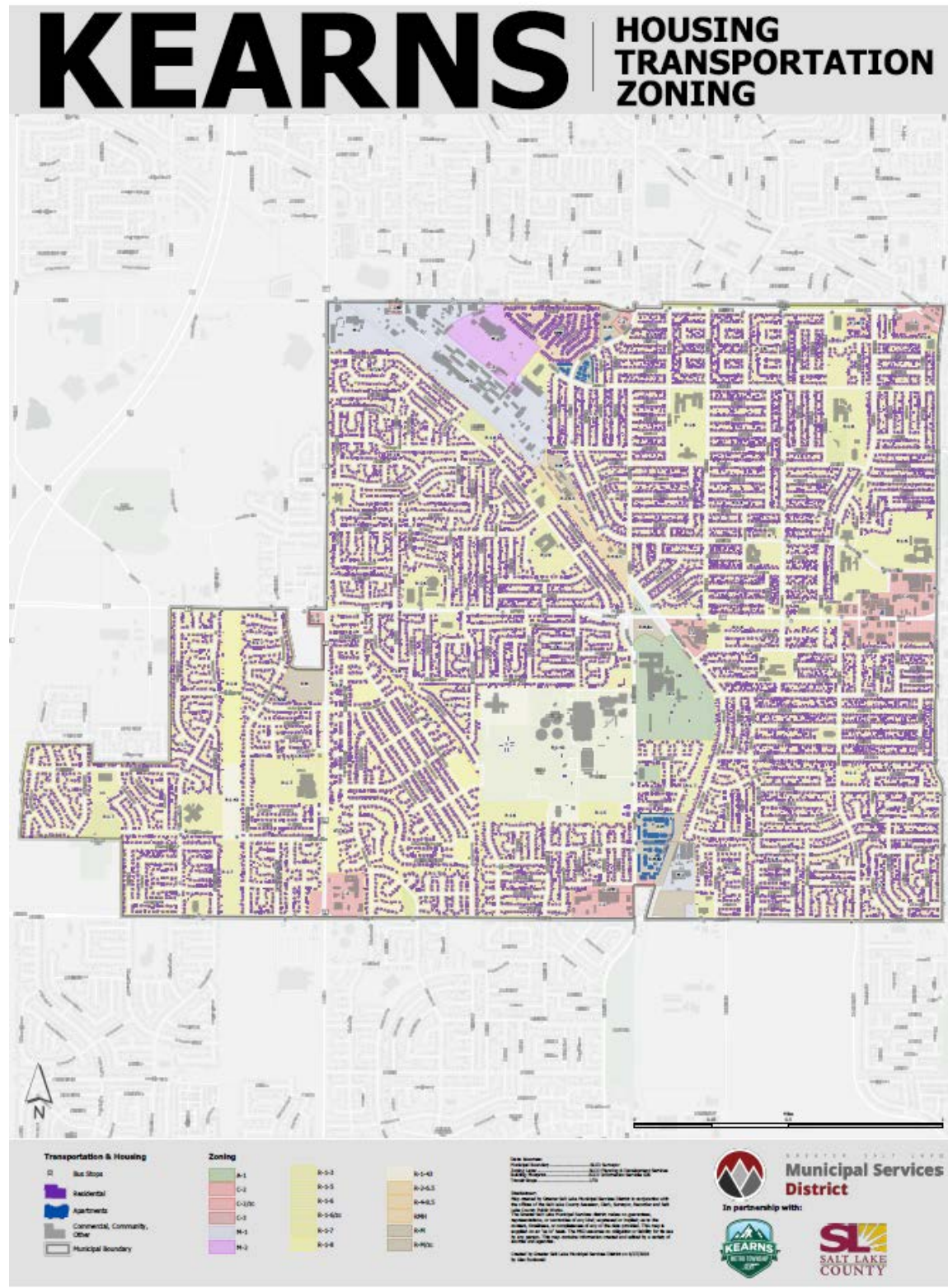
Figure 3: Land Area (Percent of Total) of Major Zoning Categories in Kearns



Increased affordable housing can be created through several measures regarding land-use. Non-residential zones can become mixed-use zones that allow residences. Residential zones with low density can become higher density residential zone²s. Infill development, or development of vacant urban lots, greenfield sites, or brownfield sites, can increase housing in the already dense areas of Kearns. A zoning analysis with a character area map shows where changes to zoning regulations and land-use ordinances could be considered to increase affordable housing opportunities (Map 1).

² Increasing density does not necessarily mean allowing high-rise apartment complexes. For a predominantly single-family dwelling area, increasing density could occur without changing the housing scape, simply by allowing Accessory Dwelling Units or the division of single-family dwellings into duplexes that still look like SFDs.

Map 1: Zones in Kearns



Chapter Five - Housing Availability and Affordability

Indication of Need by Demographics

Kearns's demographics and existing housing stock demonstrate the need for certain characteristics for its current and future housing stock. **2,627 households in Kearns are currently cost-burdened**, and Kearns is mostly built-out. Kearns has sizeable populations under 18 and over 65. With a young, quickly growing, and ethnically diverse population, **Kearns will need a variety of housing** that accommodates children, working professionals, and the elderly.

This context directs options for affordable housing opportunities in Kearns. Both housing type and the location of housing matter for accommodating housing needs. Housing located near schools, transit, and other amenities can minimize transportation costs and logistic difficulties for low-income, mobility-impaired, or single-parent households. Proximity to amenities is also important for the elderly population (eight percent of Kearns). Throughout this section, specific housing availability and affordability needs are analyzed across income groups, occupant type, and household sizes.

Targeted Income Groups and Affordability Thresholds

Income levels at 30 percent of AMI are considered “very low-income,” while those at 50 percent are “low-income” and those at 80 percent are “moderate-income.” These 30, 50, and 80 percent groups are *targeted income groups*. In the following table, targeted income groups are calculated using both the area median income (Salt Lake County) value and the local median income (Kearns) value (Table 12). Annual income was divided by twelve to give monthly household income. Monthly housing allowance represents total housing costs affordable at 30 percent of gross monthly income. This value is the upper limit that a household could pay without being housing cost-burdened.

Table 12: 2017 Annual and Monthly Incomes and Housing Allowance

| Annual Median Household Income | | | | | |
|--|----------|---------------|----------------|-----------|----------------|
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Salt Lake Co | \$84,903 | \$67,922 | \$54,338 | \$33,961 | \$20,377 |
| Kearns | \$74,429 | \$59,543 | \$47,634 | \$29,772 | \$17,863 |
| Monthly Household Income (Annual Income divided by 12) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Salt Lake Co | \$7,075 | \$5,660 | \$4,528 | \$2,830 | \$1,698 |
| Kearns | \$6,202 | \$4,962 | \$3,970 | \$2,481 | \$1,489 |
| Monthly Housing Allowance (30 Percent Monthly Income) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Salt Lake Co | \$2,123 | \$1,698 | \$1,358 | \$849 | \$509 |
| Kearns | \$1,861 | \$1,489 | \$1,191 | \$744 | \$447 |

Data Source: ACS B25119

By using Salt Lake County’s AMI, calculations for Kearns may overestimate the community’s ability to afford housing. For example, as shown in Table 11, 30 percent of Salt Lake County AMI is \$20,377, but 30 percent of Kearns’s median income is \$17,863 (ACS B25119). Due to this discrepancy, this plan recommends that officials and decision-makers understand the calculations as conservative estimates and encourages communities to strive for making housing as affordable as possible. The discrepancy is driven by differences in median owner-occupied household income: \$63,508 for Kearns while \$83,922 for Salt Lake County (ACS B25119). However, median renter household income in Kearns (\$45,981) exceeds that of Salt Lake County (\$42,351) (ACS B25119). Due to the discrepancy between homeowner and renter households, targeted income groups were calculated separately for each (Tables 13 and 14). To determine affordable rental rates, a household would subtract anticipated monthly utility costs from the total monthly housing allowance.

