

Senator Derek L. Kitchen proposes the following substitute bill:

AFFORDABLE HOUSING MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Val K. Potter

LONG TITLE

General Description:

This bill modifies provisions related to a municipality's and a county's general plan related to moderate income housing.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the requirements of certain municipalities and counties related to the moderate income housing plan element of their general plan;
- ▶ modifies the reporting requirements of certain municipalities and counties related to the moderate income housing plan element of their general plan;
- ▶ modifies provisions related to the use of Transportation Investment Fund money;
- ▶ modifies provisions related to the Olene Walker Housing Loan Fund Board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to the Department of Workforce Services -- Olene Walker Housing Loan Fund as a one-time appropriation:
 - from the General Fund, \$20,000,000; and



26 ▶ to the Department of Workforce Services -- Olene Walker Housing Loan Fund as an
27 ongoing appropriation:

- 28 • from the General Fund, \$4,000,000.

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **10-9a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415

34 **10-9a-401**, as last amended by Laws of Utah 2018, Chapter 218

35 **10-9a-403**, as last amended by Laws of Utah 2018, Chapter 218

36 **10-9a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364

37 **17-27a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415

38 **17-27a-401**, as last amended by Laws of Utah 2018, Chapter 218

39 **17-27a-403**, as last amended by Laws of Utah 2018, Chapter 218

40 **17-27a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364

41 **35A-8-503**, as renumbered and amended by Laws of Utah 2012, Chapter 212

42 **35A-8-505**, as last amended by Laws of Utah 2018, Chapter 251

43 **35A-8-803**, as renumbered and amended by Laws of Utah 2012, Chapter 212

44 **63B-18-401**, as last amended by Laws of Utah 2013, Chapter 389

45 **63B-27-101**, as last amended by Laws of Utah 2018, Chapter 280

46 **63I-2-217**, as last amended by Laws of Utah 2018, Chapter 68 and further amended by

47 Revisor Instructions, Laws of Utah 2018, Chapter 456

48 **72-1-304**, as last amended by Laws of Utah 2018, Chapter 424

49 **72-2-124**, as last amended by Laws of Utah 2018, Chapter 424



51 *Be it enacted by the Legislature of the state of Utah:*

52 Section 1. Section **10-9a-103** is amended to read:

53 **10-9a-103. Definitions.**

54 As used in this chapter:

- 55 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
- 56 detached from a primary single-family dwelling and contained on one lot.

57 [~~1~~] (2) "Affected entity" means a county, municipality, local district, special service
58 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
59 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
60 public utility, property owner, property owners association, or the Utah Department of
61 Transportation, if:

62 (a) the entity's services or facilities are likely to require expansion or significant
63 modification because of an intended use of land;

64 (b) the entity has filed with the municipality a copy of the entity's general or long-range
65 plan; or

66 (c) the entity has filed with the municipality a request for notice during the same
67 calendar year and before the municipality provides notice to an affected entity in compliance
68 with a requirement imposed under this chapter.

69 [~~2~~] (3) "Appeal authority" means the person, board, commission, agency, or other
70 body designated by ordinance to decide an appeal of a decision of a land use application or a
71 variance.

72 [~~3~~] (4) "Billboard" means a freestanding ground sign located on industrial,
73 commercial, or residential property if the sign is designed or intended to direct attention to a
74 business, product, or service that is not sold, offered, or existing on the property where the sign
75 is located.

76 [~~4~~] (5) (a) "Charter school" means:

77 (i) an operating charter school;

78 (ii) a charter school applicant that has its application approved by a charter school
79 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

80 (iii) an entity that is working on behalf of a charter school or approved charter
81 applicant to develop or construct a charter school building.

82 (b) "Charter school" does not include a therapeutic school.

83 [~~5~~] (6) "Conditional use" means a land use that, because of its unique characteristics
84 or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not
85 be compatible in some areas or may be compatible only if certain conditions are required that
86 mitigate or eliminate the detrimental impacts.

87 [~~6~~] (7) "Constitutional taking" means a governmental action that results in a taking of

88 private property so that compensation to the owner of the property is required by the:

89 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

90 (b) Utah Constitution Article I, Section 22.

91 [~~(7)~~] (8) "Culinary water authority" means the department, agency, or public entity with
92 responsibility to review and approve the feasibility of the culinary water system and sources for
93 the subject property.

94 [~~(8)~~] (9) "Development activity" means:

95 (a) any construction or expansion of a building, structure, or use that creates additional
96 demand and need for public facilities;

97 (b) any change in use of a building or structure that creates additional demand and need
98 for public facilities; or

99 (c) any change in the use of land that creates additional demand and need for public
100 facilities.

101 [~~(9)~~] (10) (a) "Disability" means a physical or mental impairment that substantially
102 limits one or more of a person's major life activities, including a person having a record of such
103 an impairment or being regarded as having such an impairment.

104 (b) "Disability" does not include current illegal use of, or addiction to, any federally
105 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
106 802.

107 [~~(10)~~] (11) "Educational facility":

108 (a) means:

109 (i) a school district's building at which pupils assemble to receive instruction in a
110 program for any combination of grades from preschool through grade 12, including
111 kindergarten and a program for children with disabilities;

112 (ii) a structure or facility:

113 (A) located on the same property as a building described in Subsection [~~(10)~~]

114 (11)(a)(i); and

115 (B) used in support of the use of that building; and

116 (iii) a building to provide office and related space to a school district's administrative
117 personnel; and

118 (b) does not include:

119 (i) land or a structure, including land or a structure for inventory storage, equipment
120 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

121 (A) not located on the same property as a building described in Subsection [~~(10)~~]
122 ~~(11)~~(a)(i); and

123 (B) used in support of the purposes of a building described in Subsection [~~(10)~~]
124 ~~(11)~~(a)(i); or

125 (ii) a therapeutic school.

126 [~~(11)~~] ~~(12)~~ "Fire authority" means the department, agency, or public entity with
127 responsibility to review and approve the feasibility of fire protection and suppression services
128 for the subject property.

129 [~~(12)~~] ~~(13)~~ "Flood plain" means land that:

130 (a) is within the 100-year flood plain designated by the Federal Emergency
131 Management Agency; or

132 (b) has not been studied or designated by the Federal Emergency Management Agency
133 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
134 the land has characteristics that are similar to those of a 100-year flood plain designated by the
135 Federal Emergency Management Agency.

136 [~~(13)~~] ~~(14)~~ "General plan" means a document that a municipality adopts that sets forth
137 general guidelines for proposed future development of the land within the municipality.

138 [~~(14)~~] ~~(15)~~ "Geologic hazard" means:

139 (a) a surface fault rupture;

140 (b) shallow groundwater;

141 (c) liquefaction;

142 (d) a landslide;

143 (e) a debris flow;

144 (f) unstable soil;

145 (g) a rock fall; or

146 (h) any other geologic condition that presents a risk:

147 (i) to life;

148 (ii) of substantial loss of real property; or

149 (iii) of substantial damage to real property.

150 [~~(15)~~] (16) "Historic preservation authority" means a person, board, commission, or
151 other body designated by a legislative body to:

- 152 (a) recommend land use regulations to preserve local historic districts or areas; and
- 153 (b) administer local historic preservation land use regulations within a local historic
154 district or area.

155 [~~(16)~~] (17) "Hookup fee" means a fee for the installation and inspection of any pipe,
156 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
157 other utility system.

158 [~~(17)~~] (18) "Identical plans" means building plans submitted to a municipality that:

- 159 (a) are clearly marked as "identical plans";
- 160 (b) are substantially identical to building plans that were previously submitted to and
161 reviewed and approved by the municipality; and
- 162 (c) describe a building that:
 - 163 (i) is located on land zoned the same as the land on which the building described in the
164 previously approved plans is located;
 - 165 (ii) is subject to the same geological and meteorological conditions and the same law
166 as the building described in the previously approved plans;
 - 167 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
168 and approved by the municipality; and
 - 169 (iv) does not require any additional engineering or analysis.

170 [~~(18)~~] (19) "Impact fee" means a payment of money imposed under Title 11, Chapter
171 36a, Impact Fees Act.

172 [~~(19)~~] (20) "Improvement completion assurance" means a surety bond, letter of credit,
173 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
174 by a municipality to guaranty the proper completion of landscaping or an infrastructure
175 improvement required as a condition precedent to:

- 176 (a) recording a subdivision plat; or
- 177 (b) development of a commercial, industrial, mixed use, or multifamily project.

178 [~~(20)~~] (21) "Improvement warranty" means an applicant's unconditional warranty that
179 the applicant's installed and accepted landscaping or infrastructure improvement:

- 180 (a) complies with the municipality's written standards for design, materials, and

181 workmanship; and

182 (b) will not fail in any material respect, as a result of poor workmanship or materials,
183 within the improvement warranty period.

