



**Kaysville City Planning Commission
Meeting Notice and Agenda**

The Kaysville City Planning Commission will hold a regular meeting on September 8, 2022, at 7:00 p.m. in the Council Chambers of the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

1. Opening
2. Approval of the minutes from the August 25, 2022 Planning Commission Meeting
3. Conditional Use Permit for farm animals at 1064 South 750 East for Heather McGivern
4. Conditional Use Permit for farm animals parcel ID 11-1150-0110 at 676 East Center Street for Marybeth Hall
5. Final Plat Subdivision approval for Meril Estates for Mark Lund and Kelly White for the property at 478 South Main Street
6. Public Hearing for a rezone application from The Holland Group Inc. for 67 North Angel Street from A-1 Light Agricultural District to R-1-14 Single Family Residential District
7. Conditional Use Permit for Multiple Dwellings at 146 East 200 North for Weston Ridd
8. Discussion on State Code 17-27a-403(2) Moderate Income Housing Element and incorporating strategies into the 2022 General Plan
9. Call to the Public
10. Other matters that properly come before the Planning Commission:
 - a. Reports
 - b. Correspondence
 - c. Calendar
11. Adjournment

On Friday, September 2, 2022, a Notice of Meeting was posted in accordance with Utah State Code Section 52-4-202 (3).

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: September 2, 2022

Agenda Item #3: Conditional Use Permit for Animals at 1064 South 750 East for Heather McGivern

Meeting Date	September 8, 2022
Application Type	Conditional Use For Animals
Applicant Owner	Heather McGivern
Address Parcel ID Number	1064 South 750 East 07-196-0163
Zoning	R-1-10
Lot Size	1.78 acres 77,536 ft ²
Current Use	Single family dwelling

1. BACKGROUND

Heather McGivern and her family recently moved here from the big state of Texas and with that being said they would like horses, and maybe other critters in the near future on the above listed property.

2. ZONING

The property is zoned R-1-10 Single Family Residential District and has a minimum size lot requirement of 10,000 ft². The single family zoning code allows animals as a conditional use as indicated below.



To have any farm animals, the property must be a minimum of 8,000 ft², so this property is eligible for a CUP for farm animals.

17-12-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.

2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. Instructional Home Occupation Subject to the provisions of KCC 17-26.
4. Residential child care subject to the provisions of [KCC 17-26](#).
5. Public utility substations subject to the provisions of [KCC 17-31-15](#).
6. **Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#).**

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be 8,000 square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	8,000	1,600
	14,000	1,400
	20,000	800
	21,780	435
Sheep, goats, llamas or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890

By staff's calculations, the size of the property (77,536 ft²) would allow for up to 7 horses or cows. They could have up to 14 sheep or llama sized animals, and they can have up to 178 chickens, fowl, or rabbits. They are allowed to have all, or any combination of the listed animals as per ordinance.

It should be noted that code does not allow roosters in any property that is zoned R-1. Other animal regulations from the chapter on farm animals include:

17-24-3 Yard And Structure Regulations

1. Structures for the care and keeping of fowl, rabbits or similar animals may be permitted in all districts where fowl, rabbits or similar animals are permitted, provided that all such structures are located at least fifteen feet (15') from all buildings on adjacent lots predominantly used or occupied by humans. Other structures for the care and keeping of farm animals except swine, may be permitted in all districts where farm animals are permitted, provided that all such structures are located at least fifty feet (50') from all buildings on adjacent lots predominantly used or occupied by humans. Structures for the care and keeping of swine shall be located at least two hundred feet (200') from all buildings on adjacent lots predominantly used or occupied by humans.
2. Applicant shall show that odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.
3. Farm animals must be kept within an enclosed area or structure sufficient to contain the animals on site.

3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on Friday, September 2, 2022.

4. RECOMMENDATION

Per KCC 17-24-4, the Planning Commission may create additional conditions of approval for the use of animals.

17-24-4 Other Requirements

In zoning districts where farm animals are allowed as a conditional use, the provisions of this chapter shall be the minimum requirements. The Planning Commission may add additional conditions as provided in [KCC 17-30](#).

Staff is recommending that the Planning Commission approve the Conditional Use Permit request for farm animals at the 1064 South 750 East address for Heather McGivern with conditions outlined in code and any other conditions the Planning Commission may deem appropriate.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: September 2, 2022

Agenda Item #4: Conditional use permit for farm animals for Parcel ID 11-1150-0110 at 676 East Center Street for Zachary and Marybeth Hall

Meeting Date	September 8, 2022
Application Type	Conditional Use For Animals
Applicant Owner	Marybeth Hall
Address Parcel ID Number	676 North Center Street 11-1150-0110
Zoning	R-1-8
Lot Size	.94 acres 41,382 ft ²
Current Use	Back yard for a single family dwelling

1. BACKGROUND

Marybeth is wanting to sell her house and figured if the neighbors had a conditional use for farm animals for the property on the East of her, she would like to get a CUP for animals to maybe help in the sale of her property.

The subject property is located behind the home at 676 East Center Street and does not have an address assigned, but is known as Parcel ID 11-1150-0110. The parcel is .94 acres and is 41,382 ft².



2. ZONING

The property at 676 East Center Street falls within the R-1-8 zoning district. Animals are allowed in this zone as a conditional use under KCC 17-12-4. To have any farm animals, the property must be a minimum of 8,000 ft², so this property is eligible for a CUP for farm animals.

17-12-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. Instructional Home Occupation Subject to the provisions of KCC 17-26.
4. Residential child care subject to the provisions of [KCC 17-26](#).
5. Public utility substations subject to the provisions of [KCC 17-31-15](#).
6. Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#).

The allowance of animals is determined by square footage of the property as defined by KCC 17-24-2.

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be 8,000 square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	8,000	1,600
	14,000	1,400
	20,000	800
	21,780	435
Sheep, goats, llamas or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890

Their lot size of 41,382 ft² allows them to have any of the animals listed above. Based on the square footage, they could have up to 3 horses or cows. They can have up to 7 sheep or llama sized animals, and they can have up to 95 chickens, fowl, or rabbits. They are allowed to have all, or any combination of the listed animals as per ordinance. Code does not allow roosters on any property that is zoned R-1.

Other animal regulations from the chapter on farm animals include:

17-24-3 Yard And Structure Regulations

1. Structures for the care and keeping of fowl, rabbits or similar animals may be permitted in all districts where fowl, rabbits or similar animals are permitted, provided that all such structures are located at least fifteen feet (15') from all buildings on adjacent lots predominantly used or occupied by humans. Other structures for the care and keeping of farm animals except swine, may be permitted in all districts where farm animals are permitted, provided that all such structures are located at least fifty feet (50') from all buildings on adjacent lots predominantly used or occupied by humans. Structures for the care and keeping of swine shall be located at least two hundred feet (200') from all buildings on adjacent lots predominantly used or occupied by humans.
2. Applicant shall show that odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.
3. Farm animals must be kept within an enclosed area or structure sufficient to contain the animals on site.

3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on Friday, September 2, 2022.

4. RECOMMENDATION

Per KCC 17-24-4, if they feel it advisable, the Planning Commission may create additional conditions of approval for the use of animals.

17-24-4 Other Requirements

In zoning districts where farm animals are allowed as a conditional use, the provisions of this chapter shall be the minimum requirements. The Planning Commission may add additional conditions as provided in [KCC 17-30](#).

Staff is recommending that the Planning Commission approve of the Conditional Permit request for farm animals for parcel ID 11-1150-0110 at the 676 East Center Street address.



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: August 26, 2022

Agenda Item #5: Final Plat Subdivision approval for Meril Estates located at 478 South Main Street

Meeting Date	September 8, 2022
Application Type	Final Plat for Subdivision
Applicant Owner	Mark Lund and Kelly White
Address Parcel ID Number	478 South Main Street 08-002-0116
Zoning	R-1 8
Lot Size	.56 acres 24,393 square feet
Current Use	Undeveloped
Number of Lots	3
Lot Sizes	8,001 to 8,269 square feet
Preliminary Plat Approval	August 18, 2022

1. BACKGROUND

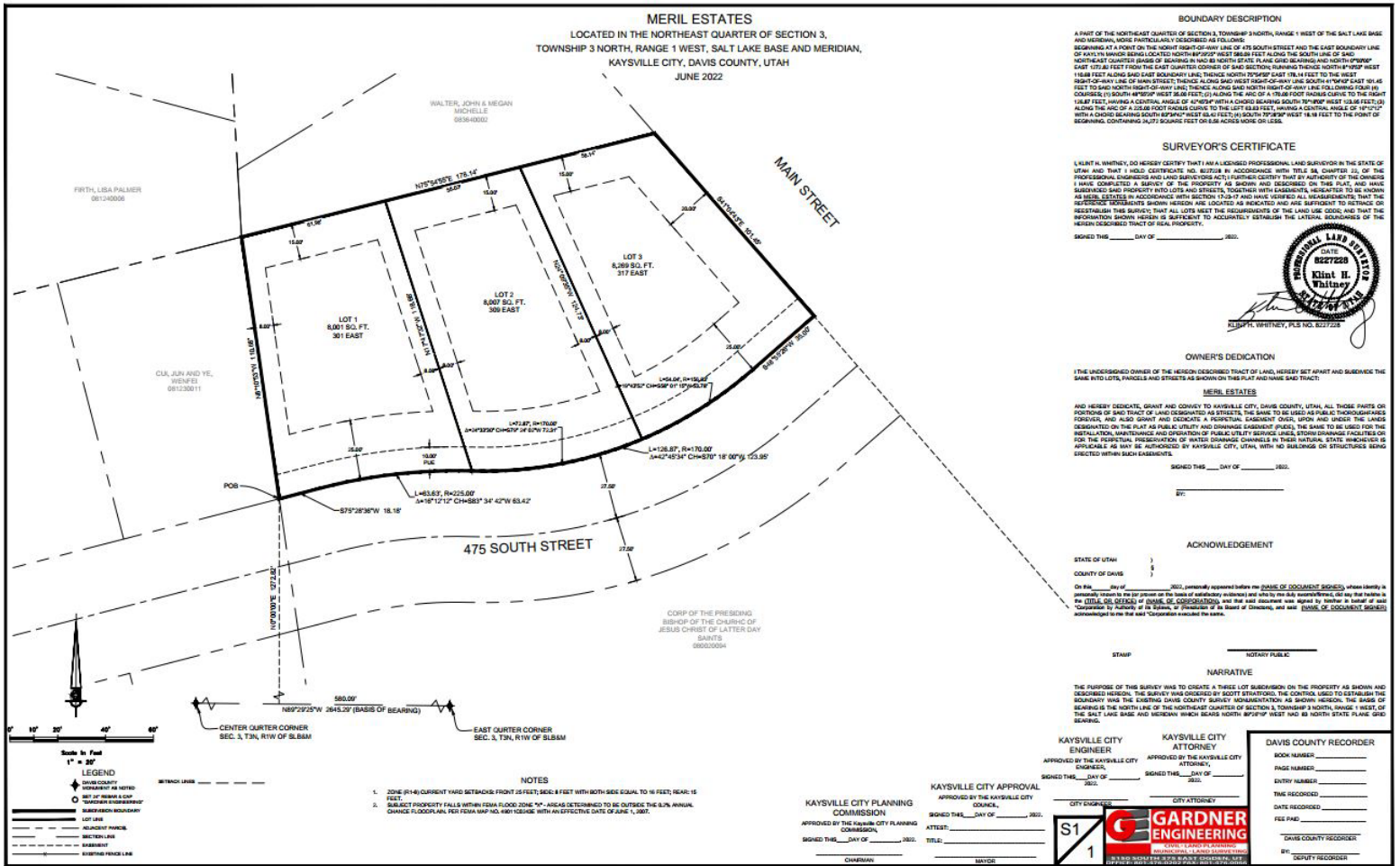
Mark and Kelly have now submitted a Final Plat for a three-lot subdivision, which meets the frontage and square footage, for the R-1-8, the original zone in place. The existing lot is .56 acres.