Tables 13 and 14: 2017 Annual and Monthly Incomes and Housing Allowance – Renters (top) and Owners (bottom)

| Annual Median Renter Household Income | | | | | |
|---|----------|---------------|----------------|-----------|----------------|
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Salt Lake Co | \$52,939 | \$42,351 | \$33,881 | \$21,176 | \$12,705 |
| Kearns | \$57,476 | \$45,981 | \$36,785 | \$22,991 | \$13,794 |
| Monthly Household Income (Annual Income divided by 12) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Salt Lake Co | \$4,412 | \$3,529 | \$2,823 | \$1,765 | \$1,059 |
| Kearns | \$4,790 | \$3,832 | \$3,065 | \$1,916 | \$1,150 |
| Monthly Housing Allowance (30 Percent Monthly Income) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Salt Lake Co | \$1,323 | \$1,059 | \$847 | \$529 | \$318 |
| Kearns | \$1,437 | \$1,150 | \$920 | \$575 | \$345 |

| Annual Median Homeowner Household Income | | | | | |
|---|-----------|---------------|----------------|-----------|----------------|
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Salt Lake Co | \$104,903 | \$83,922 | \$67,138 | \$41,961 | \$25,177 |
| Kearns | \$79,385 | \$63,508 | \$50,806 | \$31,754 | \$19,052 |
| Monthly Household Income (Annual Income divided by 12) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Salt Lake Co | \$8,742 | \$6,994 | \$5,595 | \$3,497 | \$2,098 |
| Kearns | \$6,615 | \$5,292 | \$4,234 | \$2,646 | \$1,588 |
| Monthly Housing Allowance (30 Percent Monthly Income) | | | | | |
| | 125% | 100% (Median) | 80% (Moderate) | 50% (Low) | 30% (Very Low) |
| Salt Lake Co | \$2,623 | \$2,098 | \$1,678 | \$1,049 | \$629 |
| Kearns | \$1,985 | \$1,588 | \$1,270 | \$794 | \$476 |

Data Source: ACS B25119

Targeted Income Groups by Family Size

The U.S. Department of Housing and Urban Development (HUD) calculates income thresholds for targeted income groups according to family household size. This helps decision-makers plan as effectively for one-person or eight-person households as the traditional four-person household. Table 15 below shows HUD calculations for income thresholds based on an inflation-adjusted value of \$75,400³ for Salt Lake County's 2017 median family income (MFI)⁴.

Table 15: Salt Lake County 2017 HUD Median Family Income Thresholds by Household Size

| Household Size | 30% MFI | 50% MFI | 80% MFI | 100% MFI |
|----------------|----------|----------|----------|----------|
| 1 person | \$15,850 | \$26,400 | \$42,250 | \$52,813 |
| 2 persons | \$18,100 | \$30,200 | \$48,250 | \$60,313 |
| 3 persons | \$20,420 | \$33,950 | \$54,300 | \$67,875 |
| 4 persons | \$24,600 | \$37,700 | \$60,300 | \$75,375 |
| 5 persons | \$28,879 | \$40,750 | \$65,150 | \$81,438 |
| 6 persons | \$32,960 | \$43,750 | \$69,905 | \$87,381 |
| 7 persons | \$37,140 | \$46,750 | \$74,800 | \$93,500 |
| 8 persons | \$41,320 | \$49,800 | \$79,600 | \$99,500 |

Data Source: HUD "2017 Income Limits Documentation System"

Other Targeted Groups

When income is broken down according to demographic subsets, substantial differences among their median household incomes becomes visible. These annual income differences lead to monthly income differences and thus monthly housing allowance differences. This means that specific subsets of people have different affordability thresholds (Table 16). The discrepancies between median income of homeowners and renters, male and female householders, elderly households, and others all translate into different thresholds for affordability.

Four demographic subsets fall significantly below the area median household value: elderly householder, female non-family householder, single female householder, and Black or African American householder. A single female raising her family at 30 percent AMI can only afford to pay \$293 per month toward housing. At 80 percent AMI, she can afford to pay \$782 per month. Values for the elderly and Black or African American households are similar. A female non-family household can afford to pay \$492 at 80 percent AMI.

³ Note that median family income exceeds median household income for Salt Lake County in 2017.

⁴ While HUD AMFI 2018 estimations are available, other data in this report is 2017. Therefore, we used HUD AMFI 2017 numbers to stay consistent.

Table 16: Other Targeted Groups – 2017 Annual and Monthly Incomes and Housing Allowance ⁵

