

WASATCH FRONT REGIONAL COUNCIL Station Area Plan Certification Policy

The provisions of [HB462](#) (2022), as modified by SB27 (2023), require the Wasatch Front Regional Council (WFRC) to review and certify, if appropriate, Station Area Plans (SAP) prepared by cities within the WFRC area. HB462 specifies that the applicable metropolitan planning organization (MPO), in consultation with the applicable public transit district, shall review the documentation submitted by cities to the MPO for certification under the provisions of the statute to determine the municipality's compliance with the statutory requirements; and provide written certification to the municipality if the applicable MPO determines that the municipality has satisfied the requirement(s) for Station Area Plans.

This policy is intended to guide and govern the WFRC process for review and certification of Station Area Plans.

Certification Process

1. Cities submit station area plans to WFRC. Station area plans must include five key elements, pursuant to HB462 and summarized here: 1) Station Area Vision; 2) Station Area Map; 3) Implementation Plan describing actions needed over the next five years; 4) a statement of how the Station Area Plan promotes the plan objectives; and 5) involvement of key stakeholders.
2. Cities may satisfy the SAP requirements, in whole or in part, by submitting adopted resolutions that:
 - a. Demonstrate that fulfilling some or all of the SAP objectives or required components are impracticable.
 - b. Find that prior actions have substantially promoted the SAP objectives in whole or in part. Prior actions refer to adopted plans or ordinances, approved land use applications, approved agreements or financing, or investments that have been made, before June 1, 2022, that substantially promote each of the four objectives within the station area. Cities must demonstrate that such plans, ordinances, approved land use applications, approved agreements or financing, or investments are still relevant to making meaningful progress towards achieving such objectives.
3. Pursuant to HB462, Station Area Planning boundaries may cross municipal boundaries. Two or more municipalities with jurisdiction over a station area may coordinate to develop a shared station area plan for the entire station area that crosses municipal boundaries. Multiple stations may be included in one SAP. A local government(s) may submit for multiple stations at once provided the stations are within close proximity of one another. Station Area Planning boundaries may overlap.
4. WFRC staff reviews the SAP according to the statutory requirements. WFRC staff develops a recommendation to the Regional Growth Committee (RGC) as to whether each SAP has met the requirements for certification.
5. Prior to consideration by RGC, WFRC will notify the community of this recommendation. If the recommendation is that the SAP does not meet the requirements for certification, the community will be given the opportunity prior to the meeting to revise and resubmit the SAP, or request that their SAP not be considered by RGC, or allow the SAP to proceed to review by RGC.
6. At the RGC meeting, the SAP will be considered and a vote will be taken as to whether the SAP satisfies the requirements for certification. The submitting municipality will be given the opportunity to offer additional information regarding the SAP to RGC.
7. Following the receipt of a recommendation for certification from RGC, the WFRC Council will vote to certify those SAPs which they determine have met the statutory requirements. Only SAPs that have received a recommendation for certification from RGC will be considered by the Council.
8. A Certificate of Compliance will be provided to the applicable city for each station that WFRC certifies.

Standard of Review in Certification of Station Area Plans

The review of SAPs shall determine if the statutory requirements for certification have been met. To the extent that such a determination is not clear, or if there is discretion involved in making such determination, WFRC will seek to balance:

- deference for local knowledge, preferences, and determinations, with
- achieving progress regionally on advancing the goals articulated in the statute (increasing the availability and affordability of housing, enhancing access to opportunities, increasing transportation choices and connections, and promoting sustainable environmental conditions).

In evaluating a municipality's demonstration of fulfilling the SAP objectives and requirements WFRC shall consider the reasonableness of the demonstration.

Certification Timeline

Local governments must submit SAPs no less than 15 business days prior to the next RGC meeting in order to be considered for certification at that meeting. RGC will consider all SAPs submitted prior to this deadline at each of their meetings unless the community withdraws a SAP proposal.

DATE: May 13, 2022
AGENDA ITEM: 5
SUBJECT: Station Area Planning (per HB462) and WFRC's role
PREPARED BY: Megan Townsend, Community and Economic Development Director

The purpose of this memo is to review and establish WFRC's role and activities in implementation of [HB462](#) (Housing Affordability Amendments). This memo outlines:

1. Certification. The proposed process for WFRC's certification of local Station Area Plans as required by HB462.
2. Technical Assistance. The approach to administering technical assistance utilizing GOEO funds authorized by the legislation.