The subdivision consists of three total lots facing the public street on 475 South Main, zoned R-1-8. Lot 1 would be an 8,001 square foot building. Lot 2 would be a new 8,007 square foot developable lot and lot 3 would be 8,269 square feet. The three lots would exceed the 60 foot minimum front width, and the 8,000 square foot minimum. The R-1-8 zoning allows for single family homes as a permitted use, and twin homes are a conditional use. It is expected the application will seek conditional use permits for twin homes on all three lots.

The City Council approved the preliminary plat subdivision on August 18, 2022. No conditions were applied to the preliminary plat approval.

2. RECOMMENDATION

The proposed subdivision has been reviewed by engineering and zoning staff and is consistent with the anticipated development of the R-1-8 zone. It is in compliance with applicable zoning districts, and proposes three desirable building lots which are consistent with the approved preliminary plat.



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Dan Jessop, Zoning Administrator & Melinda Greenwood, Community Development Director

Date: September 2, 2022

Agenda Item #6: Public Hearing for a rezone application from The Holland Group Inc. for 67 North Angel Street from A-1 Light Agricultural District to R-1-14 Single Family Residential District

Meeting Date	September 8, 2022
Application Type	Rezone
Applicant Owner	The Holland Group Inc.
Address Parcel ID Number	67 North Angel Street 11-109-0041
Lot Size	5.27 acre 229,561 ft ²
Current Use	One single family dwelling
Current Zoning	A-1 Light Agricultural District
Density Entitlement	5 single family dwellings (40,000 ft ² minimum)
Requested Zoning	R-1-14
Density Entitlement	16 single family dwellings (14,000 ft ² minimum)

1. BACKGROUND

The subject property is a 5.27 acre / 229,561 ft² parcel on the west side of Angel Street and the corner of Bonnevill Lane with one existing single family home which faces east. The applicant is requesting a rezone from A-1 Light Agricultural District with a minimum lot size of 40,000 ft², to R-1-14 Single Family Residential District which has a minimum lot size of 14,000 ft². The proposed change in zoning could allow for the construction of up to 16 dwelling units if all zoning requirements and subdivision requirements could be met. The applicant submitted a concept plan showing ten lots.

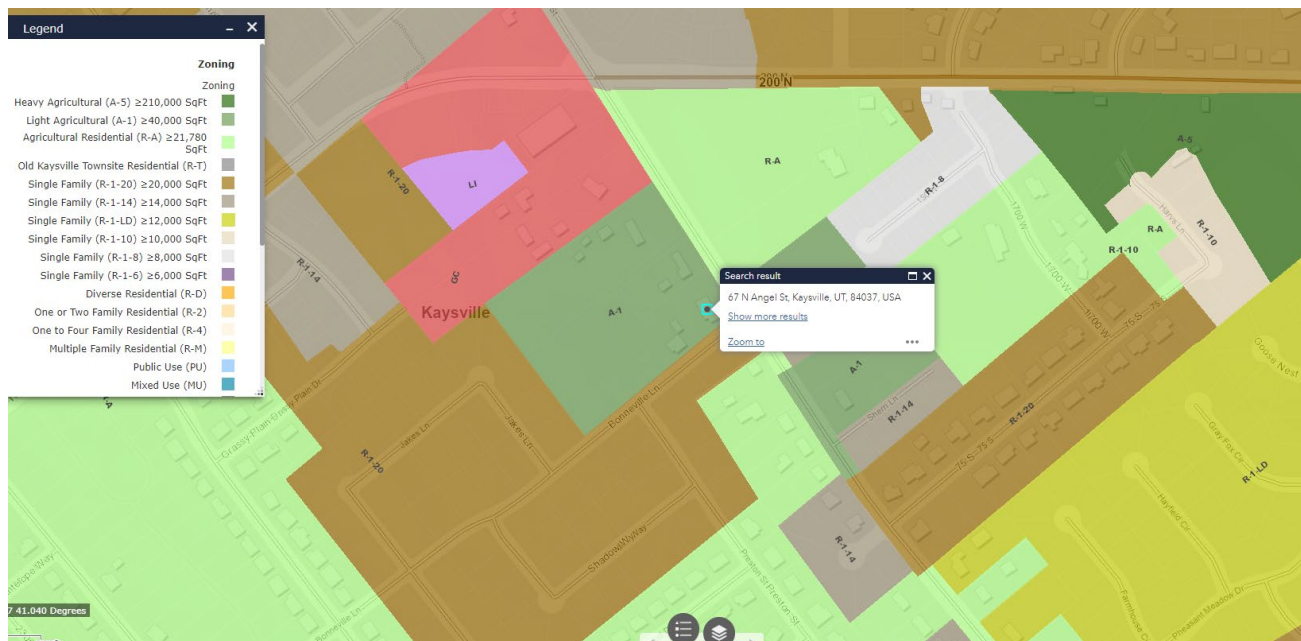
2. SURROUNDING LAND USE AND ZONING

The parcel is located on the north side of



Bonneville Lane and west side of Angel Street. The Commission should consider existing conditions when they contemplate a rezone application. The character of the surrounding area and neighborhood includes:

- **Adjacent** – Directly adjacent to the subject property is A-1, GC, R-1-20 with some R-A nearby.
- **North** – The subject property is bordered by GC General Commercial.
- **South** – Directly south of the parcels are R-1-20 single family 20,000 square foot lots.
- **East** – R-A with 20,000 square foot lots.
- **West** – The property is R-1-20.



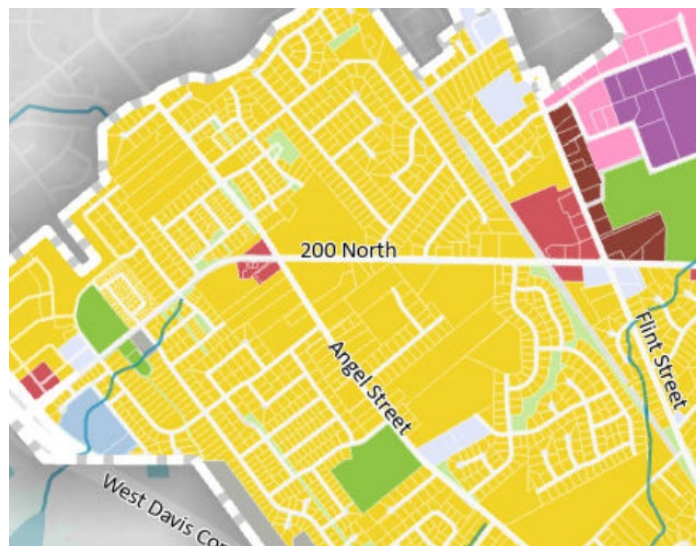
3. GENERAL PLAN

The 2022 General Plan Future Land Use Map shows the property is to be Single Family Residential. The rezone from agricultural use to residential use is consistent with the 2022 General Plan Future Land Use Map.

The 2022 General Plan also holds the Guiding Principle:

Provide diverse housing options -

We will work to preserve our existing neighborhoods while accommodating a full range of housing opportunities to meet the economic, lifestyle and life-cycle needs of our residents.



Given the zoning and surrounding uses noted in section 2 of this report, a rezone of the subject property to R-1-14 would provide more diverse housing options and would not impact the existing neighborhood with a detrimental use.

These following goals and objectives from the 2022 General Plan support the rezone application.

Chapter 1 Land Use & Placemaking Plan

GOAL 1: PRESERVE AND PROTECT KAYSVILLE’S “SMALL TOWN” ATMOSPHERE BY LIMITING CHANGE IN FUNCTIONING NEIGHBORHOODS AND DISTRICTS

Objective 1.1: Preserve single-family neighborhoods by restricting development to models that fit the existing character of the neighborhood.

GOAL 8: PROVIDE A RANGE OF HOUSING OPTIONS AND PRICE POINTS THAT HELP ENSURE KAYSVILLE IS AN AFFORDABLE PLACE TO LIVE

Chapter 3 Housing & Neighborhoods

GOAL 1: PROVIDE A FULL RANGE OF HOUSING OPPORTUNITIES TO MEET THE ECONOMIC, LIFESTYLE AND LIFECYCLE NEEDS AND EXPECTATIONS FOR RESIDENTS

The 2022 General Plan contains adequate principals, goals and objectives to support the requested rezone.

4. ZONING

KCC 17-12-1, the stated purpose of the R-1 Single Family Residential District is:

To provide for areas in appropriate locations where quiet, low-density residential neighborhoods may be established, maintained, and protected. The regulations of this district are designed to promote and encourage a suitable environment for families, most of whom will have children. To this end, the regulations permit the establishment of single-family dwellings and also permit, with proper controls, those public and quasi-public activities such as schools, libraries, churches, parks and playgrounds, which serve the needs of families. The regulations are intended to prohibit the establishment or operation of any activity which would be adverse to such a residential environment.

Staff asserts the rezone request at the subject property would meet the stated purpose of the R-1 Single Family Residential District.

Further considerations for the Commission to account for is the difference between A-1 and R-1-14 which are outlined in the matrix below.

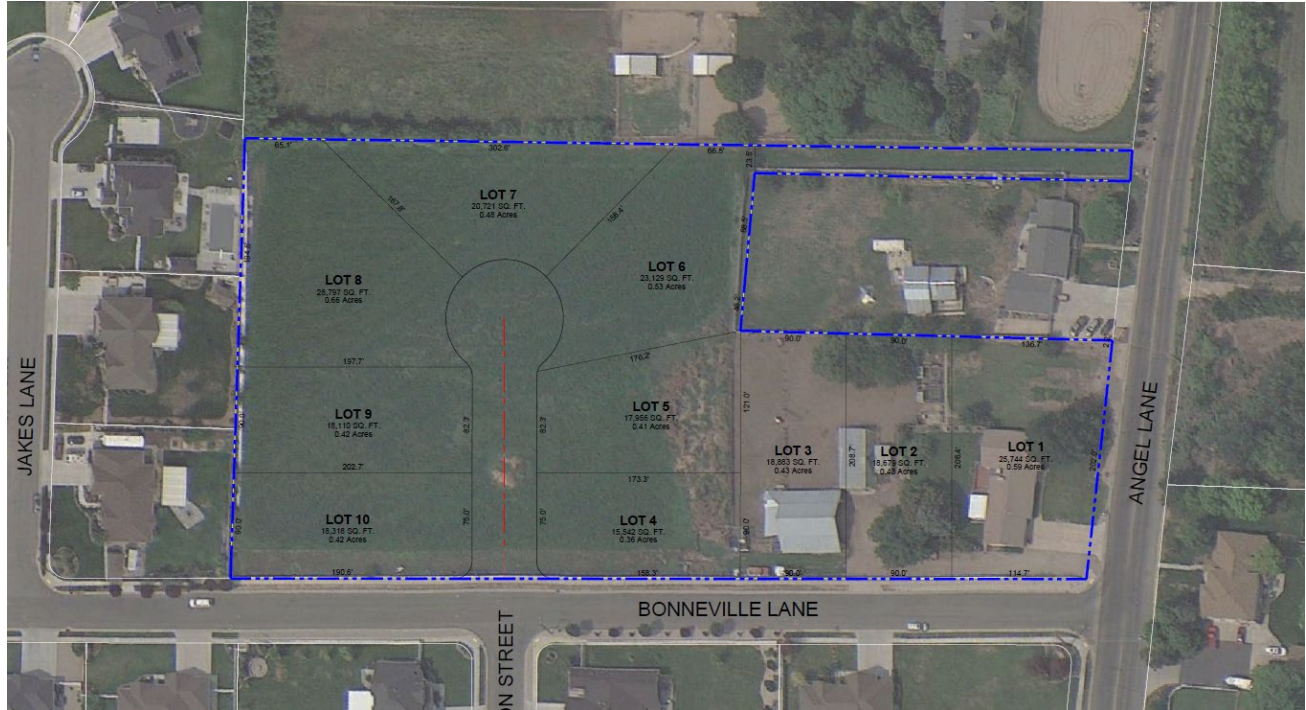
	A-1	R-1-14
Minimum Lot Size	40,000 ft ²	14,000 ft ²
Density (based on lot size)	5 single family dwellings	16 single family dwellings (14,000 ft ² minimum)
Minimum Lot Width	100'	90'
Front Setback	30'	30'
Side Setback	≥ 10'	≥ 8'
Rear Setback	30'	15'
Maximum Building Height	30'	30'

5. PUBLIC NOTICE AND PUBLIC COMMENT

A total of 19 public notices were mailed to property owners within 500' of the subject property. As of the date of this report, one email comment had been received from an individual who owns the adjacent property and expressed support as long as his property's zoning wasn't impacted. They also expressed concerns about not having a flag lot or having fees assessed to pay for sidewalk. Staff doesn't anticipate any of these concerns would come to fruition.