| Household Income by Type | Annual Income Levels | | | | | Monthly Income Levels | | | | | Monthly Housing Allowance | | | | |
|--|----------------------|----------|----------|-----------|-----------|-----------------------|---------|---------|---------|----------|---------------------------|---------|---------|---------|---------|
| | 30% | 50% | 80% | 100% | 125% | 30% | 50% | 80% | 100% | 125% | 30% | 50% | 80% | 100% | 125% |
| Area Median Household | \$20,377 | \$33,961 | \$54,338 | \$67,922 | \$84,903 | \$1,698 | \$2,830 | \$4,528 | \$5,660 | \$7,075 | \$509 | \$849 | \$1,358 | \$1,698 | \$2,123 |
| Area Median Family | \$22,620 | \$37,700 | \$60,320 | \$75,400 | \$94,250 | \$1,885 | \$3,142 | \$5,027 | \$6,283 | \$7,854 | \$566 | \$943 | \$1,508 | \$1,885 | \$2,356 |
| Local Median Household | \$17,863 | \$29,772 | \$47,634 | \$59,543 | \$74,429 | \$1,489 | \$2,481 | \$3,970 | \$4,962 | \$6,202 | \$447 | \$744 | \$1,191 | \$1,489 | \$1,861 |
| Area Median Homeowner Household | \$25,177 | \$41,961 | \$67,138 | \$83,922 | \$104,903 | \$2,098 | \$3,497 | \$5,595 | \$6,994 | \$8,742 | \$629 | \$1,049 | \$1,678 | \$2,098 | \$2,623 |
| Area Median Renter Household | \$12,705 | \$21,176 | \$33,881 | \$42,351 | \$52,939 | \$1,059 | \$1,765 | \$2,823 | \$3,529 | \$4,412 | \$318 | \$529 | \$847 | \$1,059 | \$1,323 |
| Local Median Homeowner Household | \$19,052 | \$31,754 | \$50,806 | \$63,508 | \$79,385 | \$1,588 | \$2,646 | \$4,234 | \$5,292 | \$6,615 | \$476 | \$794 | \$1,270 | \$1,588 | \$1,985 |
| Local Median Renter Household | \$13,794 | \$22,991 | \$36,785 | \$45,981 | \$57,476 | \$1,150 | \$1,916 | \$3,065 | \$3,832 | \$4,790 | \$345 | \$575 | \$920 | \$1,150 | \$1,437 |
| White Household | \$18,384 | \$30,640 | \$49,023 | \$61,279 | \$76,599 | \$1,532 | \$2,553 | \$4,085 | \$5,107 | \$6,383 | \$460 | \$766 | \$1,226 | \$1,532 | \$1,915 |
| Black or African American Household | \$12,277 | \$20,462 | \$32,739 | \$40,924 | \$51,155 | \$1,023 | \$1,705 | \$2,728 | \$3,410 | \$4,263 | \$307 | \$512 | \$818 | \$1,023 | \$1,279 |
| Asian Household | \$31,906 | \$53,177 | \$85,083 | \$106,354 | \$132,943 | \$2,659 | \$4,431 | \$7,090 | \$8,863 | \$11,079 | \$798 | \$1,329 | \$2,127 | \$2,659 | \$3,324 |
| Native Hawaiian and other Pacific Islander Household | \$18,563 | \$30,938 | \$49,500 | \$61,875 | \$77,344 | \$1,547 | \$2,578 | \$4,125 | \$5,156 | \$6,445 | \$464 | \$773 | \$1,238 | \$1,547 | \$1,934 |
| Some other race Household | \$16,105 | \$26,842 | \$42,947 | \$53,684 | \$67,105 | \$1,342 | \$2,237 | \$3,579 | \$4,474 | \$5,592 | \$403 | \$671 | \$1,074 | \$1,342 | \$1,678 |
| Two or more races Household | \$21,192 | \$35,321 | \$56,513 | \$70,641 | \$88,301 | \$1,766 | \$2,943 | \$4,709 | \$5,887 | \$7,358 | \$530 | \$883 | \$1,413 | \$1,766 | \$2,208 |
| Hispanic Household | \$16,559 | \$27,598 | \$44,156 | \$55,195 | \$68,994 | \$1,380 | \$2,300 | \$3,680 | \$4,600 | \$5,749 | \$414 | \$690 | \$1,104 | \$1,380 | \$1,725 |
| Families with single Female Householder | \$11,723 | \$19,538 | \$31,261 | \$39,076 | \$48,845 | \$977 | \$1,628 | \$2,605 | \$3,256 | \$4,070 | \$293 | \$488 | \$782 | \$977 | \$1,221 |
| Families with single Male Householder | \$20,066 | \$33,444 | \$53,510 | \$66,887 | \$83,609 | \$1,672 | \$2,787 | \$4,459 | \$5,574 | \$6,967 | \$502 | \$836 | \$1,338 | \$1,672 | \$2,090 |
| Female householder (non-family) | \$7,373 | \$12,288 | \$19,661 | \$24,576 | \$30,720 | \$614 | \$1,024 | \$1,638 | \$2,048 | \$2,560 | \$184 | \$307 | \$492 | \$614 | \$768 |
| Male householder (non-family) | \$13,856 | \$23,094 | \$36,950 | \$46,188 | \$57,735 | \$1,155 | \$1,925 | \$3,079 | \$3,849 | \$4,811 | \$346 | \$577 | \$924 | \$1,155 | \$1,443 |
| Elderly Household (65 yr+) | \$12,166 | \$20,277 | \$32,443 | \$40,554 | \$50,693 | \$1,014 | \$1,690 | \$2,704 | \$3,380 | \$4,224 | \$304 | \$507 | \$811 | \$1,014 | \$1,267 |

Notes: The three rows in green are the three highest income levels and thus three highest monthly housing allowances. Those highlighted in red are the four lowest values.

Data Source: ACS B25119 and S1903

⁵ All calculations and numbers reported in this table are Kearns-specific (rather than county-based), unless they say “Area,” which refers to Salt Lake County values. These numbers give a clear picture of demographic differences in income and thus affordability within Kearns.

Availability of Housing Units for Targeted Income Groups

All Households

Available houses were determined using current market research. According to www.realtor.com, Kearns has 150 properties for sale within the metro township as of 27 August 2019. These properties have a median listing price of \$284,890. They have a median price per square foot of \$152. Assuming a ten percent down payment, 30-year mortgage, and a four percent interest rate, these sale prices equate to **a monthly payment of \$2,112**, including taxes, insurance, and interest (www.zillow.com). At this price, **households at 125 percent AMI could afford this payment**, given that utility and other costs are below \$11.00 (\$2,123 - \$2,112). Households at 100 percent AMI or below could not afford this payment.

On www.zillow.com, thirteen properties are listed for rent at a median price of \$1,400 per month, with a median of three bedrooms and two bathrooms. At this rate, these rentals are affordable only to households at 100 percent AMI. Five of the rentals are affordable at 80 percent AMI.

Among all households in Kearns, 14 housing units are currently deed-restricted for moderate income households (DWS “Five Year Housing Projection Calculator”). The federal government’s LIHTC program subsidized these 14 units (DWS “Five Year Housing Projection Calculator”). They are located in St. Andrews Park II and are available for households at 50 to 60 percent AMI (affordablehousingonline.com).

Renter Households

Whether using local or area median income, renter households face a deficit of available housing units. Using AMI, **the deficit totals 112 units among targeted income groups** and 485 units across all income groups (Table 17). **The second-lowest income group, 30 to 50 percent of AMI, lacks 81 units.** The moderate-income group, 50 to 80 percent of AMI, needs 31 additional units.

The numbers resulting from calculations using local median income resemble those from the above AMI calculations (Table 18). There is a deficit of 107 units among targeted income groups, and a total deficit of 575 units across all income groups. For the 30 to 50 percent of local median income group, there is a deficit of 107 units.

Table 17: Availability and Need of Existing Rental Housing in 2017, using AMI

| | Using Regional (Salt Lake County) Area Median Renter Income | | | | |
|------------------------------------|---|---|---------------------|--|------------------------------------|
| Income Range | Maximum Affordable Monthly Housing Allowance | Maximum Affordable Monthly Rental Costs (Rent minus \$295 in Utilities) | # Renter Households | # Rental Units Available at that Price | Surplus/Deficit of Units Available |
| Less than 30% AMHI (\$12,705) | 318 | \$23 | 82 | 229 | 147 |
| 30%-50% AMHI (\$12,705-\$21,176) | 529 | \$234 | 144 | 63 | -81 |
| 50%-80% AMHI (\$21,176-\$33,881) | 847 | \$552 | 462 | 431 | -31 |
| 80%-100% AMHI (\$33,881-\$42,351) | 1,059 | \$764 | 190 | 360 | 170 |
| 100%-125% AMHI (\$42,351-\$52,939) | 1,323 | \$1,028 | 210 | 379 | 169 |
| > 125% AMHI (> \$52,939) | > \$1,323 | > \$1,028 | 702 | 329 | -373 |

