

**SUMMIT COUNTY, UTAH
ORDINANCE NO. 951**

**AN ORDINANCE AMENDING CHAPTER 7, MODERATE INCOME HOUSING OF THE EASTERN SUMMIT
COUNTY GENERAL PLAN**

PREAMBLE

WHEREAS, Utah Code Annotated (“UCA”) § 17-27a-401. Requires that each county prepare and adopt a comprehensive, long-range general plan: for present and future needs of the county and for growth and development of all or any part of the land within the unincorporated portions of the county.

WHEREAS, during the 2022 legislative session, the Utah State Legislature adopted amendments to (“UCA”) § 17-27a-401 that requires Summit County to adopt a moderate-income housing element that provides a realistic opportunity to meet the need for additional moderate-income housing within the next five years, selects three or more moderate income housing strategies for implementation and includes an implementation plan for each strategy; and

WHEREAS these amendments to the General Plan must be completed by October 1, 2022, or the County could lose important funding for transportation and other projects, and,

WHEREAS, providing reasonably priced housing for Summit County residents that is near their workplaces will reduce drive times, reduce traffic, and cut energy use and pollution; and,

WHEREAS, providing affordable housing within our community will promote economic and social diversity within our communities that will provide for the needs of all residents, and create a vibrant, diverse group of residents; and,

WHEREAS providing affordable housing will give local businesses easier access to workers and ensure that working families remain in our community; and

WHEREAS the Eastern Summit County Planning Commission held a public hearing and recommended adoption of the amended sections of the Eastern Summit County Development Code on August 18, 2022; and

WHEREAS the Summit County Council held a public hearing on September 19, 2022; and,

NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains as follows:

Section 1. The Eastern Summit County General Plan is amended as depicted in Exhibit A.

Section 2. Effective Date: This Ordinance shall take effect immediately after publication.

Enacted this 19th day of September 2022.

COUNTY COUNCIL
SUMMIT COUNTY, UTAH

by Christopher F. Robinson
Chris Robinson, Chair

Councilmember Robinson voted	Aye
Councilmember Clyde voted	Absent
Councilmember Armstrong voted	Aye
Councilmember Wright voted	Aye
Councilmember Stevens voted	Aye

ATTEST:

Evelyn J. Furse
Evelyn Furse, County Clerk, Summit County, Utah

APPROVED AS TO FORM:

Dave Thomas
Dave Thomas, Chief Civil Deputy Attorney, Summit County, Utah

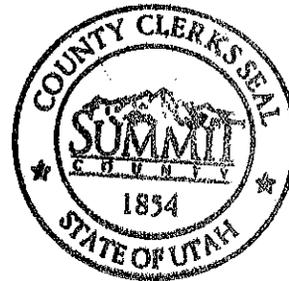


EXHIBIT A
Amendments to Chapter 7 of the Eastern
Summit County General Plan

Chapter 7

Moderate Income Housing

INTRODUCTION

Rather than being monolithic, moderate-income housing is a multifaceted challenge for Summit County. It is tied closely to a variety of challenges including extremely high median housing costs; traffic congestion and legacy transportation issues; availability of sufficient local laborers; business challenges due to lack of access to labor; an increasingly non-diverse community; a shrinking number of full-time residents with long-term community and generational ties; increasing environmental degradation due to increasing development pressures; concerns about sustainability of air, land, and water natural resources; and the critical need to manage and limit rapid growth in a County that seeks to preserve open spaces, agricultural and cultural heritage (collectively, "Critical Concerns"). Accordingly, creating standards and strategies concerning moderate-income housing in this Chapter would be incomplete, ineffective, and potentially harmful to the vision and goals of this General Plan as well as the County Council's vision, values, and strategic goals without carefully evaluating the impacts of any such standards and strategies on the Critical Concerns to determine if they will aggravate or mitigate and provide solutions to those Critical Concerns. All such standards and strategies and the Critical Concerns should continually be evaluated given the dynamic nature of growth in and on the borders of the County.