6. SUMMARY

The applicant submitted the below concept site of their proposed ten lot development.



The 2022 General Plan contains adequate goals and policy objectives to support approval of the rezone request. The surrounding character and neighborhood would not be negatively impacted by the rezone as similar development patterns currently exist.

7. RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the rezone of 67 North Angel Street to R-1-14.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Dan Jessop, Zoning Administrator & Melinda Greenwood, Community Development Director

Date: September 6, 2022

Agenda Item #7: Conditional Use Permit for Multiple Dwellings at 146 East 200 North for Weston Ridd

Meeting Date	September 8, 2022
Application Type	Conditional Use Permit
Applicant Owner	Weston Ridd
Address Parcel ID Number	146 East 200 North 11-104-0100
Lot Size	.59 acre 25,700 ft ²
Current Use	One single family dwelling
Current Zoning	R-D Diverse Residential
Density Entitlement	6 Multiple family dwellings

1. BACKGROUND

The subject property is a 25,700 ft² parcel on the south side of 200 North, with one existing single family home which faces north. The applicant initially requested a rezone so he could be allowed to build townhomes.

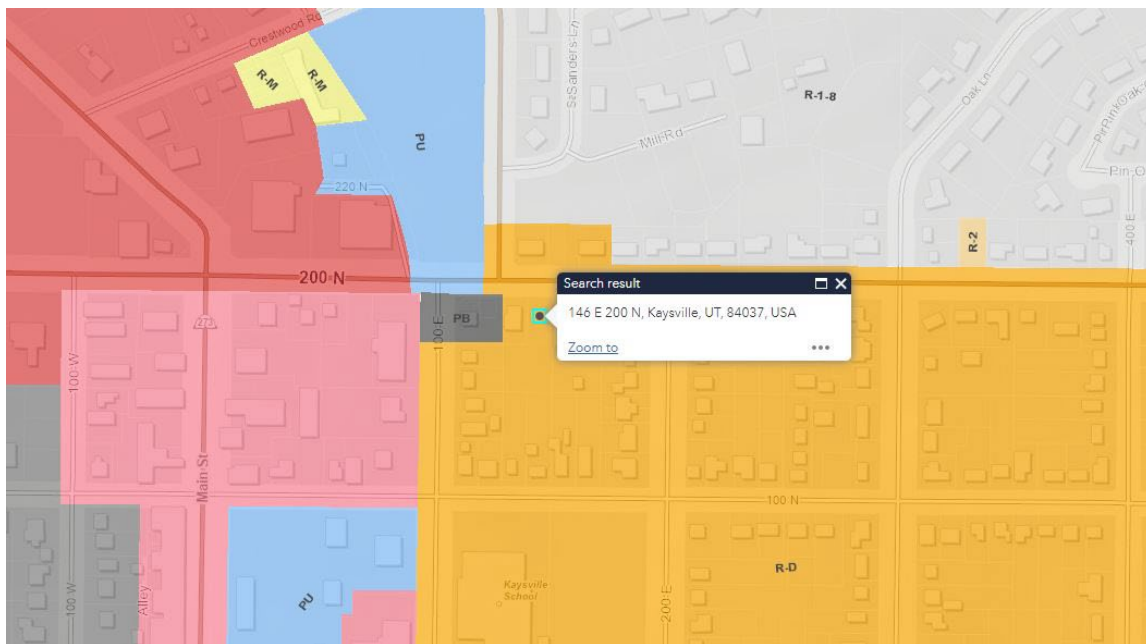
Upon review of the application while drafting the staff report, it was determined that a rezone is not necessary but he would instead need a conditional use permit. Per [KCC 17-13-4-1](#) multiple dwellings are allowed as a conditional use. This wasn't noticed until about a week after the public hearing notices had been sent.



2. SURROUNDING LAND USE AND AREA

The parcel is located on the North Side of Main Street. For the Commission's consideration of conditions for the CUP for multiple dwellings, the character of the surrounding area and neighborhood includes:

- **Adjacent** – Directly adjacent to the property is R-D Diverse Residential District.
- **North** – The subject property is bordered by R-D and R-1-8.
- **South** – Directly south of the parcels are R-D Diverse Residential District.
- **East** – R-D Diverse Residential District.
- **West** – The subject property is surrounded by R-D with some PB to the west.



3. ZONING

The subject property is zoned R-D Diverse Residential District. The conditional use section [17-13-4-1](#) states:

Multiple dwellings, not to exceed six (6) dwelling units per building, legally existing upon the effective date of this Chapter. The lot area shall be not less than eight thousand (8,000) square feet for a two-family dwelling, ten thousand (10,000) square feet for a three-family dwelling, twelve thousand (12,000) square feet for a four-family dwelling, fourteen thousand (14,000) square feet for a five-family dwelling, and sixteen thousand, eight hundred (16,800) square feet for a six-family dwelling.

In the past staff interpreted this section to mean that no additional multiple family units would be allowed in the R-D zone. However, a legal determination has been made that because multiple

dwelling units are listed as a conditional use they are to be considered allowed under the conditions specified in the 17-13 code.

At 25,700 ft², the subject property exceeds the minimum square footage requirement of 8,000 ft². The conditional use for multiple dwellings doesn't allow for more than six dwelling units, and the property meets the minimum requirement of 16,800 ft² in size for six units.

4. PUBLIC NOTICING AND PUBLIC COMMENT

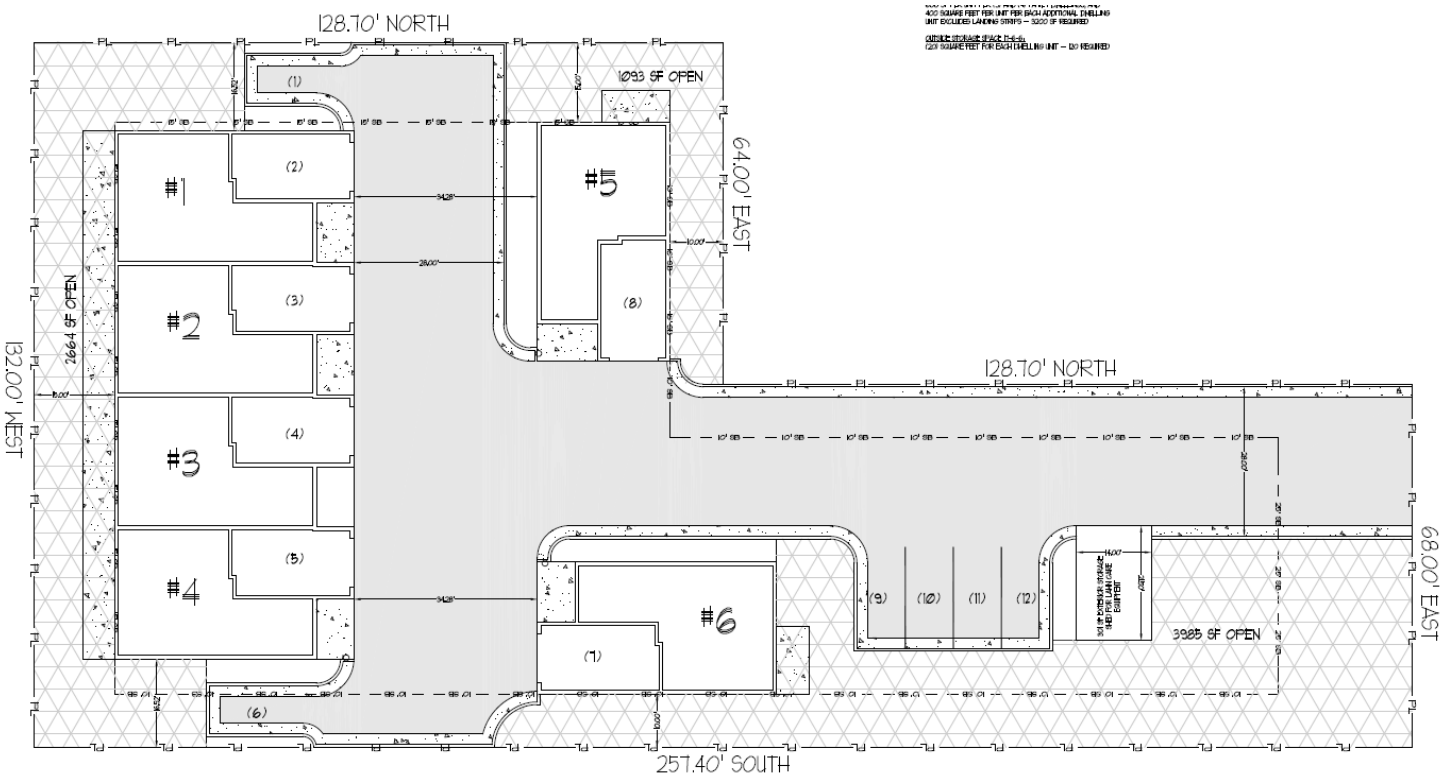
A sign was placed on the property on Friday, September 2, 2022.

Public Hearing notices were mailed for the rezone to R-M, but it has since been determined a rezone of this property is not needed for the proposed project and the application should have been submitted for a conditional use. Staff would not have mailed notices for a CUP application.

Based on comments from the public hearing notice two emails have been received. The Planning Commission may want to take those comments under consideration when they assign any conditions to the CUP.

5. SUMMARY

The applicant submitted the below concept site of their proposed six-unit development, however, this concept was submitted when the application was for a rezone to R-M. They are now seeking a CUP for multiple dwellings as allowed under KCC 17-13-4-1.



6. RECOMMENDATION

Staff recommends the Planning Commission approve the conditional use permit subject to the conditions listed below and any other conditions they feel are appropriate to mitigate any impacts to surrounding properties.

Conditions

- a. Meet the conditions of zoning code for [17-13 R-D Diverse Residential District](#).
- b. Meet the minimum parking requirements per [17-32](#).
- c. No more than 6 dwellings will be permitted.
- d. Provide 3,600 ft² usable functional open space as per [17-16-6-1](#).
- e. Provide a minimum of 20 ft² of enclosed outside storage space for each dwelling unit.



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Melinda Greenwood, Community Development Director

Date: September 1, 2022

Agenda Item #8: Discussion on State Code 17-27a-403(2) Moderate Income Housing Element and incorporating strategies into the 2022 General Plan

Meeting Date	September 8, 2022
Application Type	Discussion for future General Plan Amendment
Applicant	Kaysville City

1. BACKGROUND

At the August 25, 2022 Planning Commission Meeting, the Planning Commission discussed options for amending the 2022 General Plan to be in compliance with Utah State Code 17-27a-403(2). The Commission asked staff to compare the items included in the 2019 General Plan and bring those back as recommendations to include in the 2022 General Plan.

