



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Request: (PUBLIC HEARING) Amend the Western Weber General Plan Ogden Valley General Plan to adopt Addendum 1 – Moderate Income Housing Reporting Update

Agenda Date: Tuesday, February 7, 2023

File Numbers: GPA 2022-03

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Applicable Ordinances

§ 102-2-4 – Powers and Duties of the Planning Commission

(a) The planning commission shall review the general plans and make recommendations to the county commission, as deemed necessary, to keep the general plan current with changing conditions, trends, and planning needs of the county.

Legislative Decisions

Decision on these items is a legislative action. When the County Commission is acting on a legislative item it is acting on recommendations from the Planning Commissions. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances, and state code requirements.

Summary and Background

HB 463 requires cities and counties in Utah to adopt a Moderate Income Housing plan that addresses strategies as outlined in State Code. Staff went through the existing General Plans for Western Weber and Ogden Valley and pulled out those portions of the respective General Plans to prepare a reporting document to report to the State. These strategies must be adopted with implantation plans that show goals and targets that can be used to demonstrate progress towards completion of the plans and adopted strategies. That document is attached as part of the resolution below.

Policy Analysis

No substantive policy changes accompany this addendum. All of the policies that are listed were already adopted by the County in the respective General Plans.

Planning Commission Recommendations

On January 18, 2023, and on January 24, 2023, the Western Weber Planning Commission and Ogden Valley Planning Commission met (respectively) and discussed the proposed amendment/addendum to the General Plans of their respective planning areas. After holding a public hearing and discussion on the items, the Planning Commissions voted unanimously in their respective meetings to forward a positive recommendation to the County Commission for file GPA 2022-03, amending the adopted General Plans and adding Addendum 1 to each Planning Area General Plan, as shown in Exhibit A;

The recommendation is supportable with the following findings:

1. The proposals will meet the anticipated needs and goals outlined in the General Plan;
2. The proposals reflect the requirements of State Code;
3. The proposals demonstrate a continued orderly progression to development in the area; and,
4. The proposals are in the best interest of the health, safety, and welfare of the general public.

Exhibits

A. Proposed Resolution - General Plan Addendum 1

(Attached Separately)

RESOLUTION NUMBER _____

A RESOLUTION AMENDING THE WESTERN WEBER AND OGDEN VALLEY AREAS GENERAL PLANS

WHEREAS, Utah Code Annotated Section 17-27a-401 requires the adoption of a comprehensive long-range general plan for the County, and provides for mandatory and optional elements for the general plan; and,

WHEREAS, pursuant to the requirements of HB 462, which the Utah State Legislature passed in 2022, the County needs to amend the General Plans of the Western Weber Area and Ogden Valley Area, addressing Moderate Income Housing in Weber County, adopting strategies and implementation plans; and,

WHEREAS, the Weber County Board of Commissioners have heretofore adopted various general plans and general plan elements for the Western Weber Planning Area and Ogden Valley Planning Area; and,

WHEREAS, pursuant to Utah Code Annotated 17-27a-403, after duly noticed public hearings, the Western Weber Planning Commission and Ogden Valley Planning Commission have prepared and recommended to the Weber County Board of Commissioners an amendment to each general plan, as included herein as Attachment 1; and

WHEREAS, after a duly noticed public hearing the Weber County Board of Commissioners has determined that the repealing and replacement of all past general plans and plan elements in favor of adopting the proposed Western Weber Planning Area and Ogden Valley Planning Area General Plans is in the best interest of the health, safety, and welfare of the public;

NOW THEREFORE, the Weber County Board of Commissioners hereby adopts the proposed amendment to the Western Weber Planning Area General Plan and the Ogden Valley Area General Plan as provided in the attachment. The Weber County Board of Commissioners also delegates authority to staff to reformat the plan attached hereto for public publishing purposes and in doing so make any clerical or administrative edits necessary to produce a professionally published document.

This resolution shall become effective upon publication.