184 [~~(21)~~] (22) "Improvement warranty period" means a period:

185 (a) no later than one year after a municipality's acceptance of required landscaping; or

186 (b) no later than one year after a municipality's acceptance of required infrastructure,
187 unless the municipality:

188 (i) determines for good cause that a one-year period would be inadequate to protect the
189 public health, safety, and welfare; and

190 (ii) has substantial evidence, on record:

191 (A) of prior poor performance by the applicant; or

192 (B) that the area upon which the infrastructure will be constructed contains suspect soil
193 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

194 [~~(22)~~] (23) "Infrastructure improvement" means permanent infrastructure that an
195 applicant must install:

196 (a) pursuant to published installation and inspection specifications for public
197 improvements; and

198 (b) as a condition of:

199 (i) recording a subdivision plat; or

200 (ii) development of a commercial, industrial, mixed use, condominium, or multifamily
201 project.

202 [~~(23)~~] (24) "Internal lot restriction" means a platted note, platted demarcation, or
203 platted designation that:

204 (a) runs with the land; and

205 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
206 the plat; or

207 (ii) designates a development condition that is enclosed within the perimeter of a lot
208 described on the plat.

209 [~~(24)~~] (25) "Land use applicant" means a property owner, or the property owner's
210 designee, who submits a land use application regarding the property owner's land.

211 [~~(25)~~] (26) "Land use application":

212 (a) means an application that is:
213 (i) required by a municipality; and
214 (ii) submitted by a land use applicant to obtain a land use decision; and
215 (b) does not mean an application to enact, amend, or repeal a land use regulation.
216 [~~26~~] (27) "Land use authority" means:
217 (a) a person, board, commission, agency, or body, including the local legislative body,
218 designated by the local legislative body to act upon a land use application; or
219 (b) if the local legislative body has not designated a person, board, commission,
220 agency, or body, the local legislative body.
221 [~~27~~] (28) "Land use decision" means an administrative decision of a land use
222 authority or appeal authority regarding:
223 (a) a land use permit;
224 (b) a land use application; or
225 (c) the enforcement of a land use regulation, land use permit, or development
226 agreement.
227 [~~28~~] (29) "Land use permit" means a permit issued by a land use authority.
228 [~~29~~] (30) "Land use regulation":
229 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
230 specification, fee, or rule that governs the use or development of land;
231 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
232 and
233 (c) does not include:
234 (i) a land use decision of the legislative body acting as the land use authority, even if
235 the decision is expressed in a resolution or ordinance; or
236 (ii) a temporary revision to an engineering specification that does not materially:
237 (A) increase a land use applicant's cost of development compared to the existing
238 specification; or
239 (B) impact a land use applicant's use of land.
240 [~~30~~] (31) "Legislative body" means the municipal council.
241 [~~31~~] (32) "Local district" means an entity under Title 17B, Limited Purpose Local
242 Government Entities - Local Districts, and any other governmental or quasi-governmental

243 entity that is not a county, municipality, school district, or the state.

244 [~~(32)~~] (33) "Local historic district or area" means a geographically definable area that:

245 (a) contains any combination of buildings, structures, sites, objects, landscape features,
246 archeological sites, or works of art that contribute to the historic preservation goals of a
247 legislative body; and

248 (b) is subject to land use regulations to preserve the historic significance of the local
249 historic district or area.

250 [~~(33)~~] (34) "Lot line adjustment" means the relocation of the property boundary line in
251 a subdivision between two adjoining lots with the consent of the owners of record.

252 (35) "Major transit investment corridor" means public transit service that uses or
253 occupies:

254 (a) public transit rail right-of-way;

255 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

256 or

257 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
258 municipality or county and:

259 (i) a public transit district as defined in Section [17B-2a-802](#); or

260 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

261 [~~(34)~~] (36) "Moderate income housing" means housing occupied or reserved for
262 occupancy by households with a gross household income equal to or less than 80% of the
263 median gross income for households of the same size in the county in which the city is located.

264 [~~(35)~~] (37) "Nominal fee" means a fee that reasonably reimburses a municipality only
265 for time spent and expenses incurred in:

266 (a) verifying that building plans are identical plans; and

267 (b) reviewing and approving those minor aspects of identical plans that differ from the
268 previously reviewed and approved building plans.

269 [~~(36)~~] (38) "Noncomplying structure" means a structure that:

270 (a) legally existed before its current land use designation; and

271 (b) because of one or more subsequent land use ordinance changes, does not conform
272 to the setback, height restrictions, or other regulations, excluding those regulations, which
273 govern the use of land.

274 [(37)] (39) "Nonconforming use" means a use of land that:

275 (a) legally existed before its current land use designation;

276 (b) has been maintained continuously since the time the land use ordinance governing
277 the land changed; and

278 (c) because of one or more subsequent land use ordinance changes, does not conform
279 to the regulations that now govern the use of the land.

280 [(38)] (40) "Official map" means a map drawn by municipal authorities and recorded in
281 a county recorder's office that:

282 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
283 highways and other transportation facilities;

284 (b) provides a basis for restricting development in designated rights-of-way or between
285 designated setbacks to allow the government authorities time to purchase or otherwise reserve
286 the land; and

287 (c) has been adopted as an element of the municipality's general plan.

288 [(39)] (41) "Parcel boundary adjustment" means a recorded agreement between owners
289 of adjoining properties adjusting their mutual boundary if:

290 (a) no additional parcel is created; and

291 (b) each property identified in the agreement is unsubdivided land, including a
292 remainder of subdivided land.

293 [(40)] (42) "Person" means an individual, corporation, partnership, organization,
294 association, trust, governmental agency, or any other legal entity.

295 [(41)] (43) "Plan for moderate income housing" means a written document adopted by
296 a [city] municipality's legislative body that includes:

297 (a) an estimate of the existing supply of moderate income housing located within the
298 [city] municipality;

299 (b) an estimate of the need for moderate income housing in the [city] municipality for
300 the next five years [~~as revised biennially~~];

301 (c) a survey of total residential land use;

302 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
303 income housing; and

304 (e) a description of the [city's] municipality's program to encourage an adequate supply

305 of moderate income housing.

306 [~~(42)~~] (44) "Plat" means a map or other graphical representation of lands being laid out
307 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

308 [~~(43)~~] (45) "Potential geologic hazard area" means an area that:

309 (a) is designated by a Utah Geological Survey map, county geologist map, or other
310 relevant map or report as needing further study to determine the area's potential for geologic
311 hazard; or

312 (b) has not been studied by the Utah Geological Survey or a county geologist but
313 presents the potential of geologic hazard because the area has characteristics similar to those of
314 a designated geologic hazard area.

315 [~~(44)~~] (46) "Public agency" means:

316 (a) the federal government;

317 (b) the state;

318 (c) a county, municipality, school district, local district, special service district, or other
319 political subdivision of the state; or

320 (d) a charter school.

321 [~~(45)~~] (47) "Public hearing" means a hearing at which members of the public are
322 provided a reasonable opportunity to comment on the subject of the hearing.

323 [~~(46)~~] (48) "Public meeting" means a meeting that is required to be open to the public
324 under Title 52, Chapter 4, Open and Public Meetings Act.

325 [~~(47)~~] (49) "Receiving zone" means an area of a municipality that the municipality
326 designates, by ordinance, as an area in which an owner of land may receive a transferable
327 development right.

328 [~~(48)~~] (50) "Record of survey map" means a map of a survey of land prepared in
329 accordance with Section 17-23-17.

330 [~~(49)~~] (51) "Residential facility for persons with a disability" means a residence:

331 (a) in which more than one person with a disability resides; and

332 (b) (i) which is licensed or certified by the Department of Human Services under Title
333 62A, Chapter 2, Licensure of Programs and Facilities; or

334 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
335 21, Health Care Facility Licensing and Inspection Act.

336 [~~(50)~~] (52) "Rules of order and procedure" means a set of rules that govern and
337 prescribe in a public meeting:

- 338 (a) parliamentary order and procedure;
- 339 (b) ethical behavior; and
- 340 (c) civil discourse.

341 [~~(51)~~] (53) "Sanitary sewer authority" means the department, agency, or public entity
342 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
343 wastewater systems.

344 [~~(52)~~] (54) "Sending zone" means an area of a municipality that the municipality
345 designates, by ordinance, as an area from which an owner of land may transfer a transferable
346 development right.

347 [~~(53)~~] (55) "Specified public agency" means:

- 348 (a) the state;
- 349 (b) a school district; or
- 350 (c) a charter school.

351 [~~(54)~~] (56) "Specified public utility" means an electrical corporation, gas corporation,
352 or telephone corporation, as those terms are defined in Section 54-2-1.

353 [~~(55)~~] (57) "State" includes any department, division, or agency of the state.

354 [~~(56)~~] (58) "Street" means a public right-of-way, including a highway, avenue,
355 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
356 or other way.

357 [~~(57)~~] (59) (a) "Subdivision" means any land that is divided, resubdivided or proposed
358 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
359 purpose, whether immediate or future, for offer, sale, lease, or development either on the
360 installment plan or upon any and all other plans, terms, and conditions.