Items included in the Moderate Income Housing (MIH) portion of the 2019 General Plan are listed below. Items highlighted in yellow are still available (in some fashion) as an option in the updated legislation and staff has redlined the changes between the current legislation and wording in the 2019 General Plan.

1. Zoning properties townsite (R-T), single family (R-1), diverse (R-D), two-family (R-2), one to four family (R-4), and multiple family (R-M) residential and central commercial (CC) which allows housing.
2. Clustering in residential areas.
3. Permitting multiple unit structures in single family residential zones.
4. Permitting less costly size, design, materials and construction of housing.
5. **Demonstrate investment in the** ~~Facilitating the~~ rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
6. Create or allow for, and reduce regulations related to, **internal or detached** accessory dwelling units in residential zones.
7. **Zone or rezone** ~~Allow~~ for higher density or moderate income residential development in commercial and mixed-use zones **near major transit investment corridors**, commercial centers, or employment centers.

8. Preserve existing moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;
9. Rezone for densities necessary to assure the production of moderate income housing.

As stated in the meeting on August 25, due to the added mandates, staff doesn't believe that item #8 is a viable option.

Several items are attached, one of which is a matrix that compares our 2019 MIH goals to the current options in state code. Staff determined that items involving major transit investments corridors or station area plans (G, H, Q, V) are unachievable due to the lack of major transit in Kaysville. Any of the menu items which are unachievable for Kaysville have been noted with strikethrough text.

As discussed at the last meeting, menu items that suggest the city fund or reduce fees (D, L) are likely to create unintended budget constraints.

Staff is seeking input from the Planning Commission on which strategies to adopt as General Plan elements to facilitate more affordable housing within Kaysville city. We must implement a minimum of three items. If the City desires to be eligible for bonus points on funding applications, we should select a total of five items.

2. RECOMMENDATION

Staff recommends selecting three to five items to include in the 2022 General Plan. To be consistent in what was included in the 2019 General Plan, these items are recommended:

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

Other items which may be considered feasible would be:

- (J) implement zoning incentives for moderate income units in new developments;
- (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
- (N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
- (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, an entity that applies for programs offered by the Utah Housing, Corporation within that agency's funding capacity, an entity that

applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

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

(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; and

If the Planning Commission could create some consensus on a list of five items, staff will draft the MIH amendment around those items and bring back a finalized amendment and schedule a public hearing.

Attachments:

1. 2022 General Plan excerpt Chapter 3 Housing & Neighborhoods
2. 2019 General Plan excerpt Plan for Moderate Income Housing
3. Workforce Services Moderate Income Housing Element for a General Plan
4. Matrix of MIH menu items



ESTABLISHING A COMMUNITY

Housing & Neighborhoods

- Existing Housing
- Housing Stock
- Historic Building Permits
- Housing Gap Analysis
- Housing Cost Burden
- Affordable Housing
- Goals & Priorities

Existing Housing

Kaysville City is an established community with 31,494 residents, according to the 2019 U.S. Census Bureau Population Estimates. Between 2010 to 2019, the city has experienced an average annual population growth of 1.6%, growing from 27,300 to its current residential count.

As shown in Table 3.1, Kaysville has 8,777 housing units in total, of which 8,712 are occupied units. There are many more homeowners than renters in Kaysville, with 87.7 percent of homes owner-occupied. This is due mostly to the large amount of single-family homes in the city, and very few multi-family housing units. The city has 7,643 owner occupied units and 1,069 renter occupied units. Occupied housing has grown at an annual average growth rate ("AAGR") of 2.4 percent from 2010 through 2019, with owner occupied housing units growing at 2.1 percent and renter occupied units growing at 4.4 percent.

As shown in Table 3.2, 90 percent of Kaysville's occupied housing stock is single family with 10 percent multi-family, mobile home and other housing types. By comparison, Davis County's housing stock is comprised of 94 percent single family homes and 6 percent multi-family, mobile home and other housing types.



Table 3.1 – Kaysville Housing Units

	2010	2019	AAGR
Total Housing Units	7,268	8,777	2.1%
Occupied Housing Units	7,064	8,712	2.4%
Owner-occupied Units	6,340	7,643	2.1%
Renter-occupied Units	724	1,069	4.4%

Source: US Census Bureau American Community Survey, 2015-2019

Table 3.2 – Kaysville Occupied Housing Units

TYPE	OWNER OCCUPIED		RENTER OCCUPIED		TOTAL	% OF TOTAL
Single Family	7,383	96.6%	456	42.7%	7,840	90%
2 to 4 Units	168	2.2%	292	27.3%	460	5%
5 to 9 Units	15	0.2%	96	9.0%	111	1%
10 or more Units	-	0.0%	204	19.1%	204	2%
Mobile Home & Other	76	1.0%	2	2.0%	97	1%
Total Units	7,643	87.7%	1,070	12.3%	8,712	100%

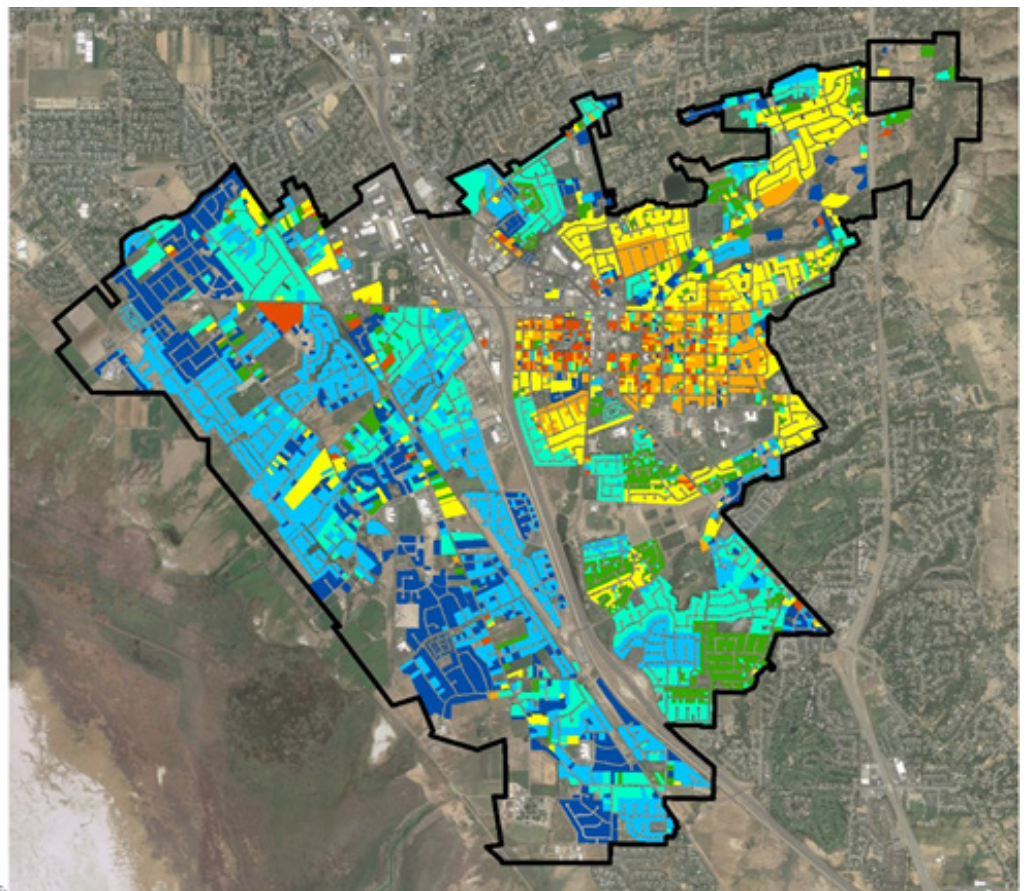
Housing Stock

Figure 3.1 depicts the age of the housing stock within the city. The eastern portion of the city contains development primarily from the initial city settlement between 1849 and 1939. Development remained concentrated in this area and expanded in all areas, especially to the east and south through the 1980s. In the 1990s, the concentration of residential development moved westward. The heavy concentration of home building continues to be on the western border of the city. By age, the central eastside housing stock will be more vulnerable and may be prime areas to focus rehabilitation efforts.

Available Housing Programs

There are a variety of housing programs available to help maintain and support affordability, which will be increasingly critical as increasing housing costs erode the city's affordability. Municipalities are encouraged to utilize the programs offered by the Utah Housing Corporation and the Department of Community and Economic Development to assist in establishing and maintaining the requirements set forth for affordable housing by Section 10-9a-4. Some of these programs include:

- Community Development Block Grant (CDBG) Program
- Home Investment Partnership Acts
- Section 8 Housing Choice Voucher Program
- Supportive Housing Program
- Shelter Plus Care
- Low Income Housing Tax Credits (LIHTC)
- Section 202 Loans for Housing the Elderly
- Olene Walker Trust Fund
- McKinney-Vento Fund
- FIRSTMORE
- UHC'S Subordinate Loan
- HomeAgain
- Score
- NOMI
- Streamline Refinance Loan Program
- CROWN



Historic Building Permits

The city has issued building permits for 1,399 residential units over the last 10 years. These include 19 multi-family units, 2 duplex or twin homes, 1 mobile home, and 1,372 single family units. Historically, Kaysville has constructed mainly single

family units. Multi-family units, including townhomes, condos, and apartments, have been more prevalent in recent years and will continue to be an important tool to address moderate income housing needs within the city.

Table 3.6 – Kaysville City Building Permits

YEAR	SINGLE FAMILY UNITS	DUPLEX DWELLINGS	MULTI-FAMILY UNITS	MOBILE/ MANUFACTURED	TOTAL CONSTRUCTED UNITS
2011	83	-	-	-	83
2012	135	-	-	-	135
2013	151	2	-	-	153
2014	168	-	-	-	168
2015	190	-	-	-	190
2016	157	-	-	-	157
2017	124	-	-	-	124
2018	158	-	18	-	178
2019	105	-	6	1	112
2020	101	-	-	-	101
Total	1,372	2	19	1	1,399

Housing Gap Analysis

The Utah Housing and Community Development Division within the Utah Department of Workforce Services (DWS) utilizes American Community Survey data and the U.S. Housing and Urban Development Comprehensive Housing Affordability Strategy (CHAS) to identify the current number of rental households, as well as project the number of units needed over the next five years, by percentage of household area median family income (HAMFI). The total number of moderate to low income renter households according to CHAS is 1,530.

As illustrated in Table 3.7, at ≤80 percent HAMFI, there are 810 renter households with 755 units currently available. This suggests a shortage of 55 rental units at the ≤80 percent of HAMFI income level. However, the city has a total of 940 affordable units suggesting a surplus of affordable units for this income bracket.

This mismatch in available and affordable housing suggests 185 households are living in affordable housing despite their median income being above the ≤80 percent HAMFI threshold. The mismatch is more also seen in the ≤50 percent HAMFI category as a 65 affordable unit deficit exists, as well as a mismatch in renters with incomes higher than the ≤50 percent threshold occupying 285 units. At ≤30 percent HAMFI, there is a deficit of 95 rental units.

Table 3.7 – Kaysville Housing Gap

SHORTAGE	RENTER HOUSEHOLDS	AFFORDABLE RENTAL UNITS	AVAILABLE RENTER UNITS	AFFORDABLE UNITS - RENTER HOUSEHOLDS	AVAILABLE UNITS - RENTER HOUSEHOLDS	HOUSING MISMATCH
≤ 80% HAMFI	810	940	755	130	(55)	185
≤ 50% HAMFI	490	710	425	220	(65)	285
≤ 30% HAMFI	230	270	135	40	(95)	135

The current ACS and CHAS data indicate the number of rental units lags behind the number of rental households. The Kem C. Gardner Institute identified this lag citing the period from 2010-2018 where the number of rental households were increasing at a faster pace than housing units. Since 2010, the

Since 2010, the increase in households has outpaced the growth in housing units by an average annual growth rate of 2.4 percent. The current inverse relationship is evidence of the housing shortage in Utah. The Kaysville gap analysis further identifies a need to provide affordable housing for households in all three categories – 30 percent, 50 percent, and 80 percent of HAMFI.