Note: See Appendix for Explanation of Utility Cost Estimate

Data Source: ACS B25118, B25119, B25056, S2503

Table 18: Availability and Need of Existing Rental Housing in 2017, using Local HH Income

| | Using Local (Kearns Metro Township) Median Renter Income | | | | |
|------------------------------------|--|---|---------------------|--|------------------------------------|
| Income Range | Maximum Affordable Monthly Housing Allowance | Maximum Affordable Monthly Rental Costs (Rent minus \$295 in Utilities) | # Renter Households | # Rental Units Available at that Price | Surplus/Deficit of Units Available |
| Less than 30% AMHI (\$13,794) | \$345 | \$50 | 102 | 232 | 130 |
| 30%-50% AMHI (\$13,794-\$22,991) | \$575 | \$280 | 225 | 118 | -107 |
| 50%-80% AMHI (\$22,991-\$36,785) | \$920 | \$625 | 431 | 504 | 73 |
| 80%-100% AMHI (\$36,785-\$45,981) | \$1,150 | \$855 | 199 | 358 | 160 |
| 100%-125% AMHI (\$45,981-\$57,476) | \$1,437 | \$1,142 | 201 | 412 | 212 |
| > 125% AMHI (> \$57,476) | > \$1,437 | > \$1,142 | 633 | 165 | -468 |

Note: See Appendix for Explanation of Utility Cost Estimate

Data Source: ACS B25118, B25119, B25056, S250

Availability of affordable housing in Kearns has decreased over time (Table 19). In 2012, the deficit was 33 units (across targeted groups) compared to 112 in 2017. However, the overall availability of housing (across all income groups) has improved during this time, from a deficit of 959 units to 485 units. In terms of the number of available rental units per AMI group, the situation improved from 2012 to 2017 for one of the three targeted income groups. The less than 30 percent AMI group saw an increase in unit availability over that time (gain of 180 units, from -33 to 147).

Table 19: Availability and Need of Existing Rental Housing in 2012

| Income Range | Using Regional (Salt Lake County) Area Median Renter Income | | | | |
|------------------------------------|---|---|---------------------|--|------------------------------------|
| | Maximum Affordable Monthly Housing Allowance | Maximum Affordable Monthly Rental Costs (Rent minus \$265 in Utilities) | # Renter Households | # Rental Units Available at that Price | Surplus/Deficit of Units Available |
| Less than 30% AMHI (\$12,705) | \$263 | -\$2 | 97 | 64 | -33 |
| 30%-50% AMHI (\$12,705-\$21,176) | \$439 | \$174 | 72 | 191 | 119 |
| 50%-80% AMHI (\$21,176-\$33,881) | \$702 | \$437 | 191 | 295 | 104 |
| 80%-100% AMHI (\$33,881-\$42,351) | \$878 | \$613 | 137 | 469 | 332 |
| 100%-125% AMHI (\$42,351-\$52,939) | \$1,097 | \$832 | 164 | 624 | 460 |
| > 125% AMHI (> \$52,939) | > \$1,097 | > \$832 | 984 | 58 | -926 |

Note: See Appendix for Explanation of Utility Cost Estimate

Data Source: ACS B25118, B25119, B25056, S2503

Projected Availability of Housing Units for Targeted Income Groups

Housing unit availability was projected using 2012 and 2017 data. The deficit in housing for targeted income groups was 33 in 2012 and 112 in 2017. Over that five-year period, this is a 239 percent increase. In other words, **there was a 48 percent increase in the housing deficit annually for targeted income groups**. Carrying these numbers five years into the future⁶, **Kearns may have a shortage of 1,732 units for targeted income groups in 2024**. While this number seems too large, it shows what Kearns could experience if current trends continue. This sparks great concern and highlights the need for Kearns to be proactive with its housing policies.

⁶ This projection was calculated using a forty-eight percent increase each year from 2017 through 2024.

Chapter Six – Action Plan

The Action Plan is the most important part of the document. It provides concrete ways to achieve in Kearns an environment conducive to successful moderate-income housing opportunities. Feedback gathered from the public at the September 28, 2019 Housing Element Open House has guided the action plan. Using results from the interactive mapping activities, the public comments box, and the Menu Items voting exercise, planning staff has synthesized the Menu Items that the public decided best suit their community. Additionally, planning staff has continued to take public feedback through email and the phone.

The following goals and supporting strategies and actions aim to preserve, create, or otherwise promote moderate-income housing opportunities in Kearns Metro Township.

Goal 1: Preserve current moderate-income housing.

Menu Item Utilized: L

Strategy 1: Identify current MIH.

Strategy 2: Establish a “Good Landlord Program.”

Action 1: Create and adopt “Good Landlord Program.”

Action 2: Achieve code enforcement.

Goal 2: Create more moderate-income housing options.

Menu Items Utilized: E, F, and G

Strategy 1: Allow Accessory Dwelling Units.

Action 1: Write and adopt an ADU Ordinance.

- Carefully define ADUs in ordinance
- Consider type of ADUs allowed
- Consider where ADUs should be allowed

Strategy 2: Promote creation of Accessory Dwelling Units.

Action 1: Identify partners that help with construction and/or conversion costs.

Action 2: Disseminate funding assistance information to residents.

Action 3: Use Map 2 (next page) to show ADU possibilities.

Strategy 3: Require Developers to have moderate-income unit set-asides.

Action 1: Decide set-aside specifications

Action 2: Determine incentives to encourage developers to build MIH

Action 3: Write and adopt Ordinance(s).

Map 2: Potential ADU Sites in Kearns


HOUSING: Using GIS to Understand Utah's Housing Challenges

Legislative Approach - Municipal Effort

In 2019, the Utah Legislature passed affordable housing legislation outlining 23 strategies aimed at reducing barriers to affordable housing development. Municipalities select and work on three of the strategies in order to qualify for various funding sources.

This figure uses GIS data to analyze the spatial relationships between housing potential, existing networks, and infrastructure to explore one strategy outlined in SB34;

to "create or allow for, and reduce regulations related to, accessory dwelling units in residential zones." An accessory dwelling unit or ADU is a small, self-contained residential unit located on the same lot as an existing single-family home. These can be attached or detached units.

 ADU's are not the answer to every challenge facing the valley's housing stock, and there are certainly places where they're not appropriate. The analysis in this figure is exploratory.

GIS Workflow: Ask questions of the data. Assemble accordingly.



Where is there ADU potential based on commerce and employment centers? How close do people live?

- Identify shopping areas and construct walking area overlay



Where is there ADU potential based on public transportation? What transportation corridors exist?

- Draw and dissolve quarter mile buffers around bus stops

Symbol not to scale



Where is there ADU potential based on existing secondary structures? Are there existing building footprints suitable for ADU use?

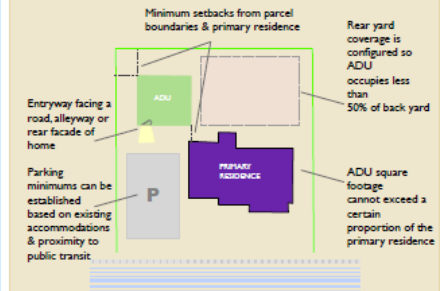
- Identify building footprints

- Spatially join building footprint data to the parcel layer. Identify parcels where building coverage is less than 50%.

- Query footprint data for buildings between 250 & 850 square feet

| Structures by sqft | ≤ 350 sqft | ≤ 450 sqft | ≤ 550 sqft | ≤ 650 sqft | ≤ 750 sqft | ≤ 850 sqft |
|------------------------------------|------------|------------|------------|------------|------------|------------|
| Total structures by sqft in Kearns | 561 | 301 | 232 | 269 | 251 | 207 |

What a detached ADU might look like...