Passed, adopted, and ordered published this _____ day of _____, 2023, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
Gage Froerer, Chair

Commissioner Bolos voted _____
Commissioner Harvey voted _____
Commissioner Froerer voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

ATTACHMENTS:
Attachment 1: Addendum 1 to the Western Weber Area General Plan and Ogden Valley Area General Plan

Attachment 1: Addendum 1 to the Western Weber Area General Plan and Ogden Valley Area General Plan

(Attached Separately)

Addendum 1 to the Weber County Western Weber and Ogden Valley General Plans
Moderate Income Housing Reporting Update
January 2023

Purpose/Background:

In the 2022 legislative session, the Utah State Legislature passed HB 462, changing the reporting requirements for Moderate Income Housing elements of the County's General Plan. This includes choosing a minimum of three strategies chosen from the approved list and providing implementation plans that enable action on these strategies. Weber County has adopted General Plans for the Ogden Valley (OVGP) and West Weber (WWGP) planning areas which need to be amended to reflect these changes and requirements. The amendment considered the portions of the plan that are already adopted and made the modifications and connections necessary to bring it into compliance with State Code. The following represents the strategies and implementation plans that best fit the elements already adopted by the County, which the County hereby adopts as an addendum to the General Plan Moderate Income Housing Element:

- 1) (A) rezone for densities necessary to facilitate the production of moderate income housing;**
- 2) (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;**
- 3) (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;**
- 4) (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;**
- 5) (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers;**
- 6) (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;**
- 7) (M) Demonstrate creation of, or participation in, a community land trust program for moderate income housing;**
- 8) (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;**
- 9) (S) create a program to transfer development rights for moderate income housing;**

- 10) (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;**
- 11) (W) Demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80 percent 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 percent or more of new residential development in a residential zone be dedicated to moderate income housing.**

The implementation plan for each of the above strategies is as outlined below:

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

Related current General Plan Element Goals:

- **OVGP Page 27** - Facilitate mix of housing types in new construction in keeping with neighborhood design standards and community sustainability referenced in Moderate Income Housing Principle 1.1.1.
- **OVGP Page 28** - Develop cluster ordinances that will allow for mixed housing types in compact areas consistent with village area locations on Map 8 and pursuant to small area plans referenced in Moderate Income Housing Implementation 1.1.2.
- **OVGP Page 28** - Encourage the development of low- to moderate-income housing within or near established cities, towns and village areas in order to protect agricultural lands and provide open spaces within the unincorporated areas of Weber County referenced in Moderate Income Housing Implementation 1.1.3.

Implementation Timeline:

Beginning in 2022, Weber County will identify areas for potential rezone, including in the Wolf Creek Development, Liberty, and other villages. These efforts are current and ongoing, and the FB Zone has already been implemented in Old and New Town Eden and Nordic Valley. Zoning changes will take place per the property owners' request and according to the General Plan goals and maps already adopted. The County will further continue to encourage low- to moderate-income housing within or near established cities, towns, and village areas, which will allow for the further development and rehabilitation of existing uninhabitable housing stock. In 2023, the County will adopt measures to change zoning laws to allow for this development to occur. In 2024, the properties affected by these zone changes and new laws will be measured and accounted for, and in future years' reporting, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

2) (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;

Related current General Plan Element Goals:

- **WWGP Page 76** - Housing Action Item 1.1.3: Create an adaptive reuse policy to allow abandoned or underutilized non-residential buildings within or near established cities, towns, and village areas to be converted into mixed-use spaces with ground-floor commercial spaces and upper-floor(s) residential housing units

Implementation Timeline:

As the West Weber area continues to develop, the pressure to build in the area will increase. Utilizing strategies that foster affordable housing, the County will require developers install infrastructure that will support affordable housing, including the use of trails and other active transit options, bus routes and other mass transit options, street connectivity and utility infrastructure, and the expansion of mixed-use spaces and higher concentrations of residential units in designated centers. The County will track these developments as they occur and will report on the number of units developed and the associated infrastructure improvements/installations. In 2023, the County will adopt measures to change infrastructure laws to allow for this development to occur. In 2024, the properties affected by these new laws will be measured and accounted for, and in reporting for 2025-2027, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

3) (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing

Related current General Plan Element Goals:

- **OWGP Page 28** - Moderate-Income Housing Implementation 1.2.1: Support the Weber Housing Authority emergency home repair program to assist in housing maintenance for moderate to low income homeowners.
- **OWGP Page 28** - Moderate-Income Housing Implementation 1.2.2: Update or provide the necessary tools to enable the County to track (1) the mix of existing housing stock, (2) the condition of existing housing stock, (3) the delivery of existing-housing education to the public, and (4) the availability of local resources for single and multifamily rehabilitation or new construction which facilitates access and affordability for special-needs populations
- **WWGP Page 76** - Housing Action Item 1.1.3: Create an adaptive reuse policy to allow abandoned or underutilized non-residential buildings within or near established cities, towns, and village areas to be converted into mixed-use spaces with ground-floor commercial spaces and upper-floor(s) residential housing units