Table 3.8 - Renter Population Projection

	5 YEAR PROJECTION	10 YEAR PROJECTION
≤ 80% HAMFI	3,982	4,621
≤ 50% HAMFI	3,755	5,441
≤ 30% HAMFI	1,157	1,358

The demand for affordable housing is anticipated to grow over the next 10 years. The demand for units meeting the ≤50 percent HAMFI category requirements is expected to grow the most with a growth rate of 7.7 percent per year. The other two categories will grow about 3 percent per year.

Table 3.8 provides the projected population in the three categories– 30 percent, 50 percent, and 80 percent of HAMFI in 5 and 10 years. Table 3.9 provides projected housing demand in the three categories along with the current affordable rental unit housing supply.

Table 3.9 - Projected Affordable Housing Needs

	AFFORDABLE RENTAL UNITS	GROWTH RATE	5 YEAR UNIT DEMAND	10 YEAR UNIT DEMAND
≤ 80% HAMFI	940	3.02%	1,091	1,266
≤ 50% HAMFI	710	7.70%	1,029	1,491
≤ 30% HAMFI	270	3.26%	317	372

Housing Cost Burden

As shown in Table 3.3, the median household income in Kaysville is \$99,597. The median household income has grown at an AAGR of 3.04 percent from 2009 through 2019. The Kaysville owner-occupied income in 2019 was \$107,962 while renter-occupied income was \$44,178. The renter gross median income grew at an AAGR of 2.08 percent compared to a 4.01 percent growth rate in median gross rent.

The overall average monthly housing costs for all owner-occupied housing in Kaysville is \$1,421. Monthly costs for owner-occupied housing units with a mortgage is \$1,761 while those without a mortgage is \$421. The median gross rent in the city is \$948. The ratio of the city's median rent to renter income is 25.8 percent. The ratio of the city's median income to median household owner income is 19.6 percent. Ratios greater than 30 percent indicate the average renter or household owner is burdened by housing costs. Ratios greater than 50 percent suggest a severe burden. Currently, the overall renter income to rent ratio is not considered a burden. However, the ratio is nearing the burden threshold.



The area median income (AMI) for Davis County for 2019 was \$83,310. The median family income for a family of four in Davis County is \$93,688. The Appendix Table 3.4, represents the ratio of median rent in Kaysville at 100 percent of the AMI income for a family of four in Davis County. Ratios greater than 30 percent indicate a burden based on typical housing costs within the County. Ratios greater than 50 percent suggest a severe burden. At 30 percent of AMI, a family of four is burdened and nearing the severe burden threshold.

The U.S. Department of Housing and Urban Development annually reviews fair market rents to determine a standard for various housing programs in order to publish HOME Investment Partnership Program ("HOME") rent limits. The rent limits for the Ogden-Clearfield HUD Metro FMR Area for 2021 is found in the Appendix Table 3.5.

Table 3.3 – Kaysville Housing Cost Burden Ratio

	2009	2019	AAGR
Median Income	\$78,395	\$99,597	3.04%
Owner-occupied Median Income	\$84,498	\$107,962	3.11%
Renter-occupied Median Income	\$37,477	\$44,178	2.08%
Median Gross Rent	\$692	\$948	4.01%
Owner-occupied w/ Mortgage Cost	\$1,591	\$1,761	1.28%
Median Rent to Renter Income	22.2%	25.8%	1.5%
Median Mortgage to Owner Income	22.6%	19.6%	-1.4%

Source: US Census Bureau American Community Survey 2015-2019, Utah Department of Workforce Services: Housing and Urban Development

Affordable Housing

Recommendations for Affordable Housing

Kaysville is an established community with a population of 31,494 and total number of households of 8,712, according to the 2019 American Community Survey. Kaysville aims to facilitate a reasonable opportunity for a variety of housing, including moderate income. Currently, the median rent and median income ratio is below the 30 percent cost burden suggesting affordability in the near-term. Likewise, the median mortgage and household owner income ratio is below the 30 percent cost burden. However, rents are increasing at a higher rate than income.

There is also cause for concern that ownership of single-family homes is becoming too expensive for moderate-income households as housing prices continue to outpace income increases. The housing element of the General Plan is designed to determine the demand for moderate income housing and provide an outline of how to meet the needs of current and future residents. Kaysville land use plans and programs may encourage diverse housing opportunities that compliment and enhance the existing community.

Y2 Analytics conducted a Kaysville Community Survey which provided resident feedback regarding a variety of community topics, including housing. From this survey, and feedback from community members, the guiding principles regarding housing – including moderate income housing – were developed.

Utah Code 10-9a-4 requires the city to implement strategies for ensuring moderate income housing options are available throughout the community. The following goals and recommendations fulfill this requirement, address community sentiments, and address strategies to provide development of moderate income housing over the next five years and beyond.

- Meet state requirements for affordable housing
- Accommodate a full range of housing opportunities to meet the economic, lifestyle and life-cycle needs and expectations of the city
- Encourage the preservation of open space through clustered development and the protection of foothills, natural drainages and remaining agricultural areas
- Facilitate the incorporation of Accessory Dwelling Units (ADUs) into existing neighborhoods

Kaysville City residents appreciate the lifestyle offered by their community and have the desire to share the community with their children and others while preserving the existing sense of place. The focus of many residential zones is on single family residential units in low and medium density neighborhoods. To provide housing opportunities while maintaining the existing sense of place, a focus on cluster development in undeveloped areas and low-rise mixed use redevelopment within central commercial areas was supported by the Y2 Analytics survey.

Clustered development allows for a concentration of homes in one area to allow extra land to be preserved as open space or other nonresidential land uses such as parks, neighborhood commercial sites, and public infrastructure. A revitalization of the commercial areas along Main Street and above 200 North can offer the needed housing opportunities for the area.

Existing zoning allows residential development in several zones. These zones include:

- Old Kaysville Townsite Residential District (R-T)
- Single Family Residential District (R-1)
- Diverse Residential District (R-D)
- One To Two Family Residential District (R-2)
- One To Four Family Residential District (R-4)
- Multiple Family Residential District (R-M)
- Central Commercial District (CC)
- General Commercial (Mixed Use Zoning District Overlay)
- Light Industry/Research Use (Mixed Use Zoning District Overlay)

Development activity within the city, especially west of I-15 where the majority of vacant developable land is located, is expected to continue expanding the low and medium density neighborhoods within the city. With a majority of housing stock between I-15 and West Davis Corridor focused on single family homes, allowing clustering will encourage open space preservation.

Kaysville has a strong desire to preserve their existing community culture while providing a full range of housing opportunities to meet the economic, lifestyle and life-

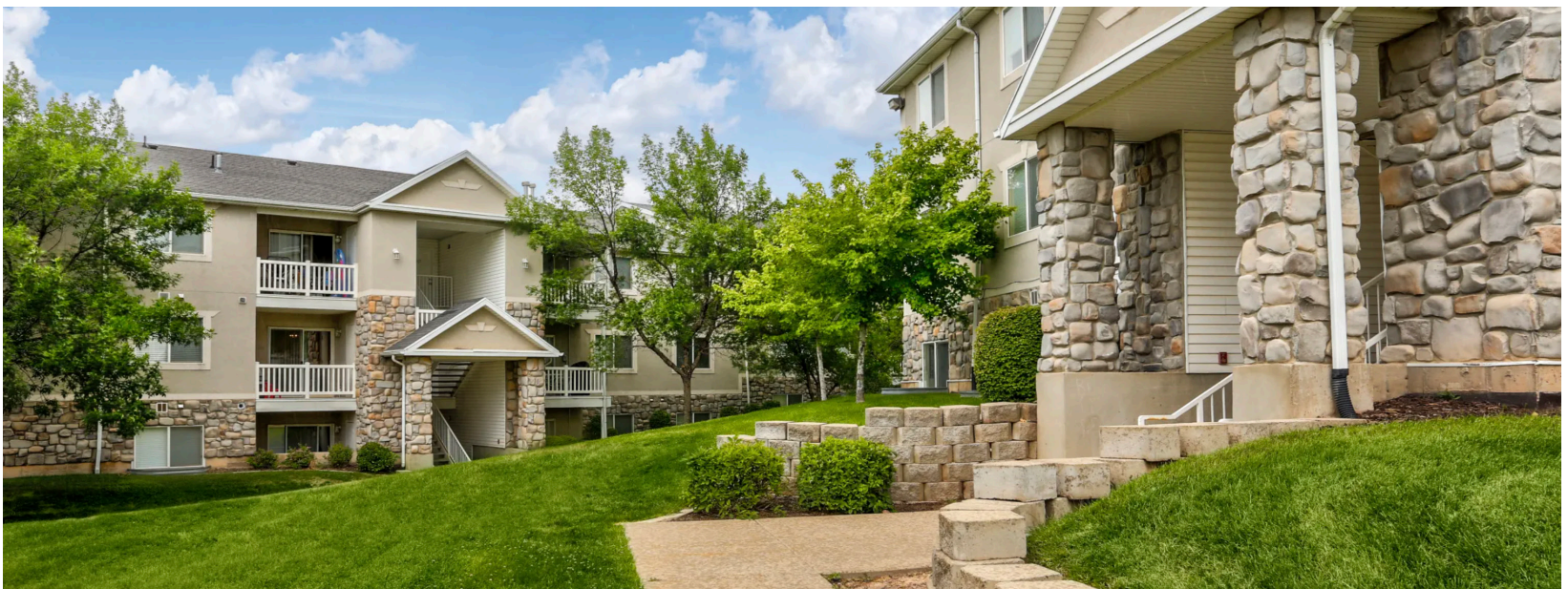
cycle needs and expectations for residents. The land use map for Kaysville promotes a mixed use low rise downtown core. The inclusion of mixed use and flex space land uses will offer variety in the housing stock.

A focus on mixed use opportunities with diverse multifamily housing stock in the central part of the city will provide a variety in housing stock and options for diverse living styles. This will provide housing for people with different life cycles, housing needs, and offer affordable housing options. The statewide housing demand has pushed an emphasis on the need for variety in housing types to increase affordability. Through redevelopment, the diversification of housing stock near Main Street and north of 200 North may provide affordable housing options to meet the current and projected needs of the city.

Accessory dwelling units also offer an additional affordable housing opportunity for Kaysville. An Accessory Dwelling Unit (ADU) is a secondary residential area within an existing residential lot. ADUs can be attached, such as an addition or in a basement, or they may be detached. These low impact units can be incorporated by homeowners into existing residential parcels. Their presence within established neighborhoods could benefit the city by increasing affordability for property owners and renters alike.

Additionally, ADUs do not require significant infrastructure and are constructed individually by property owners. Often rented below market rate, ADUs can provide moderate income housing opportunities, frequently to family and friends, and provide homeowners with an additional income source.

The city should seek to work with the numerous existing programs available to encourage the development and preservation of affordable housing at all income levels.



Goals & Objectives

GOAL 1: PROVIDE A FULL RANGE OF HOUSING OPPORTUNITIES TO MEET THE ECONOMIC, LIFESTYLE AND LIFECYCLE NEEDS AND EXPECTATIONS FOR RESIDENTS

GOAL 2: WORK WITH THE NUMEROUS PROGRAMS AVAILABLE TO ENCOURAGE THE DEVELOPMENT AND PRESERVATION OF AFFORDABLE HOUSING AT ALL INCOME LEVELS

Objective 1.1: Allow for higher density and mixed use within the City Center to diversify housing stock

Objective 1.2: Facilitate the incorporation of Accessory Dwelling Units (ADUs) into existing neighborhoods



PLAN FOR ADDITIONAL MODERATE INCOME HOUSING

Background This is “an estimate of the need for development of additional moderate income housing within the City, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.” (Utah Code 10-9a-403(2)(a)(iii)).