361 (b) "Subdivision" includes:

362 (i) the division or development of land whether by deed, metes and bounds description,
363 devise and testacy, map, plat, or other recorded instrument; and

364 (ii) except as provided in Subsection [~~(57)~~] (59)(c), divisions of land for residential and
365 nonresidential uses, including land used or to be used for commercial, agricultural, and
366 industrial purposes.

367 (c) "Subdivision" does not include:

368 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
369 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
370 neither the resulting combined parcel nor the parcel remaining from the division or partition
371 violates an applicable land use ordinance;

372 (ii) a recorded agreement between owners of adjoining unsubdivided properties
373 adjusting their mutual boundary if:

374 (A) no new lot is created; and

375 (B) the adjustment does not violate applicable land use ordinances;

376 (iii) a recorded document, executed by the owner of record:

377 (A) revising the legal description of more than one contiguous unsubdivided parcel of
378 property into one legal description encompassing all such parcels of property; or

379 (B) joining a subdivided parcel of property to another parcel of property that has not
380 been subdivided, if the joinder does not violate applicable land use ordinances;

381 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
382 their mutual boundary if:

383 (A) no new dwelling lot or housing unit will result from the adjustment; and

384 (B) the adjustment will not violate any applicable land use ordinance;

385 (v) a bona fide division or partition of land by deed or other instrument where the land
386 use authority expressly approves in writing the division in anticipation of further land use
387 approvals on the parcel or parcels; or

388 (vi) a parcel boundary adjustment.

389 (d) The joining of a subdivided parcel of property to another parcel of property that has
390 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (59) as to
391 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
392 subdivision ordinance.

393 [~~(58)~~] (60) "Suspect soil" means soil that has:

394 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
395 3% swell potential;

396 (b) bedrock units with high shrink or swell susceptibility; or

397 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

398 commonly associated with dissolution and collapse features.

399 ~~[(59)]~~ (61) "Therapeutic school" means a residential group living facility:

400 (a) for four or more individuals who are not related to:

401 (i) the owner of the facility; or

402 (ii) the primary service provider of the facility;

403 (b) that serves students who have a history of failing to function:

404 (i) at home;

405 (ii) in a public school; or

406 (iii) in a nonresidential private school; and

407 (c) that offers:

408 (i) room and board; and

409 (ii) an academic education integrated with:

410 (A) specialized structure and supervision; or

411 (B) services or treatment related to a disability, an emotional development, a

412 behavioral development, a familial development, or a social development.

413 ~~[(60)]~~ (62) "Transferable development right" means a right to develop and use land that
414 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
415 land use rights from a designated sending zone to a designated receiving zone.

416 ~~[(61)]~~ (63) "Unincorporated" means the area outside of the incorporated area of a city
417 or town.

418 ~~[(62)]~~ (64) "Water interest" means any right to the beneficial use of water, including:

419 (a) each of the rights listed in Section 73-1-11; and

420 (b) an ownership interest in the right to the beneficial use of water represented by:

421 (i) a contract; or

422 (ii) a share in a water company, as defined in Section 73-3-3.5.

423 ~~[(63)]~~ (65) "Zoning map" means a map, adopted as part of a land use ordinance, that
424 depicts land use zones, overlays, or districts.

425 Section 2. Section 10-9a-401 is amended to read:

426 **10-9a-401. General plan required -- Content.**

427 (1) In order to accomplish the purposes of this chapter, each municipality shall prepare
428 and adopt a comprehensive, long-range general plan for:

- 429 (a) present and future needs of the municipality; and
430 (b) growth and development of all or any part of the land within the municipality.
- 431 (2) The general plan may provide for:
- 432 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
433 activities, aesthetics, and recreational, educational, and cultural opportunities;
- 434 (b) the reduction of the waste of physical, financial, or human resources that result
435 from either excessive congestion or excessive scattering of population;
- 436 (c) the efficient and economical use, conservation, and production of the supply of:
- 437 (i) food and water; and
438 (ii) drainage, sanitary, and other facilities and resources;
- 439 (d) the use of energy conservation and solar and renewable energy resources;
- 440 (e) the protection of urban development;
- 441 (f) if the municipality is a town, the protection or promotion of moderate income
442 housing;
- 443 (g) the protection and promotion of air quality;
- 444 (h) historic preservation;
- 445 (i) identifying future uses of land that are likely to require an expansion or significant
446 modification of services or facilities provided by each affected entity; and
- 447 (j) an official map.
- 448 (3) (a) The general plan of a municipality, other than a town, shall plan for moderate
449 income housing growth.
- 450 (b) On or before ~~[July 1, 2019]~~ December 1, 2019, each of the following that have a
451 general plan that does not comply with Subsection (3)(a) shall amend the general plan to
452 comply with Subsection (3)(a):
- 453 (i) a city of the first, second, third, or fourth class;
- 454 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located
455 within a county of the first, second, or third class; and
- 456 (iii) a metro township with a population of 5,000 or more~~[-and].~~
- 457 ~~[(iv) a metro township with a population of less than 5,000, if the metro township is
458 located within a county of the first, second, or third class.]~~
- 459 (c) The population figures described in Subsections (3)(b)(ii), (iii), and (iv) shall be

460 derived from:

461 (i) the most recent official census or census estimate of the United States Census
462 Bureau; or

463 (ii) if a population figure is not available under Subsection (3)(c)(i), an estimate of the
464 Utah Population Estimates Committee.

465 (4) Subject to Subsection 10-9a-403(2), the municipality may determine the
466 comprehensiveness, extent, and format of the general plan.

467 Section 3. Section 10-9a-403 is amended to read:

468 **10-9a-403. General plan preparation.**

469 (1) (a) The planning commission shall provide notice, as provided in Section
470 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a
471 general plan or a comprehensive general plan amendment when the planning commission
472 initiates the process of preparing its recommendation.

473 (b) The planning commission shall make and recommend to the legislative body a
474 proposed general plan for the area within the municipality.

475 (c) The plan may include areas outside the boundaries of the municipality if, in the
476 planning commission's judgment, those areas are related to the planning of the municipality's
477 territory.

478 (d) Except as otherwise provided by law or with respect to a municipality's power of
479 eminent domain, when the plan of a municipality involves territory outside the boundaries of
480 the municipality, the municipality may not take action affecting that territory without the
481 concurrence of the county or other municipalities affected.

482 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
483 and descriptive and explanatory matter, shall include the planning commission's
484 recommendations for the following plan elements:

485 (i) a land use element that:

486 (A) designates the long-term goals and the proposed extent, general distribution, and
487 location of land for housing for residents of various income levels, business, industry,
488 agriculture, recreation, education, public buildings and grounds, open space, and other
489 categories of public and private uses of land as appropriate; and

490 (B) may include a statement of the projections for and standards of population density

491 and building intensity recommended for the various land use categories covered by the plan;

492 (ii) a transportation and traffic circulation element [~~consisting of the general location~~
493 ~~and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~
494 ~~any other modes of transportation that the planning commission considers appropriate, all~~
495 ~~correlated with the population projections and the proposed land use element of the general~~
496 ~~plan; and] that:~~

497 (A) provides the general location and extent of existing and proposed freeways, arterial
498 and collector streets, public transit, active transportation facilities, and other modes of
499 transportation that the planning commission considers appropriate;

500 (B) for a municipality that has access to a major transit investment corridor, addresses
501 the municipality's plan for residential and commercial development around major transit
502 investment corridors to maintain and improve the connections between housing, employment,
503 education, recreation, and commerce;

504 (C) for a municipality that does not have access to a major transit investment corridor,
505 addresses the municipality's plan for residential and commercial development in areas that will
506 maintain and improve the connections between housing, transportation, employment,
507 education, recreation, and commerce; and

508 (D) correlates with the population projections, the employment projections, and the
509 proposed land use element of the general plan; and

510 (iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a
511 realistic opportunity to meet the need for additional moderate income housing.