The Summit County Manager, relevant staff as determined by the County Manager, and the County Council should regularly assess the County's moderate-income housing needs and seek to articulate where such housing is most appropriate and for whom the need is greatest at any given moment always taking into careful consideration the Critical Concerns ("Moderate-Income Housing Assessment"). A priority of any such assessment should seek to identify if housing challenges are creating significant labor shortages in critical areas such a law enforcement, emergency medical services, education, doctors and nurses and other health care professionals, and local government workforce. In addition, the Moderate-Income Housing Assessment should examine the needs of long-term resident seniors seeking to age in place in the County as well as the County's tourism industry's workforce. With respect to tourism workforce, any strategies developed in this Chapter 7 should seek to require major employers to bear some of the burden of providing employees with housing opportunities as well as reasonable wages that consider the high housing costs in resort counties much like the difference in wages paid in rural Utah compared to San Francisco, California.

External influences also need to be part of the Moderate-Income Housing Assessment, such as whether nightly rentals are removing long-term housing from the available housing capacity with a result of hollowing out formerly well-established neighborhoods, particularly outside of resort cores. Such assessment should consider any moderate-income housing permitted, platted, commenced and/or built since the prior Moderate-Income Housing Assessment. Careful consideration of where to locate housing is a fundamental question the Moderate-Income Housing Assessment needs to examine in each instance with a focus on the Critical Concerns. For example, building or incentivizing

affordable housing in the Snyderville Basin for County workforce that work primarily in County offices in Coalville requires commuting, which the moderate-income housing plan should seek to reduce. In addition, approving a large ratio of market rate housing to obtain a smaller ratio of affordable housing exacerbates the dearth of affordable housing given the additional services and workers required to service the market rate housing, and should be avoided.

The critical questions of each Moderate-Income Housing Assessment should include for whom, ideal location(s), transit and transportation access, trails access, and access to services to reduce commuting and car trips, as well an assessment of the state of each of the Critical Concerns. Those preparing the Moderate-Income Housing Assessment need to include specific metrics that are transparent, effective, and easy to understand that can be used to provide of positive or negative impacts that may be used by the County to adjust the goals and strategies contained in this Chapter 7.

With respect to all analyses and changes to land use regulations contained in this Chapter 7, the County should carefully consider the positive and negative impacts on each of the Critical Concerns to make sure any such changes are likely to reduce deficits identified in the Moderate-Income Housing Assessment and do not result in unintended consequences that negatively impact the Critical Concerns.

Moderate income housing is defined as: "Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located." However, given that the median gross income for the County is substantially higher than the national average, consideration should be given to requiring moderate-income housing that is targeted to lower median gross income depending upon the intended solutions sought as identified in the Moderate-Income Housing Assessment.

GOAL: Provide moderate-income housing opportunities that address the moderate-income housing needs identified in the Moderate-Income Housing Assessment, as updated in accordance with the Introduction of this Chapter. Due to already aggressive market rate housing growth pressures, it is essential that moderate-income housing does not come as a trade-off for additional market rate housing that may ultimately increase the moderate-income housing deficit due to the additional impacts created by the market rate housing and coincident infrastructure, services, and other needs that generate requirements for additional workforce. The primary goal should be meaningful reductions in existing deficits identified in the Moderate-Income Housing Assessment.

OBJECTIVE A: Develop strategies to facilitate an adequate supply of moderate-income housing to reduce the identified deficits of housing in Eastern Summit County for various moderate- and low-income groups living, working, or desiring to work in Summit County, all as identified and prioritized in the Moderate-Income Housing Assessment, as updated, while minimizing negative impacts on the Critical Concerns.

The County shall measure demand and the County's progress toward meeting such demand through annual reporting, consistent with the requirements of Utah law.

STRATEGY A: 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 (*Utah Code § 17-27a-403(2)(b)ii(W)*).

Implementation Measure 7.1: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the County Council should, amend the Development Code to provide incentives for a developer who agrees to include moderate income housing units in a project. Incentives could include, but are not limited to, additional units as part of the Master Planned Development Deed Restricted Open Space Land Calculation Process, or as a negotiated component of the Village Overlay process.