Goals and Policies

Approximately fifteen percent (15%) of the additional housing should be moderate income housing. Kaysville will continue to use the following means and techniques to provide a realistic opportunity for development of a variety of housing, including moderate income housing:

1. Zoning properties townsite (R-T), single family (R-1), diverse (R-D), two-family (R-2), one to four family (R-4), and multiple family (R-M) residential and central commercial (CC) which allows housing.
2. Clustering in residential areas.
3. Permitting multiple unit structures in single family residential zones.
4. Permitting less costly size, design, materials and construction of housing.
5. Facilitating the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
6. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.
7. Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers.
8. Preserve existing moderate income housing.
9. Rezone for densities necessary to assure the production of moderate income housing.



Moderate Income Housing Element for a General Plan

OUTLINE



Introduction

- Purpose of the Plan
- Description of how the moderate income housing plan fits within the context of the community's general plan and how the cooperation of jurisdiction departments will facilitate the accomplishment of goals outlined in the plan
- Discussion of how the community's planning efforts fit within the context of regional planning efforts and the coordination that has taken place between the jurisdiction and other entities in the development of the moderate income housing plan
- Background information about the community (growth patterns, community sentiments towards housing, local economy, etc.)

CURRENT POPULATION

- Demographic data from the most recent U.S. Census or American Community Survey
 - This can be supplemented with any jurisdictional annual surveys
- Summary of how the population has changed over the past five to ten years
- Number of households within targeted income groups (< 80% AMI, < 50% AMI, and < 30% AMI)

CURRENT HOUSING STOCK

- Total number of housing units
- Breakdown of housing units by:
 - Occupancy (renter-occupied or owner-occupied)
 - Size (number of bedrooms)
 - ADUs (number of internal and detached units)
 - Quality ("new," "dilapidated," etc.)
- Affordability of existing housing stock for targeted income groups

CURRENT MODERATE INCOME HOUSING AVAILABILITY AND NEED

- Availability of existing housing stock for targeted income groups and number of additional units needed
- Availability of moderate income housing for different races and ethnic groups and number of additional units needed
- Availability of moderate income housing for different special needs groups (homeless, disabled, veterans, elderly, youth aging out of foster care, victims of domestic violence, etc.) and number of additional units needed
- Availability of a variety of housing sizes and number of additional units needed

5-YEAR AND 10-YEAR POPULATION PROJECTIONS

- Low, medium, and high population projections for the next five and ten years
- Estimate of percentage of the population that will fall within targeted income levels and special needs groups over the next five and ten years

FORECAST OF MODERATE INCOME HOUSING NEED

- Comparison of projected population growth and expected housing construction for the next five and ten years
- Estimate of the number of housing units needed by residents within targeted income levels and special needs groups for the next five and ten years

REGULATORY ENVIRONMENT

- Analysis of how current zoning regulations and land uses impact the availability of moderate income housing
- Discussion of any potential barriers to moderate income housing or Fair Housing

PLANS TO MEET THE MODERATE INCOME HOUSING NEED

- Goals, strategies, and actions designed to:
 - Strategically meet current and forecasted moderate income housing needs
 - Eliminate regulatory barriers to moderate income housing
 - Preserve and improve existing moderate income housing
- Strategies should include at a minimum the number of required strategies from the UCA listed strategies
 - Jurisdictions can exceed the minimum number
 - Jurisdictions may also include additional, creative strategies once the minimum state-listed strategies have been incorporated

- Forecasting for moderate income housing:
 - Number of moderate income housing units to be built
 - Possible locations for new moderate income housing units
- Implementation plan for each strategy with the following:
 - A timeline
 - ← Provide flexibility in timing in case outside factors impact the implementation timing
 - ← Identify the measures and benchmarks to be achieved, one-time and ongoing
- Responsible party(ies)
- Community resources that can be used to support the implementation (RDA/EDA housing set-aside funds, fee waivers, local CDBG funds, donated land, etc.)

Moderate Income Housing Reporting Criteria in the Utah Code

(Updated: May 2022)

Municipal Land Use Code

Definitions - UCA 10-9a-103

- (40) "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.
- (49) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:
 - (a) an estimate of the existing supply of moderate income housing located within the municipality;
 - (b) an estimate of the need for moderate income housing in the municipality for the next five years;
 - (c) a survey of total residential land use;
 - (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
 - (e) a description of the municipality's program to encourage an adequate supply of moderate income housing.

General Plan Requirement - UCA 10-9a-401(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).

Moderate Income Housing Element - UCA 10-9a-403(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) 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 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 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 facilitate the production of moderate income housing;
 - (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
 - (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the 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) 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;
 - (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;
 - (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 facilities;
 - (I) amend land use regulations to allow for single room occupancy developments;
 - (J) implement zoning incentives for moderate income units in new developments;
 - (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 establishing a housing loss mitigation fund;
 - (L) reduce, waive, or eliminate impact fees related to moderate income housing;
 - (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
 - (N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
 - (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, an entity that applies for programs offered by the Utah Housing

Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

- (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 moderate income housing;
 - (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
 - (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
 - (S) create a program to transfer development rights for moderate income housing;
 - (T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
 - (U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
 - (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;
 - (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; and
 - (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, 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:
- (A) the strategy described in Subsection (2)(b)(iii)(V); and
 - (B) a strategy described in Subsection (2)(b)(iii)(G), (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.
 - (d) In drafting the land use element, the planning commission shall:
 - (i) identify and consider each agriculture protection area within the municipality;
 - (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.
 - (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 the region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or
 - (B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the municipality is not within the boundaries of a metropolitan planning organization; and
 - (ii) consider and coordinate with any station area plans adopted by the municipality if required under Section 10-9a-403.1.

Applicability - UCA 10-9a-408(1)(e)

"Specified municipality" means:

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

Reporting Requirement - UCA 10-9a-408(2)-(4)

- (2)
 - (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative body of a specified municipality shall annually submit a written moderate income housing report to the division.
 - (b) The moderate income housing report submitted in 2022 shall include:
 - (i) a description of each moderate income housing strategy selected by the specified municipality for implementation; and
 - (ii) an implementation plan.

- (c) The moderate income housing report submitted in each calendar year after 2022 shall include:
 - (i) the information required under Subsection (2)(b);
 - (ii) a description of each action, whether one-time or ongoing, taken by the specified municipality during the previous fiscal year to implement the moderate income housing strategies selected by the specified municipality for implementation;
 - (iii) a description of each land use regulation or land use decision made by the specified municipality during the previous fiscal year to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified municipality's efforts to implement the moderate income housing strategies;
 - (iv) a description of any barriers encountered by the specified municipality in the previous fiscal year in implementing the moderate income housing strategies;
 - (v) information regarding the number of internal and external or detached accessory dwelling units located within the specified municipality for which the specified municipality:
 - (A) issued a building permit to construct; or
 - (B) issued a business license to rent;
 - (vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and
 - (vii) any recommendations on how the state can support the specified municipality in implementing the moderate income housing strategies.
- (d) The moderate income housing report shall be in a form:
 - (i) approved by the division; and
 - (ii) made available by the division on or before July 1 of the year in which the report is required.
- (3) Within 90 days after the day on which the division receives a specified municipality's moderate income housing report, the division shall:
 - (a) post the report on the division's website;
 - (b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified municipality is located, and, if the specified municipality is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and
 - (c) subject to Subsection (4), review the report to determine compliance with Subsection (2).
- (4)
 - (a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:
 - (i) includes the information required under Subsection (2)(b);

- (ii) demonstrates to the division that the specified municipality made plans to implement:
 - (A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or
 - (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station; and
 - (iii) is in a form approved by the division.
- (b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:
 - (i) includes the information required under Subsection (2)(c);
 - (ii) demonstrates to the division that the specified municipality made plans to implement:
 - (A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or
 - (B) four or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station;
 - (iii) is in a form approved by the division; and
 - (iv) provides sufficient information for the division to:
 - (A) assess the specified municipality's progress in implementing the moderate income housing strategies;
 - (B) monitor compliance with the specified municipality's implementation plan;
 - (C) identify a clear correlation between the specified municipality's land use regulations and land use decisions and the specified municipality's efforts to implement the moderate income housing strategies; and
 - (D) identify how the market has responded to the specified municipality's selected moderate income housing strategies.

Incentives & Restrictions - UCA 10-9a-408(5)-(8)

(5)

- (a) A specified municipality qualifies for priority consideration under this Subsection (5) if the specified municipality's moderate income housing report:
 - (i) complies with Subsection (2); and
 - (ii) demonstrates to the division that the specified municipality made plans to implement:
 - (A) five or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) six or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station.

(b) The following apply to a specified municipality described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:

- (i) the Transportation Commission may give priority consideration to transportation projects located within the boundaries of the specified municipality in accordance with Subsection 72-1-304(3)(c); and
- (ii) the Governor's Office of Planning and Budget may give priority consideration for awarding financial grants to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).

(c) Upon determining that a specified municipality qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization 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 (5)(c) shall:

- (i) name the specified municipality that qualifies for priority consideration;
- (ii) describe the funds or projects for which the specified municipality qualifies to receive priority consideration;
- (iii) specify the fiscal year during which the specified municipality qualifies for priority consideration; and
- (iv) state the basis for the division's determination that the specified municipality qualifies for priority consideration.

(6)

(a) If the division, after reviewing a specified municipality's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified municipality.

(b) The notice described in Subsection (6)(a) shall:

- (i) describe each deficiency in the report and the actions needed to cure each deficiency;
- (ii) state that the specified municipality has an opportunity to cure the deficiencies within 90 days after the day on which the notice is sent; and
- (iii) state that failure to cure the deficiencies within 90 days after the day on which the 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.
- (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 injunctive or other equitable relief.

County Land Use Code

Definitions - UCA 10-9a-103

- (43) "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.
- (52) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:
- (a) an estimate of the existing supply of moderate income housing located within the county;
 - (b) an estimate of the need for moderate income housing in the county for the next five years;

- (c) a survey of total residential land use;
- (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) a description of the county's program to encourage an adequate supply of moderate income housing.
- (f) an estimate of the existing supply of moderate income housing located within the municipality;
- (g) an estimate of the need for moderate income housing in the municipality for the next five years;
- (h) a survey of total residential land use;
- (i) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (j) a description of the municipality's program to encourage an adequate supply of moderate income housing.