Included with this memo is a draft policy for consideration by the Regional Growth Committee (RGC) and WFRC Council.

BACKGROUND:

Utah faces significant challenges from being the fastest-growing state in the nation, most notably in housing availability and affordability. During the 2022 legislative session, there was discussion about mandating specific densities in our local communities. However, WFRC was involved in dialogue with legislators, state, regional, and local partners including ULCT, UTA, private sector developers, and others to develop an alternative approach that valued local land use authority and expertise and incorporates the principles of our shared Wasatch Choice Vision. That approach was embodied in HB462, which recognizes that the areas around high-capacity transit stations are well-suited to help accommodate Utah's growth. HB462 requires the cities to develop station areas plans around those stations – but does not dictate particular development approaches; rather, it acknowledges and respects local context and decision making, while advancing shared state and local objectives.

The metropolitan planning organizations (MPOs) – WFRC and MAG – are given two primary responsibilities by HB462: to provide technical assistance to the cities in developing their SAPs, and to certify that the SAPs satisfy the statutory requirements. Now, we must work as a Council to assist the local governments to plan for their futures, and maximize the investment that has been made in our robust transit system in the way we review, certify, and support the creation of station area plans.

HB462 SAP Requirements Overview

If a city has a fixed-guideway public transit station (rail or brt), it is required to develop a Station Area Plan (SAP) for that station and update its general plan and zoning to implement the Station Area Plan. Cities with "fixed guideway public transit" are required to plan ½ mile radius around a rail (FrontRunner, Trax, Streetcar) station, and ¼ mile radius around a bus rapid transit (which uses a separate right-of-way) station, and adopt any appropriate land use regulations to implement the station area plan.

Station Area Plans are intended to promote four key shared objectives, which are spelled out in HB462, and which reflect the key strategies of the Wasatch Choice Vision:

1. Increasing the availability and affordability of housing, including moderate income housing.
2. Promoting sustainable environmental conditions.
3. Enhancing access to opportunities.
4. Increasing transportation choices and connections.

Station Area Plans must include five key elements:

1. Station Area Vision. The Vision must be consistent with the Station Area Objectives.
2. Station Area Map. The map depicts the areas within the municipality and station area subject to the plan, and where actions are needed to implement the plan (i.e., the actual implementation plan may be for selected portions of the area, and vision and plan can be greater than ½ or ¼ mile radius).
3. 5-Year Implementation Plan. The implementation plan identifies and describes actions over the next five years the city intends to take, and action needed by others, needed to implement the station area plan.
4. Explanation of how the four objectives are met. The statute specifies several possible measures through which to satisfy each objective. (see above)
5. Public Involvement and Stakeholder Engagement (MPOs, UTA, Public, Businesses, etc.)

The requirement to develop a SAP is incorporated into the Moderate Income Housing Plan review architecture, but they are reviewed and certified by the relevant Metropolitan Planning Organization (MPO), not by the state (DWS).

Station Area Plan Certification Proposed Process

HB462 gives metropolitan planning organizations (WFRC and MAG) the responsibility to review and – if statutory requirements are met – certify Station Area Plans (SAP) developed by cities in our region. The certification requirement was given to the MPOs for several reasons:

- The MPOs are bodies made up principally of local governments, thereby enabling a peer-review of SAPs.
- MPOs have subject-matter expertise and background in transportation and land use planning, including in assisting communities to develop local area and station area plans.

For WFRC, the RGC is principally responsible for development of our region’s long-range transportation and land use plan, the Wasatch Choice Vision. RGC has also overseen the creation and administration of our Transportation and Land Use Connection Program (TLC), which provides assistance for local area planning. RGC can serve the related function of reviewing SAPs submitted for certification, and making a recommendation for action to the full WFRC Council.

Proposed steps in WFRC certification of station area plans:

1. Municipalities submit to WFRC through an online portal the following:
 - a. adopted station area plans,
 - b. adopted resolutions demonstrating that fulfilling some or all of the SAP objectives or required components are impracticable, and/or
 - c. adopted resolutions demonstrating that the municipality has already satisfied the SAP requirements in whole or in part based on prior actions.Communities will be asked to submit Station Area Plans (and related materials) not less than 15 business days prior to the next RGC meeting, allowing WFRC staff time to review and make a recommendation.
2. WFRC staff, in consultation with UTA per HB462, will review SAPs to assess their satisfaction of the requirements of the statute. A review checklist or template will be provided in advance to communities to ensure transparency and clarity in the review expectations.

