



**Planning Commission Staff Report  
Ordinance Amendment  
Hearing Date: November 13, 2019**

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**\*ITEM #8** The Community Development Department requests approval of the 2019 Moderate Income Housing Plan, which is an update to the existing plan. City-wide. Brian Maxfield (801) 852-6429 PLGPA20190194

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<p><b>Applicant:</b> Provo City Department of Development Services</p> <p><b>Staff Coordinator:</b> Brian Maxfield</p> <p><b>*Council Action Required:</b> Yes</p> <p><b><u>ALTERNATIVE ACTION</u></b>  <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is December 4, 2019, 6:00 p.m.</i></p>	<p><b>Relevant History:</b> The current Moderate Income Element was adopted in 2018. However new State Code requirements necessitate the updating of the plan to address those new requirements.</p> <p><b>Staff Recommendation:</b> Recommend the Planning Commission forward a positive recommendation regarding the approval of the proposed Provo City Moderate Income Housing Plan as an element of the Provo City General Plan.</p>
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**OVERVIEW**

The Provo City Department of Development Services is requesting a General Plan Amendment to adopt the Provo City Moderate Income Housing Plan as an element of the Provo City General Plan. The current Moderate Income Housing Plan was adopted in 2018. New State Code requirements necessitate the updating of the plan to address those new requirements.

All municipalities within the State of Utah are required to provide “a plan that provides a realistic opportunity to meet the need for additional moderate income housing.” The items to be included with the plan are included in the State Code under Chapter 10-9a-403 as follows:

**10-9a-403 General plan preparation.**

...

- (b) In drafting the moderate income housing element, the planning commission:
- (i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
    - (A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and
    - (B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;
  - (ii) for a town, may include, and for other municipalities, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;
  - (iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following strategies:
    - (A) rezone for densities necessary to assure the production of moderate income housing;
    - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
    - (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing;
    - (D) consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city;
    - (E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;
    - (F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;
    - (G) encourage higher density or moderate income residential development near major transit investment corridors;
    - (H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;

- (I) allow for single room occupancy developments;
- (J) implement zoning incentives for low to moderate income units in new developments;
- (K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis;
- (L) preserve existing moderate income housing;
- (M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate income housing;
- (N) participate in a community land trust program for low or moderate income housing;
- (O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality;
- (P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing;
- (Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;
- (R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;
- (S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;
- (T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;
- (U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;
- (V) utilize a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and

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

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

...

The Housing and Community Development Division of the Department of Workforce Services has been assigned the evaluation of each City's Moderate Income Housing Plan for compliance with this General Plan requirement. Compliance is required to utilize State funding sources for housing and other projects related to addressing moderate income housing issues.

### **ANALYSIS**

Staff believes the proposed plan addresses and meets all State requirements. In addressing subsection "(iii)" above, that a city shall meet at least 3 of the 23 items listed under that subsection (items A through W), Provo City currently meets all but perhaps two or three of those items. Those items not yet implemented by Provo, are listed for consideration within the goals of the proposed Plan.

### **STAFF RECOMMENDATION**

Recommend the Planning Commission forward a positive recommendation regarding the approval of the proposed Provo City Moderate Income Housing Plan as an element of the Provo City General Plan.