Created by Greater Salt Lake Municipal Services District on 9/12/2019 by Alex Rudewicz

Data Source: SLCO Recorder and Assessor
 Parcel Data: SLCO Recorder
 Municipal Boundaries: SLCO Information Services GIS
 Building Footprints: LPTA
 Transit Stops: SLCO
 Shopping Centers: SLCO

Disclaimer:
 Map created by Greater Salt Lake Municipal Services District in cooperation with the offices of the Salt Lake County Assessor, Clerk, Recorder and Salt Lake County Public Works.
 The Greater Salt Lake Municipal Services District makes no guarantee, representations or warranties of any kind, expressed or implied as to the content, quality, or completeness of any of the data provided. This map is supplied on an "as is" basis. The MSD assumes no obligation or liability for its use by any person. This map contains information created and edited by a variety of sources and agencies.



GREATER SALT LAKE
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 District**



Strategy 4: Partner with organizations and entities that build affordable housing.

Action 1: Explore creative solutions, such as partnering with ICÓN, a 3D house printing company that builds affordable housing.

Strategy 5: Consider zoning changes to allow higher density housing near the popular bus lines (4700 South and 5400 South) as well as near employment opportunities, specifically near the industrial and commercial zones in central-southern, central-northern, and eastern-central Kearns.

Action 1: Identify these areas.

Action 2: Write and adopt a new zoning Ordinance.

Goal 3: Support measures and efforts that contribute to neighborhood stabilization.

Menu Items Utilized: B and C

Strategy 1: Identify and apply for grants and funding opportunities that do so.

Action 1: Provide exterior curb-appeal grants to 10 homes per year through 2024 (50 total).

Action 2: Support applications and funding from the *Green and Healthy Homes Initiative* to conduct critical needs home repair in low and moderate-income housing.

Action 3: Support applications and funding from the *Utah Weatherization Assistance Program* to help low-income residents, especially the elderly and disabled, to reduce energy consumption through home improvements.

Action 4: Support applications and funding from *Salt Lake Valley Habitat for Humanity* to house families between 30 and 60 percent of the Area Median Income.

Action 5: Support applications and funding from *Assist Utah's Emergency Home Repair, Accessibility Design, and Aging in Place* programs.

Strategy 2: Identify infrastructure investments that would further facilitate MIH and the success of MIH families.

Action 1: Consider new transit routes and stops, improvements in transit frequency, and improvements in transit stations and stops.

Action 2: Use the sidewalk inventory (forthcoming in Kearns 2020 Master Transportation Plan) and connect any sidewalk gaps to promote walkability and enhance the destination accessibility of non-automobile owners.

Chapter Seven – References

1. ESRI Business Analyst Online
 - “Demographic and Income Profile”
 - “Detailed Age Profile”
 - “Housing Profile”
2. S. Manson, J. Schroeder, D. Van Riper, & S. Ruggles. IPUMS NHGIS: V13.0 [Database]. Minneapolis: University of Minnesota. 2018.
3. Salt Lake County
 - Planning and Development Services “Residential Permits”
 - Geographic Information Systems – Zoning Data and Metro Township Boundaries
4. United States Census Bureau, American Community Survey
 - Tables: B21100, B25056, B25118, B25119, DP1, DP2, DP3, DP4, S1810, S1901, S1903, S2101, S2503,
5. U.S. Department of Housing and Urban Development
 - “2017 Income Limits Documentation System”
 - “Affordable Housing Guide”
6. Utah Department of Workforce Services, Housing and Community Development Division, GoogleDrive Database: <https://drive.google.com/drive/folders/15DWOQV9y-Su6as0RVGDvSicrkYrCqK1Z>
 - “A Moderate-Income Housing Element Outline”
 - “DWS 5-Year Housing Projection Calculator”
 - “Important Advice for Planning Moderate-Income Housing”
 - “Moderate-Income Housing Writing Guide”
 - “City of Meropis: Moderate-Income Housing Plan”
 - “Salt Lake County: Moderate-Income Housing Plan 2017”
 - “Sandy City General Plan: Section 3 Housing Needs”
 - “South Salt Lake City: Moderate-Income Housing Plan”
 - “State of Utah Affordable Housing Report 2018”
 - “Snyderville Basin and East Summit County: Housing Affordability Assessment”
7. Utah League of Cities and Towns “Housing Policy in Utah” 2018
8. Utah Non-Profit Housing Corporation “<https://unphc.org/housing/>”
9. Websites:
 - www.realtor.com
 - www.mortgagecalculator.com
 - www.zillow.com
 - www.lowincomehousing.us

Chapter Eight – Appendix

Topics

In this chapter, planning staff have written further explanations of several topics presented in this plan. Each topic has a paragraph description as well as links to more resources. Some links go to online databases with multiple resources. Resources are presented as sources of more information and do not necessarily represent endorsement of specific policies or programs by MSD planning staff.

Affordable Housing in General

The Utah Department of Workforce Services (DWS) has a shared GoogleDrive account with dozens of resources. It holds all Moderate-Income Housing Plans within Utah that they have received. It also has dozens of presentations on various topics and guides on writing housing plans. One particularly helpful document is the Utah League of Cities and Towns (ULCT) “Keys to Housing Policy in Utah.” It includes a glossary of housing terms, several strategies to promoting affordable housing, and several case studies of communities throughout Utah. Another helpful document is the National Association of Home Builders (NAHB) guide: “Research on State and Local Means of Increasing Affordable Housing.” It has strategies and case studies from across the nation. Pros and cons are listed under each strategy as well as places where that strategy has been implemented.

DWS General Database:

<https://drive.google.com/drive/folders/1WEYWuTWX9z1ppDDGLX0JdC4PupyZcGoh>

ULCT Guide:

https://drive.google.com/drive/folders/1S1MWw3UbDG03TEW_V_P5wMluwhmqTiW

NAHB Guide:

<https://drive.google.com/drive/folders/1s2wwHXXVFHSt4inlDyBPPJcF8OTojSGk>

Accessory Dwelling Units

Accessory Dwelling Units are a secondary dwelling (place to live) on the same lot as a single-family home. They can be attached or detached, such as a basement apartment, a tiny house, a garage apartment, or a mother-in-law apartment, as well as some others.

Salt Lake County Regional Development and the Wasatch Front Regional Council put together the following presentation about ADUs. It includes data from research initiatives, issues, benefits, and best practices. The presentation is available in PDF format at the link below.

SLCo and WFRC presentation: <http://www.ulct.org/wp-content/uploads/sites/4/2015/09/ADU-Presentation-by-Jake-Young-and-Ted-Knowlton-ULCT-2017.pdf>

Salt Lake City has an extensive guide on how to build ADUs. While it is based on Salt Lake City ordinances, zoning, and rules, it includes great information on ADUs in general, especially its illustrations on different ways to configure a single-family house and an ADU on a lot. Other municipalities have informative ADU guides and regulations as well.