Implementation Timeline:

The County will continue to support the Weber Housing Authority through financial contributions and other in other meaningful ways. The amount of money contributed to the Weber Housing Authority will be tracked and reported for each of the planning areas beginning in 2023. The County will further continue to encourage low- to moderate-income housing within or near established cities, towns, and village areas, which will allow for the further development

and rehabilitation of existing uninhabitable housing stock. In 2023, the County will adopt measures to change zoning laws to allow for this development to occur. In 2024, the properties affected by these zone changes and new laws will be measured and accounted for, and in years 2025-2027 reporting, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

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

Related current General Plan Element Goals:

- **OVGP Page 16** - Land Use Implementation 1.4.3: Foster the creation of a TDR market by exploring ways for developers to benefit from purchasing TDRs. Consider requiring TDRs for lodges, hotels, accessory dwelling units, accessory apartments, lockout rooms, etc.
- **OVGP Page 28** - Moderate-Income Housing Implementation 1.1.1: Support the Weber Housing Authority's role in developing mixed-use housing projects resulting in additional housing opportunities; where mixed-use development occurs, provide a variety of housing types; require resorts to comply with the Destination and Recreation Resort Zone provisions to establish a seasonal workforce housing plan and provide appropriate numbers of housing for employees; and investigate the potential for adding accessory dwelling units as an allowed use in the zoning ordinance.
- **OVGP Page 33** - Residential Development Principle 1.2: Manage accessory dwelling units (ADUs) to allow for affordable housing opportunities without increasing the overall impact of residential development in Ogden Valley. Require one development unit for each authorized ADU.
- **OVGP Page 33** - Residential Development Implementation 1.2.1: Review current County ordinances regarding ADUs to refine standards and establish measures for how ADUs are accounted for in overall zoning.
 - **WWGP Page 77** - Housing Action Item 2.2.1: Provide ordinances that ease regulations for accessory dwelling units.

Implementation Timeline:

The County will begin tracking the number of building permits issued for internal and detached accessory dwelling units in 2022 and report on those numbers each year beginning with the 2023 report. The County will also revise the fees associated with the permits required for all accessory dwelling units. This fee reduction will be considered for the 2024 fee schedule year.

5) (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers

6) (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

Related current General Plan Element Goals:

- **OVGP Page 28** - Moderate-Income Implementation 1.1.2: Develop cluster ordinances that will allow for mixed housing types in compact areas consistent with village area locations on Map 8 and pursuant to small area plans referenced in Development Implementation 1.1.1.
- **OVGP Page 33** - Commercial Development Implementation 1.1.2: Require new commercial or mixed-use development to locate on property currently zoned for commercial uses. Avoid rezoning new property to commercial or manufacturing until such time that the community supports it. Future commercial or mixed-use rezoning should only be considered adjacent to existing commercial or mixed-use zoning in a manner that creates village clusters and avoids strip commercial along highway corridors.
- **WWGP Page 75** - Housing Action Item 1.1.2: Incorporate Residential Dwelling Units (RDUs) within walkable village areas to encourage mixed-use development with retail/commercial space at street level and residential units on the upper floor(s). This style of development lends itself to affordable housing prices and also locates moderate-income households within walkable distances to neighborhood amenities within the village/commercial areas, minimizing household transportation costs

Implementation Timeline:

The County will continue to encourage low- to moderate-income housing within or near established cities, towns, and village areas, which will allow for the further development of higher density nodes. In 2023, the County will adopt measures to change zoning laws to allow for this development to occur. In 2024, the properties affected by these zone changes and new laws will be measured and accounted for, and in years 2025-2027 reporting, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

- 7) (M) Demonstrate creation of, or participation in, a community land trust program for moderate income housing.**
- 8) (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;**

Related current General Plan Element Goals:

- **WWGP Page 76** - Housing Action Item 1.1.4: Work with Weber County, Weber Housing Authority, and other Weber County communities to create a Community Land Trust to provide below market homeownership opportunities for moderate-income buyers. The land is owned by the Trust but the homes or townhomes are owned by the individuals. This enables the community to facilitate a mix of homeownership

opportunities within or near established cities, towns, and village areas while maintaining important greenfield areas. Because Community Land Trusts include a resale formula, the properties' affordability are maintained permanently.

Implementation Timeline:

Beginning in 2023, the County will begin the conversation with the Weber Housing Authority to identify specific areas, properties, and projects that will demonstrate progress towards achieving this goal. The creation of the Community Land Trust will take place in 2024 and actions on both fronts (partnering with the Weber Housing Authority and creation of the Community Land Trust) will be reported to the State. Specific areas identified will be catalogued for future development as time and finances permit, and this also will be reported to the State.