General Plan Requirement - 17-27a-401(3)(a)

- (i) The general plan of a specified county, as defined in Section 17-27a-408, shall include a moderate income housing element that meets the requirements of Subsection 17-27a-403(2)(a)(iii).
- (ii) On or before October 1, 2022, a specified county, as defined in Section 17-27a-408, with a general plan that does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

Moderate Income Housing Element - UCA 17-27a-403(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) 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) addresses the county'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; and
 - (C) correlates with the population projections, the employment projections, and the proposed land use element of the general plan;

- (iii) for a specified county as defined in Section 17-27a-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)(ii) for implementation; and
 - (C) includes an implementation plan as provided in Subsection (2)(e); and
 - (iv) a resource management plan detailing the findings, objectives, and policies required by Subsection 17-27a-401(3).
- (b) In drafting the moderate income housing element, the planning commission:
- (i) shall consider the Legislature's determination that counties should 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; and
 - (ii) shall include an analysis of how the county will provide a realistic opportunity for the development of moderate income housing within the planning horizon, including a recommendation to implement three or more of the following moderate income housing strategies:
 - (A) rezone for densities necessary to facilitate the production of moderate income housing;
 - (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
 - (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) identify and utilize county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county 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) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers;
 - (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;
 - (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 facilities;
 - (I) amend land use regulations to allow for single room occupancy developments;
 - (J) implement zoning incentives for moderate income units in new developments;
 - (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 establishing a housing loss mitigation fund;

- (L) reduce, waive, or eliminate impact fees related to moderate income housing;
 - (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
 - (N) implement a mortgage assistance program for employees of the county, an employer that provides contracted services for the county, or any other public employer that operates within the county;
 - (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, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
 - (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 moderate income housing;
 - (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
 - (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
 - (S) create a program to transfer development rights for moderate income housing;
 - (T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
 - (U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
 - (V) 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; and
 - (W) demonstrate implementation of any other program or strategy to address the housing needs of residents of the county 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.
- (iii) If a specified county, as defined in Section 17-27a-408, has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified county shall include as part of the specified county's recommended strategies under Subsection (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).
- (c) In drafting the land use element, the planning commission shall:
- (i) identify and consider each agriculture protection area within the unincorporated area of the county or mountainous planning district;
 - (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 municipalities located within the county under Section 10-9a-403.1.
- (d) In drafting the transportation and traffic circulation element, the planning commission shall:
 - (i)
 - (A) consider and coordinate with the regional transportation plan developed by the region's metropolitan planning organization, if the relevant areas of the county are within the boundaries of a metropolitan planning organization; or
 - (B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the relevant areas of the county are not within the boundaries of a metropolitan planning organization; and
 - (ii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.
- (e)
 - (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 county for implementation.
 - (ii) The timeline described in Subsection (2)(e)(i) shall:
 - (A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the county; and
 - (B) provide flexibility for the county to make adjustments as needed.

Applicability - UCA 17-27a-408(1)(e)

"Specified county" means a county of the first, second, or third class, which has a population of more than 5,000 in the county's unincorporated areas.

Reporting Requirement - UCA 17-27a-408(2)-(4)

- (2)
 - (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative body of a specified county shall annually submit a written moderate income housing report to the division.
 - (b) The moderate income housing report submitted in 2022 shall include:
 - (i) a description of each moderate income housing strategy selected by the specified county for implementation; and
 - (ii) an implementation plan.
 - (c) The moderate income housing report submitted in each calendar year after 2022 shall include:
 - (i) the information required under Subsection (2)(b);
 - (ii) a description of each action, whether one-time or ongoing, taken by the specified county during the previous fiscal year to implement the moderate income housing strategies selected by the specified county for implementation;
 - (iii) a description of each land use regulation or land use decision made by the specified county during the previous fiscal year to implement the

- moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified county's efforts to implement the moderate income housing strategies;
- (iv) a description of any barriers encountered by the specified county in the previous fiscal year in implementing the moderate income housing strategies; and
 - (v) information regarding the number of internal and external or detached accessory dwelling units located within the specified county for which the specified county:
 - (A) issued a building permit to construct; or
 - (B) issued a business license to rent;
 - (vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and
 - (vii) any recommendations on how the state can support the specified county in implementing the moderate income housing strategies.
- (d) The moderate income housing report shall be in a form:
- (i) approved by the division; and
 - (ii) made available by the division on or before July 1 of the year in which the report is required.
- (3) Within 90 days after the day on which the division receives a specified county's moderate income housing report, the division shall:
- (a) post the report on the division's website;
 - (b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified county is located, and, if the unincorporated area of the specified county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and
 - (c) subject to Subsection (4), review the report to determine compliance with Subsection (2).
- (4)
- (a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:
 - (i) includes the information required under Subsection (2)(b);
 - (ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies; and
 - (iii) is in a form approved by the division.
 - (b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:
 - (i) includes the information required under Subsection (2)(c);
 - (ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies;
 - (iii) is in a form approved by the division; and
 - (iv) provides sufficient information for the division to:
 - (A) assess the specified county's progress in implementing the moderate income housing strategies;
 - (B) monitor compliance with the specified county's implementation plan;
 - (C) identify a clear correlation between the specified county's land use decisions and efforts to implement the moderate income housing strategies; and

- (D) identify how the market has responded to the specified county's selected moderate income housing strategies.

Incentives & Restrictions - UCA 17-27a-408(5)-(8)

(5)

- (a) A specified county qualifies for priority consideration under this Subsection (5) if the specified county's moderate income housing report:
 - (i) complies with Subsection (2); and
 - (ii) demonstrates to the division that the specified county made plans to implement five or more moderate income housing strategies.
- (b) The following apply to a specified county described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:
 - (i) the Transportation Commission may give priority consideration to transportation projects located within the unincorporated areas of the specified county in accordance with Subsection 72-1-304(3)(c); and
 - (ii) the Governor's Office of Planning and Budget may give priority consideration for awarding financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).
- (c) Upon determining that a specified county qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.
- (d) The notice described in Subsection (5)(c) shall:
 - (i) name the specified county that qualifies for priority consideration;
 - (ii) describe the funds or projects for which the specified county qualifies to receive priority consideration;
 - (iii) specify the fiscal year during which the specified county qualifies for priority consideration; and
 - (iv) state the basis for the division's determination that the specified county qualifies for priority consideration.

(6)

- (a) If the division, after reviewing a specified county's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified county.
- (b) The notice described in Subsection (6)(a) shall:
 - (i) describe each deficiency in the report and the actions needed to cure each deficiency;
 - (ii) state that the specified county has an opportunity to cure the deficiencies within 90 days after the day on which the notice is sent; and
 - (iii) state that failure to cure the deficiencies within 90 days after the day on which the notice is sent will result in ineligibility for funds under Subsection (7).

(7)

- (a) A specified county is ineligible for funds under this Subsection (7) if the specified county:
 - (i) fails to submit a moderate income housing report to the division; or

- (ii) fails to cure the deficiencies in the specified county's moderate income housing report within 90 days after the day on which the division sent to the specified county a notice of noncompliance under Subsection (6).
- (b) The following apply to a specified county 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 unincorporated areas of the specified county in accordance with Subsection 72-2-124(6); and
 - (ii) the Governor's Office of Planning and Budget may not award financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).
- (c) Upon determining that a specified county is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified county, 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 county that is ineligible for funds;
 - (ii) describe the funds for which the specified county is ineligible to receive;
 - (iii) specify the fiscal year during which the specified county is ineligible for funds; and
 - (iv) state the basis for the division's determination that the specified county is ineligible for funds.
- (8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

2019 General Plan	2022 MIH Elements
9. Rezone for densities necessary to assure the production of moderate income housing.	(A) rezone for densities necessary to facilitate the production of moderate income housing;
5. Facilitating the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.	(B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
	(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
	(D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;
6. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.	(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
7. Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers.	(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;
	~~(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;~~
	~~(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 facilities;~~
	(I) amend land use regulations to allow for single room occupancy developments;
	(J) implement zoning incentives for moderate income units in new developments;
8. Preserve existing moderate income housing.	~~(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 establishing a housing loss mitigation fund;~~
	(L) reduce, waive, or eliminate impact fees related to moderate income housing;
	(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
	(N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
	(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, an entity that applies for programs offered by the Utah Housing, Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
	(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community subsidize moderate income housing;
	~~(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;~~
	(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
	(S) create a program to transfer development rights for moderate income housing;
	(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
	(U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
	~~(V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;~~
	(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; and
	(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, 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.



**Kaysville City Planning Commission Meeting Minutes
August 25, 2022**

The Planning Commission meeting was held on August 25, 2022 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Commissioners Barrus, Lyon, Doxey, Lott, Branch Sundloff, and Sommerkorn

Staff Present: Mindi Edstrom and Melinda Greenwood

Public Attendees: Tom Pritt, Ann Pritt, Anna Crabb, Dennis De Decker, Jason Larsen, Sarah Robinette, Neeka Round, Marilyn Mitchell, and City Council Member Abbi Hunt.

1-OPENING

Chair Barrus opened the meeting by welcoming all in attendance to the August 25, 2022 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE AUGUST 11, 2022 PLANNING COMMISSION MEETING

Commissioner Sundloff made a motion to approve the minutes from the August 11, 2022 meeting and Commissioner Lyons seconded the motion. All voted in favor of approving the minutes (6-0).

3- CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 690 EAST CENTER STREET FOR ANNA AND TOM PRITT

Introduced by: Melinda Greenwood

Before making an introduction of the agenda item, Ms. Greenwood took a few moment to explain to the new Planning Commissioners and audience the purpose and uses of a Conditional Use Permit.

Ms. Greenwood shared the lot dimensions at 690 East. The applicant applied for a Conditional Use Permit to be able to allow horses on their property. This lot had a previous Conditional Use Permit for horses, however, once the horses are removed for more than a year, the owners would need to reapply for a CUP.

Tom Pritt approached the Commissioners. 1978 was when he purchased that land and is selling home and wanted to include this option to have horses for the new buyers.

Commissioner Sundloff asked if there are any animals on the property.

Mr. Pritt said that there are not any animals at the time.

Mrs. Pritt approached the Commissioners. She said that there have been horses, goats, sheep, ducks, chickens, rabbits, and homing pigeons on this land and have never had a problem with concerned neighbors.

Commissioner Barrus inquired as to the condition on the fence and Mrs. Pritt stated that the fence is in good condition.

Commissioner Sundloff inquired about how to enforce odors, dust, noise, etc. and if there needs to be a coop. Ms. Greenwood read from the code that it is required to have shelter for the animals and once a complaint is brought to staff, then staff would require the home owner to get animals into compliance.

Commissioner Doxey made the motion to approve the Conditional Use Permit with no additional conditions. Commissioner Branch seconded the motion and the vote was unanimous (6-0) in favor of the motion.

4- CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION B STONEYBROOK PRESCHOOL, LOCATED AT 930 NORTH STONEYBROOK FOR ANN CRABB

Introduced by: Mindi Edstrom

Anna Crabb is the applicant for the Stoneybrook Preschool Conditional Use Permit. Applicant lives on a corner lot and has plenty of space for drop off.

Commissioner Barrus asks Ms. Crabb to approach the Commissioners for any further information or questions.

Commissioner Lott asked the applicant if she has spoken to her neighbors in regards to having a preschool at her home.

Ms. Crabb said that she has spoken to the neighbors and many of them will be sending their children to her preschool.

Commissioner Branch asked Ms. Crabb about the class size as well as the preschool hours.

Ms. Crabb will have up to 8 children in the preschool on days Monday- Thursday from 9:00 am-12:00pm.

Commissioner Sundloff said that because she is on a corner lot, parking seems to be a minor concern and doesn't feel that we need to impose conditions to the application.

Commissioner Sundloff made the motion to approve the Conditional Use Permit with no additional conditions. Commissioner Lyons seconded the motion and the vote was unanimous (7-0) in favor of the motion.

5- DISCUSSION ON STATE CODE 17-27A-403(2) MODERATE INCOME HOUSING ELEMENT AND INCORPORATING STRATEGIES INTO THE 2022 GENERAL PLAN

Introduced by: Melinda Greenwood

Ms. Greenwood gave the Commissioners and the audience an explanation as to why we are having the discussion about Moderate Income Housing. She shared that even after adopting our 2022 General Plan, we are already out of compliance with our moderate income housing plan and we are needing to be into compliance and the state is getting more and more forceful with what they are asking cities to do. In the last session of the State Legislature they increased the menu items that are available to cities as well as some of the language with the expectation of having a General Plan that would adopt at least five items from the list by October 1, 2022. The hope of the discussion is to pick the items that we feel can be supported and that elected officials will follow through on.

Commissioner Barrus asked about number 9 on the list of and if we have the data to get to where we need to be with the State. Ms. Greenwood asked if part of the question what quantifies this density to assure the production of MIH. Commissioner Barrus said yes and mentioned the push back that comes from the west side of Kaysville to rezone anything to be zoned R-1-8 and thinking that we would need to be a lot more dense to even get close to be moderately affordable.