SLC: http://www.slcdocs.com/Planning/Guides/ADU_handbook.pdf

Cedar Hills: <http://www.cedarhills.org/adu/>

Kaysville: <https://www.kaysvillecity.com/DocumentCenter/View/230/Accessory-Buildings-Guide-PDF>

Spanish Fork:

https://www.spanishfork.org/departments/community_development/planning/accessory_dwelling_units.php

Good Landlord Program

Good Landlord Programs exist in many cities and towns in Utah, with each municipality adapting the program to its community's specific needs. They aim to incentivize good landlord behavior, good tenant behavior, and good property management and upkeep. They are generally voluntary incentive programs, where rental owners who choose to participate pay significantly reduced fees. To participate, rental owners usually must take a course on being a good landlord, which is offered by the Utah Apartment Association, be current on fees, sign a contract, and properly care for properties.

Centerfield: <https://www.centerfieldcity.org/good-landlord-program>

North Salt Lake City: <https://www.nslcity.org/DocumentCenter/View/769/Good-Landlord-Program-Brochure-Apartments?bidId=>

Ogden: <https://www.ogdencity.com/203/Good-Landlord-Program>

Salt Lake City: http://www.slcdocs.com/landlord/landlord_tenant.pdf

West Jordan: <https://www.westjordan.utah.gov/good-landlord-program>

Short-term Rentals

Short-term rentals are places that can be rented typically between one day to nine months. Places are beginning to write ordinances regarding them. Ordinances for short-term rentals address issues such as whether hosts must be permanent residents and for how long a person can stay in a place and it be considered a short-term rental. Short-term rentals have positive and negative externalities. Short-term rentals can be a vital second source of income for a household. However, short-term rentals with absentee landlords and poor management can turn into eyesores. At the same time, short-term rentals with absentee landlords can become overpriced vacation destinations that negatively impact local affordability for neighbors.

This article highlights twelve cities across the United States that have implemented ordinances regarding short-term rentals. The article includes links to more information.

Article: <https://www.2ndaddress.com/research/short-term-rental-laws/>

Zoning

Zoning is not an evil word. Zoning is the division of land into defined areas in which specific land uses are allowed or prohibited. Zoning is intended to promote the health, safety, and wellbeing of people by guiding land use decisions so that compatible uses are adjacent while incompatible uses are separated. For example, zoning can be used to prevent the building of highly polluting factories next to kindergartens or homes.

When zoning is appropriate and community-driven, it supports the goals of the community. Kearns' zoning code comes from Salt Lake County's code, eventually Kearns' code needs to be updated to match Kearns' wants and needs. One article below, the first link, explains the basics of zoning. The second link goes to the website of the Land Use Academy of Utah (LUAU). It has a short video on zoning. The website also hosts many other videos and articles about land use and local government in Utah.

Article: <https://propertymetrics.com/blog/zoning-laws/>

LUAU Website: <https://luau.utah.gov/2017/05/25/league-definitions-zoning/>

The American Planning Association (APA) defines different types of zoning. Click on the link below to learn more about these types. "Base" zoning is sometimes used to refer to the regular zoning that most people are used to hearing about. "Overlay" zoning is another type of zoning. An overlay zone is a rule applied over already established zones that may cross the boundaries of different zones. For example, an overlay zone may allow ADUs across R 1-8 and R 1-21 zones within 0.5 miles of bus stops. The base zones of R 1-8 and R 1-21 would stay the same. There is an overlay zoning explanation on the APA website or on page 46 of the National Association of Home Builders (NAHB) guide.

APA: <https://www.planning.org/divisions/planningandlaw/propertytopics.htm>

NAHB Guide: <https://drive.google.com/drive/folders/1s2wwHXXVFHSt4inlDyBPPJCf8OTojSGk>

Example Ordinances

Good Landlord Program ordinances:

Salt Lake City: <http://www.slcdocs.com/landlord/ordinance.pdf>

Centerfield:

[https://centerfield.municipalcodeonline.com/book?type=ordinances#name=3.80 Good Landlord Program](https://centerfield.municipalcodeonline.com/book?type=ordinances#name=3.80%20Good%20Landlord%20Program)

ADU ordinances:

North Salt Lake City: <https://www.nslcity.org/DocumentCenter/View/1992/ADU-112118?bidId=>

Cedar Hills: <http://www.cedarhills.org/wp-content/uploads/2018/08/ordinance-07-17-2018A-title-10-accessory-dwelling-units.pdf>

List of Relevant Organizations and Websites

Resources are presented as sources of more information and do not necessarily represent endorsement of specific policies or programs by MSD planning staff.

AAA Fair Credit Foundation: <https://faircredit.org/about-us/>

Affordable Housing Online: <https://affordablehousingonline.com/>

American Planning Association – National Website (APA): <https://www.planning.org/>

American Planning Association – Utah Chapter (APA Utah): <https://www.apautah.org/>

Assist Utah: <https://assistutah.org/>

Community Development Corporation of Utah (CDC Utah): <https://cdc.utah.org/im-a-homeowner/home-repairs/>

Home Rehab Referral List: <https://cdc.utah.org/wp-content/uploads/2019/08/Rehab-Referral-List.pdf>

Congress for the New Urbanism: <https://www.cnu.org/resources>

Greater Salt Lake Municipal Services District (GSLMSD or MSD): <https://msd.utah.gov/>

Green and Healthy Homes Initiative: <https://slco.org/green-healthy-homes/>

Home Energy Assistance Target (HEAT) Program: <https://affordablehousingonline.com/>

Land Use Academy of Utah (LUAU): <https://luau.utah.gov/>

National Association of Home Builders (NAHB): <https://www.nahb.org/>

Salt Lake County Regional Development – Planning and Transportation:
<https://slco.org/planning-transportation/>

The Utah Land Use Institute: <https://utahlanduse.org/land-use-library/>

Utah Apartment Association: <https://www.uaahq.org/>

Good Landlord Program class: <https://www.uaahq.org/gll.html>

Utah Center for Neighborhood Stabilization (UTCNS): <http://www.utcms.com/>

Utah Community Action – Weatherization Program (UCA):
<https://www.utahca.org/weatherization/>

Utah Department of Transportation (UDOT):
<https://www.udot.utah.gov/main/f?p=100:6:0:::V,T:,1>

Utah Department of Workforce Services (DWS): <https://jobs.utah.gov/index.html>

Affordable Housing page: <https://jobs.utah.gov/housing/affordable/index.html>

Utah League of Cities and Towns (ULCT): <http://www.ulct.org/>

Utah Public Notice Website: <https://www.utah.gov/pmn/index.html>

Utah Transit Authority (UTA): <https://www.rideuta.com/>

Wasatch Front Regional Council (WFRC): <https://wfrc.org/>

Methods

Utility Cost Estimate Methods and Sources

| Type | Rate | Data Source |
|---|-------------------------------|--|
| Basic Monthly Service Fee | \$17.00 | Kearns Improvement District |
| Using 10,001 to 25,000 gallons per month | \$2.92 per 1,000 gallons | Kearns Improvement District |
| Per Capita Water Usage | 80-100 gallons per day | USGS "Water Questions & Answers" |
| Monthly Usage: | 2,400-3,100 gallons per month | (80 gallons times 30 days per month |
| Median Monthly Usage: | 2,750 gallons per month | for low end of range; 100 gallons times 31 days per month for high end of range) |
| Kearns Avg. Household Size | 3.75 people per household | ACS DP04 - 2017 |
| $2,750 \text{ gal per person} * 3.75 \text{ people per house} = 10,312.5 \text{ gal per month}$ $(10,312.5 \text{ gal} * \$2.92 \text{ per } 1,000 \text{ gal} / 1,000 \text{ gal}) + \17.00 base rate <p>= Monthly Water Cost Estimate: \$47.11</p> | | |