512 (b) In drafting the moderate income housing element, the planning commission:

513 (i) shall consider the Legislature's determination that municipalities shall facilitate a
514 reasonable opportunity for a variety of housing, including moderate income housing:

515 (A) to meet the needs of people [~~desiring to live~~] of various income levels living,
516 working, or desiring to live or work in the community; and

517 (B) to allow [~~persons with moderate~~] people with various incomes to benefit from and
518 fully participate in all aspects of neighborhood and community life; [~~and~~]

519 (ii) for a town, may include, and for other municipalities, shall include, an analysis of
520 [~~why the recommended means, techniques, or combination of means and techniques provide~~]
521 how the municipality will provide a realistic opportunity for the development of moderate

522 income housing within the next five years~~[, which means or techniques may include a~~
523 ~~recommendation to:];~~

524 (iii) for a town, may include, and for other municipalities, shall include, a
525 recommendation to implement three or more of the following strategies:

526 (A) rezone for densities necessary to assure the production of moderate income
527 housing;

528 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
529 construction of moderate income housing;

530 (C) ~~[encourage]~~ facilitate the rehabilitation of existing uninhabitable housing stock into
531 moderate income housing;

532 (D) consider general fund subsidies or other sources of revenue to waive construction
533 related fees that are otherwise generally imposed by the city;

534 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
535 residential zones;

536 (F) allow for higher density or moderate income residential development in
537 commercial and mixed-use zones, commercial centers, or employment centers;

538 (G) encourage higher density or moderate income residential development near major
539 transit investment corridors;

540 (H) eliminate or reduce parking requirements for residential development where a
541 resident is less likely to rely on the resident's own vehicle, such as residential development near
542 major transit investment corridors or senior living facilities;

543 (I) allow for single room occupancy developments;

544 (J) implement zoning incentives for low to moderate income units in new
545 developments;

546 (K) utilize strategies that preserve subsidized low to moderate income units on a
547 long-term basis;

548 (L) preserve existing moderate income housing;

549 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
550 income housing;

551 (N) participate in a community land trust program for low or moderate income
552 housing;

553 (O) implement a mortgage assistance program for employees of the municipality or of
554 an employer that provides contracted services to the municipality;

555 ~~[(E) consider utilization of]~~ (P) apply for or partner with an entity that applies for state
556 or federal funds or tax incentives to promote the construction of moderate income housing;

557 ~~[(F) consider utilization of]~~ (Q) apply for or partner with an entity that applies for
558 programs offered by the Utah Housing Corporation within that agency's funding capacity;

559 ~~[(G) consider utilization of]~~ (R) apply for or partner with an entity that applies for
560 affordable housing programs administered by the Department of Workforce Services; [and]

561 ~~[(H) consider utilization of]~~ (S) apply for or partner with an entity that applies for
562 programs administered by an association of governments established by an interlocal
563 agreement under Title 11, Chapter 13, Interlocal Cooperation Act[-];

564 (T) apply for or partner with an entity that applies for services provided by a public
565 housing authority to preserve and create moderate income housing;

566 (U) apply for or partner with an entity that applies for programs administered by a
567 metropolitan planning organization or other transportation agency that provides technical
568 planning assistance;

569 (V) utilize a moderate income housing set aside from a community reinvestment
570 agency, redevelopment agency, or community development and renewal agency; and

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

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

577 (c) In drafting the land use element, the planning commission shall:

578 (i) identify and consider each agriculture protection area within the municipality; and

579 (ii) avoid proposing a use of land within an agriculture protection area that is
580 inconsistent with or detrimental to the use of the land for agriculture.

581 (d) In drafting the transportation and traffic circulation element, the planning
582 commission shall:

583 (i) consider the regional transportation plan developed by its region's metropolitan

584 planning organization, if the municipality is within the boundaries of a metropolitan planning
585 organization; or

586 (ii) consider the long-range transportation plan developed by the Department of
587 Transportation, if the municipality is not within the boundaries of a metropolitan planning
588 organization.

589 (3) The proposed general plan may include:

590 (a) an environmental element that addresses:

591 (i) the protection, conservation, development, and use of natural resources, including
592 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
593 and other natural resources; and

594 (ii) the reclamation of land, flood control, prevention and control of the pollution of
595 streams and other waters, regulation of the use of land on hillsides, stream channels and other
596 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
597 protection of watersheds and wetlands, and the mapping of known geologic hazards;

598 (b) a public services and facilities element showing general plans for sewage, water,
599 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
600 police and fire protection, and other public services;

601 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
602 programs for:

603 (i) historic preservation;

604 (ii) the diminution or elimination of blight; and

605 (iii) redevelopment of land, including housing sites, business and industrial sites, and
606 public building sites;

607 (d) an economic element composed of appropriate studies and forecasts, as well as an
608 economic development plan, which may include review of existing and projected municipal
609 revenue and expenditures, revenue sources, identification of basic and secondary industry,
610 primary and secondary market areas, employment, and retail sales activity;

611 (e) recommendations for implementing all or any portion of the general plan, including
612 the use of land use ordinances, capital improvement plans, community development and
613 promotion, and any other appropriate action;

614 (f) provisions addressing any of the matters listed in Subsection [10-9a-401\(2\)](#) or (3);

615 and

616 (g) any other element the municipality considers appropriate.

617 Section 4. Section 10-9a-408 is amended to read:

618 **10-9a-408. Reporting requirements and civil action regarding moderate income**
619 **housing element of general plan.**

620 (1) The legislative body of a municipality described in Subsection 10-9a-401(3)(b)
621 shall ~~biennially~~ annually:

622 (a) review the moderate income housing plan element of the municipality's general
623 plan and implementation of that element of the general plan;

624 (b) prepare a report on the findings of the review described in Subsection (1)(a); and

625 (c) post the report described in Subsection (1)(b) on the municipality's website.

626 (2) The report described in Subsection (1) shall include ~~[a description of]~~:

627 ~~[(a) efforts made by the municipality to reduce, mitigate, or eliminate local regulatory~~
628 ~~barriers to moderate income housing;]~~

629 (a) a revised estimate of the need for moderate income housing in the municipality for
630 the next five years;

631 ~~[(b) actions taken by the municipality to encourage preservation of existing moderate~~
632 ~~income housing and development of new moderate income housing;]~~

633 ~~[(c)]~~ (b) a description of progress made within the municipality to provide moderate
634 income housing, demonstrated by analyzing and publishing data on ~~[(i)]~~ the number of
635 housing units in the municipality that are at or below:

636 ~~[(A)]~~ (i) 80% of the adjusted median family income ~~[for the municipality];~~

637 ~~[(B)]~~ (ii) 50% of the adjusted median family income ~~[for the municipality];~~ and

638 ~~[(C)]~~ (iii) 30% of the adjusted median family income ~~[for the municipality];~~

639 ~~[(ii) the number of housing units in the municipality that are subsidized by the~~
640 ~~municipality, the state, or the federal government; and]~~

641 ~~[(iii) the number of housing units in the municipality that are deed-restricted;]~~

642 ~~[(d) all efforts made by the city to coordinate moderate income housing plans and~~
643 ~~actions with neighboring municipalities or associations of governments established by an~~
644 ~~interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;]~~

645 ~~[(e)]~~ (c) ~~[a]~~ a description of any efforts made by the municipality to utilize a moderate

646 income housing set-aside from a [~~redevelopment agency, a community development agency, or~~
647 ~~an economic development agency;~~] community reinvestment agency, redevelopment agency, or
648 community development and renewal agency; and

649 [~~(f) money expended by the municipality to pay or waive construction-related fees~~
650 ~~required by the municipality; and]~~

651 [~~(g) programs of the Utah Housing Corporation that were utilized by the municipality.]~~

652 (d) a description of how the municipality has implemented any of the recommendations
653 related to moderate income housing described in Subsection 10-9a-403(2)(b)(iii).

654 (3) The legislative body of each [~~city~~] municipality described in Subsection (1) shall
655 send a copy of the report under Subsection (1) to the Department of Workforce Services [~~and~~],
656 the association of governments in which the [~~city~~] municipality is located[-], and, if located
657 within the boundaries of a metropolitan planning organization, the appropriate metropolitan
658 planning organization.

659 (4) In a civil action seeking enforcement or claiming a violation of this section or of
660 Subsection 10-9a-404(5)(c), a plaintiff may not recover damages but may be awarded only
661 injunctive or other equitable relief.

662 Section 5. Section 17-27a-103 is amended to read:

663 **17-27a-103. Definitions.**

664 As used in this chapter:

665 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
666 detached from a primary single-family dwelling and contained on one lot.

667 [~~(1)~~] (2) "Affected entity" means a county, municipality, local district, special service
668 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
669 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
670 property owner, property owners association, public utility, or the Utah Department of
671 Transportation, if:

672 (a) the entity's services or facilities are likely to require expansion or significant
673 modification because of an intended use of land;

674 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
675 or

676 (c) the entity has filed with the county a request for notice during the same calendar

677 year and before the county provides notice to an affected entity in compliance with a
678 requirement imposed under this chapter.

679 ~~[(2)]~~ (3) "Appeal authority" means the person, board, commission, agency, or other
680 body designated by ordinance to decide an appeal of a decision of a land use application or a
681 variance.

682 ~~[(3)]~~ (4) "Billboard" means a freestanding ground sign located on industrial,
683 commercial, or residential property if the sign is designed or intended to direct attention to a
684 business, product, or service that is not sold, offered, or existing on the property where the sign
685 is located.

686 ~~[(4)]~~ (5) (a) "Charter school" means:

687 (i) an operating charter school;

688 (ii) a charter school applicant that has its application approved by a charter school
689 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

690 (iii) an entity that is working on behalf of a charter school or approved charter
691 applicant to develop or construct a charter school building.

692 (b) "Charter school" does not include a therapeutic school.

693 ~~[(5)]~~ (6) "Chief executive officer" means the person or body that exercises the
694 executive powers of the county.