3. Staff will make either a positive or negative recommendation to RGC; at each meeting, staff will present the list of submitted SAPs, and note the staff recommendation for certification or not (and the reasons why).
 - a. Staff will notify the municipality of this recommendation in advance of the meeting.
 - b. Before bringing a negative recommendation, i.e., that the SAP does not satisfy the statutory conditions and therefore should not be certified, to RGC, the local government will be given the opportunity to revise and resubmit their SAP, or pull their SAP from consideration. WFRC staff will continue to work with local governments to attempt to rectify any shortcomings relative to statutory requirements. If the local government disagrees with the WFRC staff recommendation, they may still opt to have the SAP reviewed by RGC for a certification decision.
 - c. All communities being considered for certification will be given the opportunity to present additional information to RGC about their SAP.
4. RGC will make a recommendation to Council as to which SAPs to certify. RGC's recommendation may vary from WFRC staff recommendations.
5. Following the receipt of a positive recommendation from RGC, the WFRC Council will vote to certify those plans which they deem have met the statutory requirements.
6. WFRC will provide Certificates of Compliance to the submitting municipality for all stations which are certified by a WFRC Council vote.

This proposed process allows for (1) assistance to be provided by WFRC to submitting municipalities as they are developing their SAPs, (2) an objective and professional review of SAPs by WFRC staff, in consultation with UTA, for statutory compliance, and (3) a peer review through RGC, where RGC has the authority to deviate from the WFRC staff recommendation.

Nature and Level of Certification Review by WFRC

WFRC wants local communities to be successful, and as such intends to provide technical assistance to communities as they develop their SAPs, and to have dialogue with cities as they are in the process of developing their SAPs. It is WFRC's desire to certify all SAPs that are submitted.

In reviewing and certifying SAPs, they should be held to the standard of the legislation to ensure that the legislation has a positive impact as was intended, and to demonstrate the effectiveness of the cities and MPOs in fulfilling this role. Housing affordability planning, zoning and construction are being closely scrutinized. If stakeholders act in good faith, including the cities and WFRC, we will have a better likelihood of maintaining a system in which communities are given wide latitude in how they advance affordability objectives.

There will be circumstances in which the SAP materials as submitted do not lead to a clear determination of whether the statutory conditions are met, or that some discretion is involved in making such a determination. In such a case, WFRC will seek to balance:

- deference for local knowledge, preferences, and determinations, with
- achieving progress regionally on advancing the goals articulated in the statute (increasing the availability and affordability of housing, enhancing access to opportunities, increasing transportation choices and connections, and promoting sustainable environmental conditions).

During the RGC meeting on May 19th, 2022, the committee will discuss the level of review WFRC will perform – by staff, RGC, and Council. The different levels of review could be:

- A. *Perfunctory review.* WFRC will largely defer to the submitting municipalities' decisions and use a low level of scrutiny to determine whether the statutory requirements have been met. Small steps within the broad objectives will satisfy the requirements, as long as the city asserts that the requirements have been satisfied. The WFRC review and evaluation would be easy for submitting municipalities to satisfy in their overall fulfillment of HB462.
- B. *Reasonableness review.* WFRC will consider the submitting municipalities' decisions through a lense of reasonableness. WFRC staff would utilize professional judgment, and RGC would consider that professional review and the reasonableness of the municipality's determination that they have fulfilled the objectives and requirements for SAPs. WFRC would not dictate *how* a city satisfies the SAP requirements, but would assess whether the city had reasonably satisfied those requirements.
- C. *Strict scrutiny.* WFRC will review with strict scrutiny, determining whether the city's plan meets the objectives to the fullest extent. WFRC would ensure that the impact of station area plans is maximized, and would look closely to see whether each submitting municipality had considered and utilized the full range of possibilities at each station.

The draft Station Area Plan Certification Policy for RGC consideration that accompanies this memo is prepared utilizing the reasonableness level of review.