| Internet Provider | Cost Per Month, By Available Packages | | | | | | | | | | |
|----------------------|---------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|
| | Package 1 | Package 2 | Package 3 | Package 4 | Package 5 | Package 6 | Package 7 | Package 8 | Package 9 | Package 10 | Package 11 |
| CenturyLink | 45 | 55 | 55 | 85 | 65 | 50 | | | | | |
| Xfinity | 29.99 | 34.99 | 29.99 | 44.99 | 59.99 | 74.99 | 29.99 | 39.99 | 49.99 | 59.99 | 69.99 |
| Frontier | 27.99 | 34.99 | 44.99 | | | | | | | | |
| Spectrum | 44.99 | | | | | | | | | | |
| AVERAGE PACKAGE COST | 49 | | | | | | | | | | |
| MEDIAN PACKAGE COST | 45 | | | | | | | | | | |

| Utility | Cost per Month | Data Source |
|-------------|----------------|--|
| Electricity | \$82 | U.S. Energy Information Administration "Average Monthly Bill - Residential" for State of Utah (2017) |
| Sewer | \$37 | Kearns Improvement District "Sewer Rates: Residential" (2019) |
| Water | \$47 | Kearns Improvement District "Water Rates: Residential" (2019), USGS "Water Questions & Answers", ACS DP04 |
| Heating | \$54 | McCann, Adam "2019's Most & Least Energy-Expensive States" (2019) |
| Garbage | \$27 | Wasatch Front Waste and Recycling District (2018) |
| Internet | \$49 | Average of Internet Packages offered by Utah's top 4 providers: CenturyLink, Xfinity, Frontier, and Spectrum (n=21) (2019) |
| SUM | \$295 | |

Housing Availability and Need Calculations

See attached PDF for depiction of calculations using local (Kearns) values. Process using AMI (Salt Lake County) values is the same but uses Salt Lake County values.

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------|---|---|---|----------|-----|---|--------|--|---------|------------|------------|--|---|---|---|--|---|---|---|---|--------------|--|--|--|--|
| 1 | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | | | | | |
| 2 | Table B25118: Financial Characteristics, 2017 ACS 5-year data, Kearns | | | | | Table DP04, ACS 2017 5-year Data, Kearns | | | | | | | | | | This is for Renters only. Owner Occupied is different. | | | | | | | | | |
| 3 | | | | Kearns | | Update data for your geography and time period. | | Kearns | | | | | | | | | | | | | | | | | |
| 4 | | | | Estimate | | | | Estimate | | | | | | | | | | | | | | | | | |
| 5 | Total: | | | 9,892 | | | | Median household income in the past 12 | | | | | | | | | | | | | | | | | |
| 6 | Owner occupied: | | | 8,102 | | | | Total: | | 59,543 | | | | | | | | | | | | | | | |
| 7 | Less than \$5,000 | | | 101 | | | | Owner occupied (dollars) | | 63,508 | | | | | | | | | | | | | | | |
| 8 | \$5,000 to \$9,999 | | | 22 | | | | Renter occupied (dollars) | | 45,981 | | | | | | | | | | | | | | | |
| 9 | \$10,000 to \$14,999 | | | 156 | | | | | | Annual | | | | | | | | | | | | | | | |
| 10 | \$15,000 to \$19,999 | | | 186 | | | | | | Top Income | | Max Rent (30% of Income Level per month) | | | | | | | | | | | | | |
| 11 | \$20,000 to \$24,999 | | | 258 | | | | | | 30% AMHI | \$13,794 | \$345 | | | | | | | | | | | | | |
| 12 | \$25,000 to \$34,999 | | | 726 | | | | | | 50% AMHI | \$22,991 | \$575 | | | | | | | | | | | | | |
| 13 | \$35,000 to \$49,999 | | | 1,307 | | | | | | 80% AMHI | \$36,785 | \$920 | | | | | | | | | | | | | |
| 14 | \$50,000 to \$74,999 | | | 2,198 | | | | | | 100% AMHI | \$45,981 | \$1,150 | | | | | | | | | | | | | |
| 15 | \$75,000 to \$99,999 | | | 1,754 | | | | | | 125% AMHI | \$57,476 | \$1,437 | | | | | | | | | | | | | |
| 16 | \$100,000 to \$149,999 | | | 1,062 | | | | | | >125% AMHI | > \$ 57476 | > \$ 1437 | | | | | | | | | | | | | |
| 17 | \$150,000 or more | | | 332 | | | | | | | | | | | | | | | | | | | | | |
| 18 | Renter occupied: | | | 1,790 | | <30% | 30-50% | 50-80% | 80-100% | 100-125% | >125% | | | | | | | | | | | | | | |
| 19 | Less than \$5,000 | | | 13 | | 13 | | | | | | <div>Calculate the income brackets for a rental gap analysis by multiplying the median renter household income by the percentage thresholds used to define the brackets (30%, 50%,</div> <div>Calculate the maximum affordable rent for each given income bracket. Remember that cheaper rents are always affordable to higher earning households--</div> <div>Use the table on the far left to estimate the number of renter households in each income bracket of the renter gap analysis, as I've typed in a more formatted way above. This is done by linear interpolation.</div> <div>Example: Less than 30% = all households earning \$13,794 or less per year. Referencing the table on the far left, this would include households in cells E19, F20, and a portion of those in F21. How many of those in F21</div> | | | | | | | | | | | | | |
| 20 | \$5,000 to \$9,999 | | | 20 | | 20 | | | | | | | | | | | | | | | | | | | |
| 21 | \$10,000 to \$14,999 | | | 91 | | 69 | 22 | | | | | | | | | | | | | | | | | | |
| 22 | \$15,000 to \$19,999 | | | 37 | | | 37 | | | | | | | | | | | | | | | | | | |
| 23 | \$20,000 to \$24,999 | | | 278 | | | 166 | 112 | | | | | | | | | | | | | | | | | |
| 24 | \$25,000 to \$34,999 | | | 280 | | | | 280 | | | | | | | | | | | | | | | | | |
| 25 | \$35,000 to \$49,999 | | | 324 | | | | 39 | 199 | 87 | | | | | | | | | | | | | | | |
| 26 | \$50,000 to \$74,999 | | | 381 | | | | | 114 | 267 | | | | | | | | | | | | | | | |
| 27 | \$75,000 to \$99,999 | | | 133 | | | | | | 133 | | | | | | | | | | | | | | | |
| 28 | \$100,000 to \$149,999 | | | 149 | | | | | | 149 | | | | | | | | | | | | | | | |
| 29 | \$150,000 or more | | | 84 | | | | | | 84 | | | | | | | | | | | | | | | |
| 30 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 31 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sum of Columns: | | | | | 102 | 225 | 431 | 199 | 201 | 633 | 1,790 | | | | | | | | | | Check Number | | | | |

Median Estimation (Linear Interpolation) = ((M11-15000) / (19999-15000))*E22

$$\frac{((\text{Top Income} - \text{Lower end of Bracket}))}{(\text{Top end of Bracket} - \text{Lower end of Bracket}))} * \# \text{ Renters in Bracket}$$

Check Number
Must be equal
to Total Renter
Occupied #.
If all 3 yellow
cells do not
match then
something is wrong.