695 ~~[(6)]~~ (7) "Conditional use" means a land use that, because of its unique characteristics
696 or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
697 compatible in some areas or may be compatible only if certain conditions are required that
698 mitigate or eliminate the detrimental impacts.

699 ~~[(7)]~~ (8) "Constitutional taking" means a governmental action that results in a taking of
700 private property so that compensation to the owner of the property is required by the:

701 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

702 (b) Utah Constitution, Article I, Section 22.

703 ~~[(8)]~~ (9) "Culinary water authority" means the department, agency, or public entity with
704 responsibility to review and approve the feasibility of the culinary water system and sources for
705 the subject property.

706 ~~[(9)]~~ (10) "Development activity" means:

707 (a) any construction or expansion of a building, structure, or use that creates additional

708 demand and need for public facilities;

709 (b) any change in use of a building or structure that creates additional demand and need
710 for public facilities; or

711 (c) any change in the use of land that creates additional demand and need for public
712 facilities.

713 ~~[(10)]~~ (11) (a) "Disability" means a physical or mental impairment that substantially
714 limits one or more of a person's major life activities, including a person having a record of such
715 an impairment or being regarded as having such an impairment.

716 (b) "Disability" does not include current illegal use of, or addiction to, any federally
717 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
718 Sec. 802.

719 ~~[(11)]~~ (12) "Educational facility":

720 (a) means:

721 (i) a school district's building at which pupils assemble to receive instruction in a
722 program for any combination of grades from preschool through grade 12, including
723 kindergarten and a program for children with disabilities;

724 (ii) a structure or facility:

725 (A) located on the same property as a building described in Subsection ~~[(11)]~~

726 (12)(a)(i); and

727 (B) used in support of the use of that building; and

728 (iii) a building to provide office and related space to a school district's administrative
729 personnel; and

730 (b) does not include:

731 (i) land or a structure, including land or a structure for inventory storage, equipment
732 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

733 (A) not located on the same property as a building described in Subsection ~~[(11)]~~

734 (12)(a)(i); and

735 (B) used in support of the purposes of a building described in Subsection ~~[(11)]~~

736 (12)(a)(i); or

737 (ii) a therapeutic school.

738 ~~[(12)]~~ (13) "Fire authority" means the department, agency, or public entity with

739 responsibility to review and approve the feasibility of fire protection and suppression services
740 for the subject property.

741 [~~(13)~~] (14) "Flood plain" means land that:

742 (a) is within the 100-year flood plain designated by the Federal Emergency

743 Management Agency; or

744 (b) has not been studied or designated by the Federal Emergency Management Agency

745 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

746 the land has characteristics that are similar to those of a 100-year flood plain designated by the

747 Federal Emergency Management Agency.

748 [~~(14)~~] (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

749 [~~(15)~~] (16) "General plan" means a document that a county adopts that sets forth

750 general guidelines for proposed future development of:

751 (a) the unincorporated land within the county; or

752 (b) for a mountainous planning district, the land within the mountainous planning

753 district.

754 [~~(16)~~] (17) "Geologic hazard" means:

755 (a) a surface fault rupture;

756 (b) shallow groundwater;

757 (c) liquefaction;

758 (d) a landslide;

759 (e) a debris flow;

760 (f) unstable soil;

761 (g) a rock fall; or

762 (h) any other geologic condition that presents a risk:

763 (i) to life;

764 (ii) of substantial loss of real property; or

765 (iii) of substantial damage to real property.

766 [~~(17)~~] (18) "Hookup fee" means a fee for the installation and inspection of any pipe,

767 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other

768 utility system.

769 [~~(18)~~] (19) "Identical plans" means building plans submitted to a county that:

770 (a) are clearly marked as "identical plans";
771 (b) are substantially identical building plans that were previously submitted to and
772 reviewed and approved by the county; and
773 (c) describe a building that:
774 (i) is located on land zoned the same as the land on which the building described in the
775 previously approved plans is located;
776 (ii) is subject to the same geological and meteorological conditions and the same law
777 as the building described in the previously approved plans;
778 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
779 and approved by the county; and
780 (iv) does not require any additional engineering or analysis.
781 [~~19~~] (20) "Impact fee" means a payment of money imposed under Title 11, Chapter
782 36a, Impact Fees Act.
783 [~~20~~] (21) "Improvement completion assurance" means a surety bond, letter of credit,
784 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
785 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
786 required as a condition precedent to:
787 (a) recording a subdivision plat; or
788 (b) development of a commercial, industrial, mixed use, or multifamily project.
789 [~~21~~] (22) "Improvement warranty" means an applicant's unconditional warranty that
790 the applicant's installed and accepted landscaping or infrastructure improvement:
791 (a) complies with the county's written standards for design, materials, and
792 workmanship; and
793 (b) will not fail in any material respect, as a result of poor workmanship or materials,
794 within the improvement warranty period.
795 [~~22~~] (23) "Improvement warranty period" means a period:
796 (a) no later than one year after a county's acceptance of required landscaping; or
797 (b) no later than one year after a county's acceptance of required infrastructure, unless
798 the county:
799 (i) determines for good cause that a one-year period would be inadequate to protect the
800 public health, safety, and welfare; and

801 (ii) has substantial evidence, on record:
802 (A) of prior poor performance by the applicant; or
803 (B) that the area upon which the infrastructure will be constructed contains suspect soil
804 and the county has not otherwise required the applicant to mitigate the suspect soil.

805 ~~[(23)]~~ (24) "Infrastructure improvement" means permanent infrastructure that an
806 applicant must install:

807 (a) pursuant to published installation and inspection specifications for public
808 improvements; and

809 (b) as a condition of:

810 (i) recording a subdivision plat; or

811 (ii) development of a commercial, industrial, mixed use, condominium, or multifamily
812 project.

813 ~~[(24)]~~ (25) "Internal lot restriction" means a platted note, platted demarcation, or
814 platted designation that:

815 (a) runs with the land; and

816 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
817 the plat; or

818 (ii) designates a development condition that is enclosed within the perimeter of a lot
819 described on the plat.

820 ~~[(25)]~~ (26) "Interstate pipeline company" means a person or entity engaged in natural
821 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
822 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

823 ~~[(26)]~~ (27) "Intrastate pipeline company" means a person or entity engaged in natural
824 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
825 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

826 ~~[(27)]~~ (28) "Land use applicant" means a property owner, or the property owner's
827 designee, who submits a land use application regarding the property owner's land.

828 ~~[(28)]~~ (29) "Land use application":

829 (a) means an application that is:

830 (i) required by a county; and

831 (ii) submitted by a land use applicant to obtain a land use decision; and

832 (b) does not mean an application to enact, amend, or repeal a land use regulation.

833 [~~29~~] (30) "Land use authority" means:

834 (a) a person, board, commission, agency, or body, including the local legislative body,
835 designated by the local legislative body to act upon a land use application; or

836 (b) if the local legislative body has not designated a person, board, commission,
837 agency, or body, the local legislative body.

838 [~~30~~] (31) "Land use decision" means an administrative decision of a land use
839 authority or appeal authority regarding:

840 (a) a land use permit;

841 (b) a land use application; or

842 (c) the enforcement of a land use regulation, land use permit, or development
843 agreement.

844 [~~31~~] (32) "Land use permit" means a permit issued by a land use authority.

845 [~~32~~] (33) "Land use regulation":

846 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
847 specification, fee, or rule that governs the use or development of land;

848 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
849 and

850 (c) does not include:

851 (i) a land use decision of the legislative body acting as the land use authority, even if
852 the decision is expressed in a resolution or ordinance; or

853 (ii) a temporary revision to an engineering specification that does not materially:

854 (A) increase a land use applicant's cost of development compared to the existing
855 specification; or

856 (B) impact a land use applicant's use of land.

857 [~~33~~] (34) "Legislative body" means the county legislative body, or for a county that
858 has adopted an alternative form of government, the body exercising legislative powers.

859 [~~34~~] (35) "Local district" means any entity under Title 17B, Limited Purpose Local
860 Government Entities - Local Districts, and any other governmental or quasi-governmental
861 entity that is not a county, municipality, school district, or the state.

862 [~~35~~] (36) "Lot line adjustment" means the relocation of the property boundary line in

863 a subdivision between two adjoining lots with the consent of the owners of record.

864 (37) "Major transit investment corridor" means public transit service that uses or
865 occupies:

866 (a) public transit rail right-of-way;

867 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

868 or

869 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
870 municipality or county and:

871 (i) a public transit district as defined in Section [17B-2a-802](#); or

872 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

873 ~~[(36)]~~ (38) "Moderate income housing" means housing occupied or reserved for
874 occupancy by households with a gross household income equal to or less than 80% of the
875 median gross income for households of the same size in the county in which the housing is
876 located.

877 ~~[(37)]~~ (39) "Mountainous planning district" means an area:

878 (a) designated by a county legislative body in accordance with Section [17-27a-901](#); and

879 (b) that is not otherwise exempt under Section [10-9a-304](#).