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

Related current General Plan Element Goals:

- **OVGP Page 15** - Land Use Implementation 1.1.1: Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).
- **OVGP Page 16** - Land Use Implementation 1.3.4: Pursue funding opportunities for purchase of development rights and open space preservation programs.
- **OVGP Page 16** - Land Use Implementation 1.4.2: Create a Transfer of Development Rights (TDR) Ordinance for the Ogden Valley planning area. The purposes of the TDR Ordinance would be to establish a process for reviewing and approving proposals to transfer development rights from the Agricultural Protection and Open Space Overlay areas to locations where additional development density could be more appropriate (receiving areas). The TDR Ordinance would establish standards for review and approval of each proposed TDR. Each TDR application would include information including, but not limited to: identification of the lands from which development units are proposed to be removed; identification of the land to which the development units would be moved; the number of development units and type(s) of development proposed; how water, sewer and other services would be provided; and other information specified by the ordinance. Standards for evaluation of the application would include such factors as detrimental or beneficial effects to both the sending and receiving properties; availability of roads and infrastructure; proximity of other development including town centers; the proposed uses and intensity of use; consistency with private covenants; compatibility

with surrounding land uses and the extent to which the transfer advances the goals of the General Plan. The resort areas and villages are likely most suitable receiving areas for transferred development units.

- **OVGP Page 16** - Land Use Implementation 1.4.3: Foster the creation of a TDR market by exploring ways for developers to benefit from purchasing TDRs. Consider requiring TDRs for lodges, hotels, accessory dwelling units, accessory apartments, lockout rooms, etc.
- **OVGP Page 16** - Land Use Implementation 1.4.4: Enhance and publicize the County's register of landowners willing to sell development units. Consider the potential for the transfer of development rights to be considered as a part of the process for acquisition of conservation easements with land trusts and other organizations that acquire conservation easements.
- **OVGP Page 16** - Land Use Implementation 1.4.5: Maintain a database that tracks all transferred, purchased, or retired development rights.

Implementation Timeline:

The County has already begun a conversation around ordinance changes that will support TDRs. It is anticipated that the County will adopt new regulation in the spring of 2023 and will report on actions taken. Subsequent years' (2024 through 2027) reporting will include specific information regarding how many units were developed in higher-density areas as a result of the TDRs and further actions taken by the County.

10) (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.

Related current General Plan Element Goals:

- **WWGP Page 75** - Housing Action Item 1.1.1: Encourage the development of low- to moderate-income multiplexes, townhomes, and other missing middle housing types within or near established cities, towns, and walkable village areas in order to balance housing opportunities with the protection of agricultural lands and open spaces. Support the Weber Housing Authority's role in developing mixed-use housing projects.

Implementation Timeline:

Weber County will continue to work with communities within the County to provide walkable communities and develop local urban centers. As noted in previous implementation plan timelines, the County will report on efforts to develop higher-density areas as a result of TDRS and the number of units that were created. In 2023, the County will adopt measures to change zoning laws to allow for this development to occur. In 2024, the properties affected by these zone changes and new laws will be measured and accounted for, and in years 2025-2027 reporting, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

- 11) (W) Demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80 percent 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 percent or more of new residential development in a residential zone be dedicated to moderate income housing.**

Related current General Plan Element Goals:

- **WWGP Page 76** - Housing Action Item 1.1.5: Adopt an inclusionary zoning ordinance that requires 10 percent of residential unit equivalents (reu) in one project to be affordable to 50 percent AMI or lower and 10 percent to be affordable to 80 percent AMI or lower. The ordinance can apply to certain project sizes. For developers to comply, incentives or bonuses are needed. This strategy is most popular in areas with more intense development ability, which makes it compatible with the community's desire to provide more options in neighborhood nodes and avoiding "too small to farm, too large to mow" sprawl in current greenfield areas.

Implementation Timeline:

In 2023, Weber County will pursue the adoption of an ordinance change to allow for inclusionary zoning in certain areas that will require that 10% of residential units to be affordable to 50% of AMI or lower and 10% of units to be affordable to 80% or lower. Because this adoption will take place in 2023, it is not anticipated that any developers will take advantage of this new ordinance until 2024 at the earliest. The County will report on the adoption of the ordinance and thereafter report each year (years 2025-2027) on progress made after the adoption of the new ordinance.