STRATEGY B: Identify possible changes to land use regulations including, Development Code amendments and zoning changes including, rezones and the creation of new zones, all narrowly tailored to further the purposes of this Chapter. All such changes should be targeted to creating appropriate densities necessary to facilitate the production of moderate-income housing to reduce housing deficits identified in the Moderate-Income Housing Assessment, as modified, while minimizing negative impacts on Critical Concerns. All such strategies should include well-crafted, understandable, and enforceable deed restrictions to ensure that all such moderate-income housing meets the goals of this Chapter over the long term.

(Utah Code § 17-27a-403(2)(b)ii(A))

Implementation Measure 7.2: Summit County shall facilitate an annual review of the Annexation Declaration Area overlays with local municipalities to ensure on-going communication and cooperation on matters related to moderate income housing. In trying to identify the most appropriate locations for moderate income housing, decision makers should consider land use; transportation/mobility; infrastructure; water resource protection; and open space.

Implementation Measure 7.3: Identify appropriate locations for moderate income units, multifamily residential, and mixed-use developments through the Village Overlay process.

Implementation Measure 7.4: Within one year of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the Planning Commission should review and, if necessary, update existing infrastructure, transportation, and water quality studies.

Implementation Measure 7.5: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the Planning Commission should, use existing infrastructure, transportation, and water quality studies to create a Future Land Use Map in the General Plan that identifies potential locations for multifamily residential and mixed-use developments.

Implementation Measure 7.6: After the creation of the Future Land Use map, create multifamily and mixed-use zoning districts in the Development Code. These zoning districts would be eligible only in areas identified on the Future Land Use Map as mixed-use areas.

Implementation Measure 7.7: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend the Development Code to create a process and definitions to allow duplex and triplex dwelling units in the AG-2.5, C, and VO zones.

STRATEGY C: 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 (*Utah Code § 17-27a-403(2)(b)ii(D)*).

Implementation Measure 7.8: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the County Council should, amend the Development Code to make deed restricted moderate income units eligible for waivers from Building and Planning Department application and permit fees. Ensure that the waivers apply only to moderate income units and not to market rate units and/or lots in a development containing moderate income units.

Implementation Measure 7.9: Annually review, and amend as necessary, the Summit County Transportation Impact Fee waiver for moderate income housing as set forth in Summit County Code, Title 9, Chapter 2C.

STRATEGY D: Create or allow for, and reduce regulations

related to, internal and detached accessory dwelling units in residential zones (*Utah Code § 17-27a-403(2)(b)ii(E)*).

Implementation Measure 7.10: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend the Development Code to reduce regulations related to accessory dwelling units.

Implementation Measure 7.11: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend the Development Code to make accessory dwelling units an allowed use in the AG-2.5, AG-5, AG-10, AG-20, AG-40, AG-80, VO, and C zones.

Implementation Measure 7.12: Clarify accessory dwelling unit regulations to ensure that fee waivers, or other benefits apply only to deed-restricted long-term moderate-income housing units.

STRATEGY E: Implement zoning incentives for moderate income units in new developments (*Utah Code § 17-27a-403(2)(b)ii(J)*).

Implementation Measure 7.13: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend Development Code language in the Village Overlay (VO) and Commercial (C) zones to incentivize the creation of moderate-income housing units. Incentives may include:

- increased building height
- expedited building permit reviews
- building and planning department fee waivers

Implementation Measure 7.14: Within one year of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend the Development Code to incentivize the creation of deed restricted affordable senior living communities for residents that are 55 years old or older.

STRATEGY F: Demonstrate creation of, or participate in, a community land trust program for moderate income housing (*Utah Code § 17-27a-403(2)(b)ii(M)*).

Implementation Measure 7.15: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, study and implement the creation of a Summit County Housing Authority and/or regional

housing authority.

Implementation Measure 7.16: Annually meet with local non-profit organizations who support the creation of and intend to ensure the long-term affordability of moderate-income housing to establish on-going cooperation and coordination and to maintain public/private partnerships.

Implementation Measure 7.17: Within one year of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, establish a stakeholder committee comprised of local governments, community housing agencies, and residents to establish numerical goals and associated milestones to track and monitor progress of creating moderate income housing and to uncover shortfalls.