880 ~~[(38)]~~ (40) "Nominal fee" means a fee that reasonably reimburses a county only for
881 time spent and expenses incurred in:

882 (a) verifying that building plans are identical plans; and

883 (b) reviewing and approving those minor aspects of identical plans that differ from the
884 previously reviewed and approved building plans.

885 ~~[(39)]~~ (41) "Noncomplying structure" means a structure that:

886 (a) legally existed before its current land use designation; and

887 (b) because of one or more subsequent land use ordinance changes, does not conform
888 to the setback, height restrictions, or other regulations, excluding those regulations that govern
889 the use of land.

890 ~~[(40)]~~ (42) "Nonconforming use" means a use of land that:

891 (a) legally existed before its current land use designation;

892 (b) has been maintained continuously since the time the land use ordinance regulation
893 governing the land changed; and

894 (c) because of one or more subsequent land use ordinance changes, does not conform
895 to the regulations that now govern the use of the land.

896 [~~(41)~~] (43) "Official map" means a map drawn by county authorities and recorded in
897 the county recorder's office that:

898 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
899 highways and other transportation facilities;

900 (b) provides a basis for restricting development in designated rights-of-way or between
901 designated setbacks to allow the government authorities time to purchase or otherwise reserve
902 the land; and

903 (c) has been adopted as an element of the county's general plan.

904 [~~(42)~~] (44) "Parcel boundary adjustment" means a recorded agreement between owners
905 of adjoining properties adjusting their mutual boundary if:

906 (a) no additional parcel is created; and

907 (b) each property identified in the agreement is unsubdivided land, including a
908 remainder of subdivided land.

909 [~~(43)~~] (45) "Person" means an individual, corporation, partnership, organization,
910 association, trust, governmental agency, or any other legal entity.

911 [~~(44)~~] (46) "Plan for moderate income housing" means a written document adopted by
912 a county legislative body that includes:

913 (a) an estimate of the existing supply of moderate income housing located within the
914 county;

915 (b) an estimate of the need for moderate income housing in the county for the next five
916 years [~~as revised biennially~~];

917 (c) a survey of total residential land use;

918 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
919 income housing; and

920 (e) a description of the county's program to encourage an adequate supply of moderate
921 income housing.

922 [~~(45)~~] (47) "Planning advisory area" means a contiguous, geographically defined
923 portion of the unincorporated area of a county established under this part with planning and
924 zoning functions as exercised through the planning advisory area planning commission, as

925 provided in this chapter, but with no legal or political identity separate from the county and no
926 taxing authority.

927 ~~[(46)]~~ (48) "Plat" means a map or other graphical representation of lands being laid out
928 and prepared in accordance with Section [17-27a-603](#), [17-23-17](#), or [57-8-13](#).

929 ~~[(47)]~~ (49) "Potential geologic hazard area" means an area that:

930 (a) is designated by a Utah Geological Survey map, county geologist map, or other
931 relevant map or report as needing further study to determine the area's potential for geologic
932 hazard; or

933 (b) has not been studied by the Utah Geological Survey or a county geologist but
934 presents the potential of geologic hazard because the area has characteristics similar to those of
935 a designated geologic hazard area.

936 ~~[(48)]~~ (50) "Public agency" means:

937 (a) the federal government;

938 (b) the state;

939 (c) a county, municipality, school district, local district, special service district, or other
940 political subdivision of the state; or

941 (d) a charter school.

942 ~~[(49)]~~ (51) "Public hearing" means a hearing at which members of the public are
943 provided a reasonable opportunity to comment on the subject of the hearing.

944 ~~[(50)]~~ (52) "Public meeting" means a meeting that is required to be open to the public
945 under Title 52, Chapter 4, Open and Public Meetings Act.

946 ~~[(51)]~~ (53) "Receiving zone" means an unincorporated area of a county that the county
947 designates, by ordinance, as an area in which an owner of land may receive a transferable
948 development right.

949 ~~[(52)]~~ (54) "Record of survey map" means a map of a survey of land prepared in
950 accordance with Section [17-23-17](#).

951 ~~[(53)]~~ (55) "Residential facility for persons with a disability" means a residence:

952 (a) in which more than one person with a disability resides; and

953 (b) (i) which is licensed or certified by the Department of Human Services under Title
954 62A, Chapter 2, Licensure of Programs and Facilities; or

955 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter

956 21, Health Care Facility Licensing and Inspection Act.

957 ~~[(54)]~~ (56) "Rules of order and procedure" means a set of rules that govern and
958 prescribe in a public meeting:

- 959 (a) parliamentary order and procedure;
- 960 (b) ethical behavior; and
- 961 (c) civil discourse.

962 ~~[(55)]~~ (57) "Sanitary sewer authority" means the department, agency, or public entity
963 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
964 wastewater systems.

965 ~~[(56)]~~ (58) "Sending zone" means an unincorporated area of a county that the county
966 designates, by ordinance, as an area from which an owner of land may transfer a transferable
967 development right.

968 ~~[(57)]~~ (59) "Site plan" means a document or map that may be required by a county
969 during a preliminary review preceding the issuance of a building permit to demonstrate that an
970 owner's or developer's proposed development activity meets a land use requirement.

971 ~~[(58)]~~ (60) "Specified public agency" means:

- 972 (a) the state;
- 973 (b) a school district; or
- 974 (c) a charter school.

975 ~~[(59)]~~ (61) "Specified public utility" means an electrical corporation, gas corporation,
976 or telephone corporation, as those terms are defined in Section [54-2-1](#).

977 ~~[(60)]~~ (62) "State" includes any department, division, or agency of the state.

978 ~~[(61)]~~ (63) "Street" means a public right-of-way, including a highway, avenue,
979 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
980 or other way.

981 ~~[(62)]~~ (64) (a) "Subdivision" means any land that is divided, resubdivided or proposed
982 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
983 purpose, whether immediate or future, for offer, sale, lease, or development either on the
984 installment plan or upon any and all other plans, terms, and conditions.

985 (b) "Subdivision" includes:

- 986 (i) the division or development of land whether by deed, metes and bounds description,

987 devise and testacy, map, plat, or other recorded instrument; and

988 (ii) except as provided in Subsection [~~(62)~~] (64)(c), divisions of land for residential and
989 nonresidential uses, including land used or to be used for commercial, agricultural, and
990 industrial purposes.

991 (c) "Subdivision" does not include:

992 (i) a bona fide division or partition of agricultural land for agricultural purposes;

993 (ii) a recorded agreement between owners of adjoining properties adjusting their
994 mutual boundary if:

995 (A) no new lot is created; and

996 (B) the adjustment does not violate applicable land use ordinances;

997 (iii) a recorded document, executed by the owner of record:

998 (A) revising the legal description of more than one contiguous unsubdivided parcel of
999 property into one legal description encompassing all such parcels of property; or

1000 (B) joining a subdivided parcel of property to another parcel of property that has not
1001 been subdivided, if the joinder does not violate applicable land use ordinances;

1002 (iv) a bona fide division or partition of land in a county other than a first class county
1003 for the purpose of siting, on one or more of the resulting separate parcels:

1004 (A) an electrical transmission line or a substation;

1005 (B) a natural gas pipeline or a regulation station; or

1006 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1007 utility service regeneration, transformation, retransmission, or amplification facility;

1008 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
1009 their mutual boundary if:

1010 (A) no new dwelling lot or housing unit will result from the adjustment; and

1011 (B) the adjustment will not violate any applicable land use ordinance;

1012 (vi) a bona fide division or partition of land by deed or other instrument where the land
1013 use authority expressly approves in writing the division in anticipation of further land use
1014 approvals on the parcel or parcels; or

1015 (vii) a parcel boundary adjustment.

1016 (d) The joining of a subdivided parcel of property to another parcel of property that has
1017 not been subdivided does not constitute a subdivision under this Subsection [~~(62)~~] (63) as to

1018 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
1019 subdivision ordinance.

1020 [~~(63)~~] (65) "Suspect soil" means soil that has:

- 1021 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1022 3% swell potential;
- 1023 (b) bedrock units with high shrink or swell susceptibility; or
- 1024 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1025 commonly associated with dissolution and collapse features.

1026 [~~(64)~~] (66) "Therapeutic school" means a residential group living facility:

1027 (a) for four or more individuals who are not related to:

1028 (i) the owner of the facility; or

1029 (ii) the primary service provider of the facility;

1030 (b) that serves students who have a history of failing to function:

1031 (i) at home;

1032 (ii) in a public school; or

1033 (iii) in a nonresidential private school; and

1034 (c) that offers:

1035 (i) room and board; and

1036 (ii) an academic education integrated with:

1037 (A) specialized structure and supervision; or

1038 (B) services or treatment related to a disability, an emotional development, a
1039 behavioral development, a familial development, or a social development.