Station Area Planning Technical Assistance Proposed Approach

HB462 allows for an applicable metropolitan planning organization (MPO) or municipality to apply for funding from the Governor's Office of Economic Opportunity (GOEO) Industrial Assistance Account for activities in connection with planning for housing, transportation, and growth, in order to provide technical assistance for station area planning. GOEO has indicated an intention to provide approximately \$5 million total for this purpose. This funding will be administered between the WFRC and the Mountainland Association of Governments areas in partnership with UTA and GOEO over two years. The goal of SAPs and therefore relevant technical assistance are outlined in statute. These statutory goals were intentionally designed to be consistent with our Wasatch Choice Vision goals.

The direction and funding for WFRC to provide technical assistance to communities in developing their SAPs is largely based on the successful model of our Transportation and Land Use Connection Program (TLC). For the TLC program, RGC adopted program goals that align with the Wasatch Choice Vision. Applications to TLC are reviewed according to criteria that reflect the program goals, along with TLC partners UDOT, UTA, and Salt Lake County. Awards are made in March and presented first to RGC. Projects receive assistance in the form of consultant time, or staff assistance from WFRC or UTA. WFRC holds the contracts with consultants, alleviating the administrative burden on communities. Consultants are selected from the WFRC Planning Consultant Pool for streamlined procurement. Participating in the scoping and management of the projects allows WFRC staff to ensure the scope of the efforts reflect the application and awards that were made, and to help guide the project to a successful result through engagement of all of the appropriate stakeholders.

Technical assistance for SAPs will be provided in a similar manner to TLC. The key difference will be that awards will be made more frequently (1-2 month application cycles or rolling awards depending on demand) and reviewed quickly, according to objective, statutorily based criteria, in consultation with partners at MAG, UTA, and GOEO. Eligibility will include any effort that furthers a city's ability to comply with the SAP provisions of HB462, and furthers the implementation of transit oriented development in station areas. WFRC staff will report to RGC regularly in regards to the awards made and the progress of the projects.

RECOMMENDATION:

RGC make a motion to “recommend that the Wasatch Front Regional Council adopt the Station Area Plan Certification Policy”

EXHIBIT:

WFRC Station Area Plan Certification Policy

CONTACT PERSON:

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DATE: March 16, 2023
AGENDA ITEM: 7
SUBJECT: **Action: Station Area Planning Update**
PREPARED BY: Megan Townsend, Community and Economic Development Director

At the Regional Growth Committee (RGC) meeting, an update will be provided on WFRC's Station Area Planning activities.

First, an award for Station Area Plan (SAP) Technical Assistance (related to HB462 - Housing Affordability Amendments, 2022) has been made to Taylorsville for three future BRT stations.

Second, there is an action item to modify the [WFRC Station Area Plan Policy](#) (adopted in May 2022). With the passage of [SB27 Transportation Revisions](#) a modification is needed to ensure consistency of the Policy with SB27. SB27 includes a revision to the way prior actions are considered for Station Area Plans, as an update to the approach from [HB462](#) in 2022.

BACKGROUND:

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4. Explanation of how the four objectives are met. The statute specifies several possible measures through which to satisfy each objective. (see above)
5. Public Involvement and Stakeholder Engagement (MPOs, UTA, Public, Businesses, etc.)

As the legislation was developed in 2022, we recognized that the planning that cities have already done around their station areas should count toward new requirements. Because of this, “prior actions” could count toward the five key elements required by HB462, listed above. In working through this with cities, it became clear that while prior actions may not mirror the five key elements perfectly, they may still be making measurable progress toward the SAP

objectives. Changes to the SAP requirements in SB27 pivot the focus of prior actions from the key elements to the objectives. This strikes a balance between achieving the objectives of SAPs, while giving credit to cities and not having them have to redo work. Prior actions may fulfill the Station Area Plan requirements based on the following provision of SB27:

“...the municipality has already adopted plans or ordinances, approved land use applications, approved agreements or financing, or investments have been made, before June 1, 2022, that substantially promote each of the objectives in Subsection (7)(a) within the station area, and can demonstrate that such plans, ordinances, approved land use applications, approved agreements or financing, or investments are still relevant to making meaningful progress towards achieving such objectives; and (B) the municipality adopts a resolution finding that the objectives of Subsection (7)(a) have been substantially promoted.”

WFRC staff has provided a draft revision to the Station Area Plan Certification Policy to reflect this change in legislation.

RECOMMENDATION:

RGC make a motion to “recommend that the Wasatch Front Regional Council adopt the Station Area Plan Certification Policy”

EXHIBIT:

[Revised draft WFRC Station Area Plan Certification Policy](#)

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