Sometimes this is more complicated since the income spread has a top end and a bottom end embedded in the Income Bracket. When this happens, use the usual formula but subtract the previously calculated number.

$$\frac{((\text{Top Income} - \text{Lower end of Bracket}))}{(\text{Top end of Bracket} - \text{Lower end of Bracket}))} * \# \text{ Renters in Bracket} \text{ minus (-) } J24 \text{ [which was previously calculated]}$$

Don't forget to check this.

Calculate the income brackets for a rental gap analysis by multiplying the median renter household income by the percentage thresholds used to define the brackets (30%, 50%,

Calculate the maximum affordable rent for each given income bracket. Remember that cheaper rents are always affordable to higher earning households--

Use the table on the far left to estimate the number of renter households in each income bracket of the renter gap analysis, as I've typed in a more formatted way above. This is done by linear interpolation.

Example:
Less than 30% = all households earning \$13,794 or less per year. Referencing the table on the far left, this would include households in cells E19, E20, and a portion of those in E21. How many of those in E21 count here? Interpolate! The equation is:

((13,794-10,000)/(14,999-10,000))*E21 = 69. So our # households in the < 30% bracket is 13+20+69 = 102.

YOUR CHECK here is the sum, shown in cell T17. If this doesn't match the total shown in cell E18 and M31 (or is within about 1 due to

| | | | | | | | | | | | | | | | | | | | |
|----|--|---|----------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S |
| 2 | 2017 American Community Survey 5-Year Estimates Kearns | | | | Update data for your geography and time period. | | | | | | | | | | | | | | |
| 3 | | | Kearns | | | | | | | | | | | | | | | | |
| 4 | | | Estimate | | | | | | | | | | | | | | | | |
| 5 | Total: | | 1,790 | | | | | | | | | | | | | | | | |
| 6 | With cash rent: | | 1,570 | | | | | | | | | | | | | | | | |
| 7 | Less than \$300 | | 6 | | | | | | | | | | | | | | | | |
| 8 | \$300 to \$499 | | 28 | | | | | | | | | | | | | | | | |
| 9 | \$500 to \$799 | | 383 | | | | | | | | | | | | | | | | |
| 10 | \$800 to \$999 | | 360 | | | | | | | | | | | | | | | | |
| 11 | \$1,000 to \$1,499 | | 717 | | | | | | | | | | | | | | | | |
| 12 | \$1,500 to \$1,999 | | 76 | | | | | | | | | | | | | | | | |
| 13 | \$2,000 to \$2,499 | | 0 | | | | | | | | | | | | | | | | |
| 14 | \$2,500 to \$2,999 | | 0 | | | | | | | | | | | | | | | | |
| 15 | \$3,000 or more | | 0 | | | | | | | | | | | | | | | | |
| 16 | No cash rent | | 220 | | | | | | | | | | | | | | | | |
| 17 | | | | | | | | | | | | | | | | | | | |
| 18 | | | | | | | | | | | | | | | | | | | |
| 19 | | | | | | | | | | | | | | | | | | | |
| 20 | | | | | | | | | | | | | | | | | | | |
| 21 | | | | | | | | | | | | | | | | | | | |
| 22 | | | | | | | | | | | | | | | | | | | |
| 23 | | | | | | | | | | | | | | | | | | | |
| 24 | | | | | | | | | | | | | | | | | | | |
| 25 | | | | | | | | | | | | | | | | | | | |
| 26 | | | | | | | | | | | | | | | | | | | |
| 27 | | | | | | | | | | | | | | | | | | | |
| 28 | | | | | | | | | | | | | | | | | | | |
| 29 | | | | | | | | | | | | | | | | | | | |

| Max Rent | | | | | | |
|----------|-------|-------|---------|---------|-----------|--|
| \$345 | \$575 | \$920 | \$1,150 | \$1,437 | > \$ 1437 | |
| 226 | | | | | | |
| 6 | 22 | | | | | |
| | 96 | 287 | | | | |
| | | 217 | 143 | | | |
| | | | 216 | 412 | 89 | |
| | | | | | 76 | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 232 | 118 | 504 | 358 | 412 | 165 | |

| Maximum Rent | # Rental Units |
|--------------------|----------------|
| 30% AMHI | \$345 232 |
| 50% AMHI | \$575 118 |
| 80% AMHI | \$920 504 |
| 100% AMHI | \$1,150 358 |
| 125% AMHI | \$1,437 412 |
| >125% AMHI | > \$ 1437 165 |
| Total Rental Units | 1,790 |

Calculate the number of rental housing units available in each range.
Notes:

1. The "No cash rent" row (row 16) is included in the lowest maximum rent group.

2. Check the sum presented in cell N12. This must match (or be within 1 due to rounding error) the total provided in cell C5 and L31.

3. The number of units in each income/rent bracket is interpolated in *exactly the same manner* as we interpolated number of households in each income bracket. Maximum rent of \$345 is the sum of all lower rents (cells C7 and C16) plus the portion of cell B8 that would go up to \$345, which is $((\$345-\$300)/(\$499-\$300))*28=6$. So the number of units available at \$345 or less is $=\text{sum}(C7, C16, \text{ and } F8) = 232$.

1,790

Kearns Metro Township: Rental Affordability Gap Analysis, 2017

| Income Range | Maximum Affordable Monthly Rent | # Households | # Rental Units Available at that Price | Surplus/Deficit of Units Available |
|----------------------------------|---------------------------------|--------------|--|------------------------------------|
| Less than 30% AMHI (\$13794) | \$345 | 102 | 232 | 130 |
| 30%-50% AMHI (\$13794-\$22991) | \$575 | 225 | 118 | -107 |
| 50%-80% AMHI (\$22991-\$36785) | \$920 | 431 | 504 | 73 |
| 80%-100% AMHI (\$36785-\$45981) | \$1,150 | 199 | 358 | 160 |
| 100%-125% AMHI (\$45981-\$57476) | \$1,437 | 201 | 412 | 212 |
| > 125% AMHI (> \$57476) | > \$ 1437 | 633 | 165 | -468 |

Data source: US Census Bureau (Tables: DP04 and B25118 and B25056) ACS 2017 5-year data

NOTE: You *always* read the last column of this table from bottom to top. Wealthier households tend to rent below their maximum affordable rent, increasing market pressure in lower rent brackets. In this example, for instance, we would assume that the 468 households not accommodated by the highest rent units would rent in the next highest rent bracket, forcing those households to rent in the 80%-100% rent bracket, and so forth. In other words, wealthier households get "first dibs" on the rental market, and tend to rent at lower costs than their maximum affordable costs, so we assume that demand pushes pressure down market. In this particular example, we can see that the steepest competition for units is likely to occur in the 30%-50% rent bracket, because lower income households will seek the lowest rents possible and the deficit of units for the wealthiest households will eat up many units in the 50%-100% brackets.

Interpret the data and the GAP.

Reading Order: start from the bottom

Fiercest Market (the GAP)