1040 [~~(65)~~] (67) "Transferable development right" means a right to develop and use land that
1041 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1042 land use rights from a designated sending zone to a designated receiving zone.

1043 [~~(66)~~] (68) "Unincorporated" means the area outside of the incorporated area of a
1044 municipality.

1045 [~~(67)~~] (69) "Water interest" means any right to the beneficial use of water, including:

1046 (a) each of the rights listed in Section 73-1-11; and

1047 (b) an ownership interest in the right to the beneficial use of water represented by:

1048 (i) a contract; or

1049 (ii) a share in a water company, as defined in Section 73-3-3.5.

1050 [(68)] (70) "Zoning map" means a map, adopted as part of a land use ordinance, that
1051 depicts land use zones, overlays, or districts.

1052 Section 6. Section 17-27a-401 is amended to read:

1053 **17-27a-401. General plan required -- Content -- Resource management plan --**
1054 **Provisions related to radioactive waste facility.**

1055 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a
1056 comprehensive, long-range general plan:

1057 (a) for present and future needs of the county;

1058 (b) (i) for growth and development of all or any part of the land within the
1059 unincorporated portions of the county; or

1060 (ii) if a county has designated a mountainous planning district, for growth and
1061 development of all or any part of the land within the mountainous planning district; and

1062 (c) as a basis for communicating and coordinating with the federal government on land
1063 and resource management issues.

1064 (2) To promote health, safety, and welfare, the general plan may provide for:

1065 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
1066 activities, aesthetics, and recreational, educational, and cultural opportunities;

1067 (b) the reduction of the waste of physical, financial, or human resources that result
1068 from either excessive congestion or excessive scattering of population;

1069 (c) the efficient and economical use, conservation, and production of the supply of:

1070 (i) food and water; and

1071 (ii) drainage, sanitary, and other facilities and resources;

1072 (d) the use of energy conservation and solar and renewable energy resources;

1073 (e) the protection of urban development;

1074 (f) the protection and promotion of air quality;

1075 (g) historic preservation;

1076 (h) identifying future uses of land that are likely to require an expansion or significant
1077 modification of services or facilities provided by each affected entity; and

1078 (i) an official map.

1079 (3) (a) The general plan shall:

- 1080 (i) allow and plan for moderate income housing growth; and
1081 (ii) contain a resource management plan for the public lands, as defined in Section
1082 [63L-6-102](#), within the county.
- 1083 (b) On or before [~~July 1, 2019~~] December 1, 2019, a county with a general plan that
1084 does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with
1085 Subsection (3)(a)(i).
- 1086 (c) The resource management plan described in Subsection (3)(a)(ii) shall address:
- 1087 (i) mining;
 - 1088 (ii) land use;
 - 1089 (iii) livestock and grazing;
 - 1090 (iv) irrigation;
 - 1091 (v) agriculture;
 - 1092 (vi) fire management;
 - 1093 (vii) noxious weeds;
 - 1094 (viii) forest management;
 - 1095 (ix) water rights;
 - 1096 (x) ditches and canals;
 - 1097 (xi) water quality and hydrology;
 - 1098 (xii) flood plains and river terraces;
 - 1099 (xiii) wetlands;
 - 1100 (xiv) riparian areas;
 - 1101 (xv) predator control;
 - 1102 (xvi) wildlife;
 - 1103 (xvii) fisheries;
 - 1104 (xviii) recreation and tourism;
 - 1105 (xix) energy resources;
 - 1106 (xx) mineral resources;
 - 1107 (xxi) cultural, historical, geological, and paleontological resources;
 - 1108 (xxii) wilderness;
 - 1109 (xxiii) wild and scenic rivers;
 - 1110 (xxiv) threatened, endangered, and sensitive species;

- 1111 (xxv) land access;
- 1112 (xxvi) law enforcement;
- 1113 (xxvii) economic considerations; and
- 1114 (xxviii) air.
- 1115 (d) For each item listed under Subsection (3)(c), a county's resource management plan
- 1116 shall:
- 1117 (i) establish findings pertaining to the item;
- 1118 (ii) establish defined objectives; and
- 1119 (iii) outline general policies and guidelines on how the objectives described in
- 1120 Subsection (3)(d)(ii) are to be accomplished.
- 1121 (4) (a) The general plan shall include specific provisions related to any areas within, or
- 1122 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
- 1123 county, which are proposed for the siting of a storage facility or transfer facility for the
- 1124 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
- 1125 these wastes are defined in Section 19-3-303. The provisions shall address the effects of the
- 1126 proposed site upon the health and general welfare of citizens of the state, and shall provide:
- 1127 (i) the information identified in Section 19-3-305;
- 1128 (ii) information supported by credible studies that demonstrates that the provisions of
- 1129 Subsection 19-3-307(2) have been satisfied; and
- 1130 (iii) specific measures to mitigate the effects of high-level nuclear waste and greater
- 1131 than class C radioactive waste and guarantee the health and safety of the citizens of the state.
- 1132 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance
- 1133 indicating that all proposals for the siting of a storage facility or transfer facility for the
- 1134 placement of high-level nuclear waste or greater than class C radioactive waste wholly or
- 1135 partially within the county are rejected.
- 1136 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.
- 1137 (d) The county shall send a certified copy of the ordinance described in Subsection
- 1138 (4)(b) to the executive director of the Department of Environmental Quality by certified mail
- 1139 within 30 days of enactment.
- 1140 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:
- 1141 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

1142 (ii) send a certified copy of the repeal to the executive director of the Department of
1143 Environmental Quality by certified mail within 30 days after the repeal.

1144 (5) The general plan may define the county's local customs, local culture, and the
1145 components necessary for the county's economic stability.

1146 (6) Subject to Subsection 17-27a-403(2), the county may determine the
1147 comprehensiveness, extent, and format of the general plan.

1148 (7) If a county has designated a mountainous planning district, the general plan for the
1149 mountainous planning district is the controlling plan and takes precedence over a municipality's
1150 general plan for property located within the mountainous planning district.

1151 (8) Nothing in this part may be construed to limit the authority of the state to manage
1152 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

1153 Section 7. Section 17-27a-403 is amended to read:

1154 **17-27a-403. Plan preparation.**

1155 (1) (a) The planning commission shall provide notice, as provided in Section
1156 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
1157 plan or a comprehensive general plan amendment when the planning commission initiates the
1158 process of preparing its recommendation.

1159 (b) The planning commission shall make and recommend to the legislative body a
1160 proposed general plan for:

1161 (i) the unincorporated area within the county; or

1162 (ii) if the planning commission is a planning commission for a mountainous planning
1163 district, the mountainous planning district.

1164 (c) (i) The plan may include planning for incorporated areas if, in the planning
1165 commission's judgment, they are related to the planning of the unincorporated territory or of
1166 the county as a whole.

1167 (ii) Elements of the county plan that address incorporated areas are not an official plan
1168 or part of a municipal plan for any municipality, unless it is recommended by the municipal
1169 planning commission and adopted by the governing body of the municipality.

1170 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
1171 planning district, the plan for the mountainous planning district controls and precedes a
1172 municipal plan, if any, to which the property would be subject.

1173 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1174 and descriptive and explanatory matter, shall include the planning commission's
1175 recommendations for the following plan elements:

1176 (i) a land use element that:

1177 (A) designates the long-term goals and the proposed extent, general distribution, and
1178 location of land for housing for residents of various income levels, business, industry,
1179 agriculture, recreation, education, public buildings and grounds, open space, and other
1180 categories of public and private uses of land as appropriate; and

1181 (B) may include a statement of the projections for and standards of population density
1182 and building intensity recommended for the various land use categories covered by the plan;

1183 (ii) a transportation and traffic circulation element [~~consisting of the general location
1184 and extent of existing and proposed freeways, arterial and collector streets, mass transit, and
1185 any other modes of transportation that the planning commission considers appropriate, all
1186 correlated with the population projections and the proposed land use element of the general
1187 plan;~~] that:

1188 (A) provides the general location and extent of existing and proposed freeways, arterial
1189 and collector streets, public transit, active transportation facilities, and other modes of
1190 transportation that the planning commission considers appropriate;

1191 (B) addresses the county's plan for residential and commercial development around
1192 major transit investment corridors to maintain and improve the connections between housing,
1193 employment, education, recreation, and commerce; and

1194 (C) correlates with the population projections, the employment projections, and the
1195 proposed land use element of the general plan;

1196 (iii) a plan for the development of additional moderate income housing within the
1197 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1198 realistic opportunity to meet the need for additional moderate income housing; and

1199 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1200 and policies required by Subsection 17-27a-401(3).