Commissioner Sundloff thought that many of the suggested items on the list were already in our new General Plan and Ms. Greenwood said that they are not part of the goal and objectives word for word. She went on to share how the state over time has progressively gotten more forceful in telling cities what to do. For example with Internal Accessory Dwelling Units. The state told the cities that they *will* allow them.

The State will begin to impose penalties on cities if they do not begin to get in compliance. One penalty is that the state will take away road funding. So when the city gets BNC Class Road Fund it is one of the ways that the city is able to add and repair roads. The state has also said that if we are not in compliance we will not be able to apply for funding sources mostly for road projects and other funding.

Commissioner Lyon speaks to attainable housing and that it is for your teachers and firemen in the community who now have to live outside the community because they are not able to afford housing in the cities where they are working. The medium price for a home in Kaysville is \$800-900K and that is not affordable for someone making \$35-\$45,000 a year.

Commissioner Doxey said that the City of Kaysville has not done a good job at allowing attainable housing and that the politics don't allow it. Repeated times Planning Commission has recommended more attainable housing situations and the City Council turns it down time and time again. He feels that there needs to be some concrete step that makes it easy for City Council to adopt affordable housing solutions and not let politics go the other way.

Commissioner Lott asked if number 9 would align with the current general plan with the multi use overlay. Ms. Greenwood said that we would need to outline in the General Plan which ones we are electing to implement and get our city in compliance. Most cities are feeling the same sentiment that the residents do not want moderate income housing and that they have done more than their fair share of having moderate income housing. So if we are not in compliance we might not be able to apply for some funding and that may or may not matter to Council members. Ms. Greenwood does care to make Kaysville City in compliance with state code and it is our responsibility as staff and Planning Commissioners to recommend which items will feel will work and then it is up to the City Council as to what they will do with that.

Commissioner Sundloff referred to state code 10-98 that says that the city has to include the following three elements in the General Plan. Number one it has to be a land use element that does these goals, number two would be a traffic and circulation element and three would be the moderate income housing element.

Ms. Greenwood said that the general plan needs to have a specific moderate housing element and that we can choose three from the list of A-X. Each year the legislature add more to the list and adds more detail in the elements.

Commissioner Sommerkorn agrees with staff in the fact that we are nowhere close to where the state code require our general plan. Our 2019 Moderate Income Housing Plan is pretty close, but that is not what is in our General Plan. So we need to move what is in our modern income housing plan into the General plan with some tweaks.

Ms. Greenwood said that what we adopted in 2019 is a good place to start on this process.

Commissioner Doxey gave some numbers for what is possible to go on the one acres lots if they were to be rezoned to R-M. You could put up to 20 units of affordable townhomes.

Sundloff shared which elements that he would like to see added into the MIH plan. From section 10-984032 of the moderate income housing report criteria in Utah he would select ADFJL and RWE are honorable mentions.

Commissioner Doxey feels that you have to have some teeth in the game to go after the zoning to make it happen or the politics won't let it happen and then we will be mandated by the state. He feels that we need to be looking into all the fees that go into building in the city and make it easier for developers to want to come to Kaysville.

Commissioner Sommerkorn says that if we don't start to accommodate more moderate income housing then the state will mandate no more single family zoning and enforcing cities to allow for more accessory dwelling units. It is possible if communities do not begin to make any progress then the next step may be that all accessory dwelling units are now permitted in all residential zone.

Commissioner Sundloff said that the 2022 General Plan is now out the window since the state code now requires the moderate income plan to be in the General Plan. He mentioned Utah State Code 10-9a 408 5-8. 5 says that a municipality will get consideration if you implement three and even better five. When we comply we will have priority for things like transportation funds.

Commissioner Lott asked how many of the A-X elements are already part of the 2019 Moderate Income Plan.

Commissioner Sommerkorn stated that the 2019 Moderate Income Plan already has nine items in it. However, Ms. Greenwood points to number eight as an example and letter K they have the same element but letter K is just more specific.

Ms. Greenwood shared that in order to enforce adding a landlord program to the moderate housing income plan would require additional which would increase fees or property taxes.

Ms. Greenwood asked the Commissioners if their preference would be to bring the matches from the nine items from the 2019 plan to what's in the state code requirements.

The Commissioners agreed that staff should look at the nine elements from the 2019 plan and then see

how to incorporate elements A-X in the plan realizing that those that appear to be the low hanging fruit still end up having more requirements and not as easy to pass with City Council members.

Commissioner Barrus suggested doing a better job in communication with the public on the effects of these choices since the choices made for the elements could affect fees or taxes for residents.

Ms. Greenwood shared that the consequences of not being in compliance would be losing UDOT Funds, Department of Water Resources Funds and other funds if the city will not comply with state requirements.

Commissioner Branch and Sommerkorn are good with staff selecting the elements and then coming back to Planning Commission to discuss how we want to move forward for the new Moderate Income Housing Plan for Kaysville City.

Commissioner Doxey like elements E, F, and J.
Commissioner Barrus likes element E as well.

Ms. Greenwood reiterated her job as staff is to do a contrast and compare between the nine items that we have in 2019 and what lines up to in the A-X elements and how we can apply and implement them in Kaysville City at the September 8, 2022 Planning Commission meeting.

6- CALL TO THE PUBLIC

Jason Larsen has been involved with commercial and residential land development in nine western states. He doesn't know how to get the City Council on board when you have a Planning Commission approve development 7-0 and then City Council votes it down.

Neeka Roundy approached the Planning Commission and staff to ask questions regarding consequences if the city were not to be in compliance and thanked the Planning Commission for having the conversation about moderate housing income as she was about to start having the discussion with her friends and neighbors.

Marilyn Mitchell believes that there is disconnect between City Council and the Planning Commission. Density is all on the east side and the concerns her. She wants affordable housing and wants it to be equally distributed throughout the city. She would also like to know what it will cost on both sides to implement verses what we are going to lose.

7-OTHER MATTERS THAT PROPERLY COME BEFORE PLANNING COMMISSION

Registration coming up in October

8-ADJOURNMENT

Commissioner Lyons motioned to adjourn the meeting at 8:47 pm.



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1. Opening



2. Approval of the minutes from the August 11, 2022 regular meeting



KCC 17-24-4 Conditional Uses

17-30-2 Conditional Use Permit

1. A Conditional Use Permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title. A Conditional Use Permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.
2. Conditional Use Permits are issued by the Planning Commission. The granting of a Conditional Use Permit shall not exempt the application from other relevant provisions of this or other ordinances of Kaysville City.
3. Application for a Conditional Use Permit shall be made by the property owner or certified agent thereof to the Zoning Administrator.
4. The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of a site plan review (see [KCC 18-4](#)) for those conditional uses which require such a review, and sufficient to demonstrate that the reasonably anticipated detrimental effects of the proposed use will be mitigated in accordance with applicable standards. In considering an application for a Conditional Use Permit, the Planning Commission shall give due regard to the nature and condition of adjacent uses and structures.
5. The application for any Conditional Use Permit shall be accompanied by the appropriate fee as established from time to time by resolution of the City Council.



3. Conditional Use Permit for farm animals at 690 East Center Street



Application Type: Conditional Use Permit for Animals

Applicant: Thomas and Ann Pritt

Address: 690 East Center Street

Zoning: R-1-8

Lot Size: .95 acres | 41,382 ft²

Current Use: Single family dwelling



KCC 17-24-2

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be 8,000 square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	8,000	1,600
	14,000	1,400
	20,000	800
	21,780	435
Sheep, goats, llamas or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890
Swine, including pot belly pigs	43,560	43,560

690 East Center Street



690 East Center Street





Recommendation:

Approval of CUP for animals with any conditionals the Planning Commission feels are appropriate.



4. Conditional Use Permit for a Major Home Occupation 'B', Stoneybrook Preschool



Application Type: Conditional Use Permit

Applicant: Ann Crabb

Address: 930 North Stoneybrook Rd

Zoning: R-1-8

Lot Size: .25 acres | 10,890 ft²

Current Use: Single family dwelling

Conditional Use: Preschool

930 North Stoneybrook Road



930 North Stoneybrook Road





Recommendation:

Approval of CUP for a preschool with any conditionals the Planning Commission feels are appropriate.



KCC 17-24-4 Conditional Uses

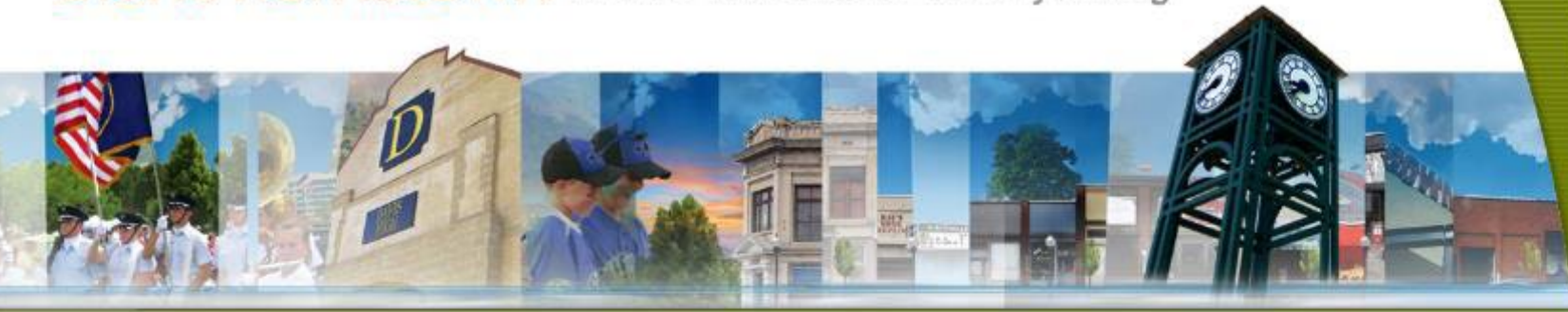
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3. Application for a Conditional Use Permit shall be made by the property owner or certified agent thereof to the Zoning Administrator.
4. The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of a site plan review (see [KCC 18-4](#)) for those conditional uses which require such a review, and sufficient to demonstrate that the reasonably anticipated detrimental effects of the proposed use will be mitigated in accordance with applicable standards. In considering an application for a Conditional Use Permit, the Planning Commission shall give due regard to the nature and condition of adjacent uses and structures.
5. The application for any Conditional Use Permit shall be accompanied by the appropriate fee as established from time to time by resolution of the City Council.



Recommendation:

Approval of this application with any conditionals the Planning Commission feels are appropriate.



5. Discussion of State Code 17-27a-403(2) Moderate Income Housing

2019 General Plan - MIH

1. Zoning properties townsite (R-T), single family (R-1), diverse (R-D), two-family (R-2), one to four family (R-4), and multiple family (R-M) residential and central commercial (CC) which allows housing.
2. Clustering in residential areas.
3. Permitting multiple unit structures in single family residential zones.
4. Permitting less costly size, design, materials and construction of housing.
5. Facilitating the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
6. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.
7. Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers.
8. Preserve existing moderate income housing.
9. Rezone for densities necessary to assure the production of moderate income housing.

Moderate Income Housing Strategies

- (A) rezone for densities necessary to facilitate the production of moderate income housing;
- (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
- (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
- (D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the 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) 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;

Moderate Income Housing Strategies

- (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;
- (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 facilities;
- (I) amend land use regulations to allow for single room occupancy developments;
- (J) implement zoning incentives for moderate income units in new developments;
- (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 establishing a housing loss mitigation fund;

Moderate Income Housing Strategies

- (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
- (N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
- (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, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public

Moderate Income Housing Strategies

(O) cont. housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

(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 moderate income housing;

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

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

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

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

Moderate Income Housing Strategies

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

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

(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; and

(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, 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;

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6. Call to the Public



7. Other matters that properly come before the Planning Commission:

- Reports
- Correspondence
- Calendar

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8. Adjournment



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