1201 (b) In drafting the moderate income housing element, the planning commission:

1202 (i) shall consider the Legislature's determination that counties should facilitate a
1203 reasonable opportunity for a variety of housing, including moderate income housing:

1204 (A) to meet the needs of people [~~desiring to live there~~] of various income levels living,
1205 working, or desiring to live or work in the community; and

1206 (B) to allow [~~persons with moderate~~] people with various incomes to benefit from and
1207 fully participate in all aspects of neighborhood and community life; and

1208 (ii) shall include an analysis of [~~why the recommended means, techniques, or~~
1209 ~~combination of means and techniques~~] how the county will provide a realistic opportunity for
1210 the development of moderate income housing within the planning horizon, which [~~means or~~
1211 ~~techniques~~] may include a recommendation to implement three or more of the following
1212 strategies:

1213 (A) rezone for densities necessary to assure the production of moderate income
1214 housing;

1215 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1216 construction of moderate income housing;

1217 (C) [~~encourage~~] facilitate the rehabilitation of existing uninhabitable housing stock into
1218 moderate income housing;

1219 (D) consider county general fund subsidies or other sources of revenue to waive
1220 construction related fees that are otherwise generally imposed by the county;

1221 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1222 residential zones;

1223 (F) allow for higher density or moderate income residential development in
1224 commercial and mixed-use zones, commercial centers, or employment centers;

1225 (G) encourage higher density or moderate income residential development near major
1226 transit investment corridors;

1227 (H) eliminate or reduce parking requirements for residential development where a
1228 resident is less likely to rely on the resident's own vehicle, such as residential development near
1229 major transit investment corridors or senior living facilities;

1230 (I) allow for single room occupancy developments;

1231 (J) implement zoning incentives for low to moderate income units in new
1232 developments;

1233 (K) utilize strategies that preserve subsidized low to moderate income units on a
1234 long-term basis;

- 1235 (L) preserve existing moderate income housing;
- 1236 (M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate
- 1237 income housing;
- 1238 (N) participate in a community land trust program for low or moderate income
- 1239 housing;
- 1240 (O) implement a mortgage assistance program for employees of the county or of an
- 1241 employer that provides contracted services for the county;
- 1242 ~~[(E) consider utilization of]~~ (P) apply for or partner with an entity that applies for state
- 1243 or federal funds or tax incentives to promote the construction of moderate income housing;
- 1244 ~~[(F) consider utilization of]~~ (Q) apply for or partner with an entity that applies for
- 1245 programs offered by the Utah Housing Corporation within that agency's funding capacity; ~~and]~~
- 1246 ~~[(G) consider utilization of]~~ (R) apply for or partner with an entity that applies for
- 1247 affordable housing programs administered by the Department of Workforce Services[-];
- 1248 (S) apply for or partner with an entity that applies for services provided by a public
- 1249 housing authority to preserve and create moderate income housing;
- 1250 (T) apply for or partner with an entity that applies for programs administered by a
- 1251 metropolitan planning organization or other transportation agency that provides technical
- 1252 planning assistance;
- 1253 (U) utilize a moderate income housing set aside from a community reinvestment
- 1254 agency, redevelopment agency, or community development and renewal agency; and
- 1255 (V) consider any other program or strategy implemented by the county to address the
- 1256 housing needs of residents of the county who earn less than 80% of the area median income.
- 1257 (c) In drafting the land use element, the planning commission shall:
- 1258 (i) identify and consider each agriculture protection area within the unincorporated area
- 1259 of the county or mountainous planning district; and
- 1260 (ii) avoid proposing a use of land within an agriculture protection area that is
- 1261 inconsistent with or detrimental to the use of the land for agriculture.
- 1262 (d) In drafting the transportation and traffic circulation element, the planning
- 1263 commission shall:
- 1264 (i) consider the regional transportation plan developed by its region's metropolitan
- 1265 planning organization, if the relevant areas of the county are within the boundaries of a

1266 metropolitan planning organization; or

1267 (ii) consider the long-range transportation plan developed by the Department of

1268 Transportation, if the relevant areas of the county are not within the boundaries of a

1269 metropolitan planning organization.

1270 (3) The proposed general plan may include:

1271 (a) an environmental element that addresses:

1272 (i) to the extent not covered by the county's resource management plan, the protection,
1273 conservation, development, and use of natural resources, including the quality of air, forests,
1274 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1275 and

1276 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1277 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1278 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1279 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1280 (b) a public services and facilities element showing general plans for sewage, water,
1281 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1282 police and fire protection, and other public services;

1283 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1284 programs for:

1285 (i) historic preservation;

1286 (ii) the diminution or elimination of blight; and

1287 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1288 public building sites;

1289 (d) an economic element composed of appropriate studies and forecasts, as well as an
1290 economic development plan, which may include review of existing and projected county
1291 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1292 primary and secondary market areas, employment, and retail sales activity;

1293 (e) recommendations for implementing all or any portion of the general plan, including
1294 the use of land use ordinances, capital improvement plans, community development and
1295 promotion, and any other appropriate action;

1296 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or

1297 (3)(a)(i); and

1298 (g) any other element the county considers appropriate.

1299 Section 8. Section **17-27a-408** is amended to read:

1300 **17-27a-408. Reporting requirements and civil action regarding moderate income**
1301 **housing element of general plan.**

1302 (1) The legislative body of each county of the first, second, or third class, which has a
1303 population in the county's unincorporated areas of more than 5,000 residents, shall annually:

1304 (a) review the moderate income housing plan element of the county's general plan and
1305 implementation of that element of the general plan;

1306 (b) prepare a report on the findings of the review described in Subsection (1)(a); and

1307 (c) post the report described in Subsection (1)(b) on the county's website.

1308 (2) The report described in Subsection (1) shall include:

1309 (a) a revised estimate of the need for moderate income housing in the unincorporated
1310 areas of the county for the next five years;

1311 (b) a description of progress made within the unincorporated areas of the county to
1312 provide moderate income housing demonstrated by analyzing and publishing data on the
1313 number of housing units in the county that are at or below:

1314 (i) 80% of the adjusted median family income;

1315 (ii) 50% of the adjusted median family income; and

1316 (iii) 30% of the adjusted median family income;

1317 (c) a description of any efforts made by the county to utilize a moderate income
1318 housing set-aside from a community reinvestment agency, redevelopment agency, or a
1319 community development and renewal agency; and

1320 (d) a description of how the county has implemented any of the recommendations
1321 related to moderate income housing described in Subsection [17-27a-403\(2\)\(b\)\(ii\)](#).

1322 (3) The legislative body of each county described in Subsection (1) shall send a copy of
1323 the report under Subsection (1) to the Department of Workforce Services, the association of
1324 governments in which the county is located, and, if the unincorporated area of the county is
1325 located withing the boundaries of a metropolitan planning organization, the appropriate
1326 metropolitan planning organization.

1327 (4) In a civil action seeking enforcement or claiming a violation of this section or of

1328 Subsection 17-27a-404(6)(c), a plaintiff may not recover damages but may be awarded only
1329 injunctive or other equitable relief.

1330 Section 9. Section 35A-8-503 is amended to read:

1331 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

1332 (1) There is created the Olene Walker Housing Loan Fund Board.

1333 (2) The board is composed of 11 voting members.

1334 (a) The governor shall appoint the following members to four-year terms:

1335 (i) two members from local governments;

1336 (ii) two members from the mortgage lending community;

1337 (iii) one member from real estate sales interests;

1338 (iv) one member from home builders interests;

1339 (v) one member from rental housing interests;

1340 (vi) one member from housing advocacy interests;

1341 (vii) one member of the manufactured housing interest; ~~and~~

1342 (viii) one member with expertise in transit-oriented developments; and

1343 (ix) one member who represents rural interests.

1344 ~~[(viii) two members of the general public.]~~

1345 (b) The director or the director's designee serves as the secretary of the board.

1346 (c) The members of the board shall annually elect a chair from among the voting
1347 membership of the board.

1348 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
1349 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1350 board members are staggered so that approximately half of the board is appointed every two
1351 years.

1352 (b) When a vacancy occurs in the membership for any reason, the replacement is
1353 appointed for the unexpired term.

1354 (4) (a) The board shall:

1355 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by
1356 the board;

1357 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to
1358 provide information to and receive input from the public regarding the state's housing policies

1359 and needs;

1360 [(ii)] (iii) keep minutes of its meetings; and

1361 [(iii)] (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open
1362 and Public Meetings Act.

1363 (b) [~~Seven~~] Six members of the board constitute a quorum, and the governor, the chair,
1364 or a majority of the board may call a meeting of the board.

1365 (5) The board shall:

1366 (a) review the housing needs in the state;

1367 (b) determine the relevant operational aspects of any grant, loan, or revenue collection
1368 program established under the authority of this chapter;

1369 (c) determine the means to implement the policies and goals of this chapter;

1370 (d) select specific projects to receive grant or loan money; and

1371 (e) determine how fund money shall be allocated and distributed.

1372 (6) A member may not receive compensation or benefits for the member's service, but
1373 may receive per diem and travel expenses in accordance with:

1374 (a) Section [63A-3-106](#);

1375 (b) Section [63A-3-107](#); and

1376 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1377 [63A-3-107](#).

1378 Section 10. Section **35A-8-505** is amended to read:

1379 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**
1380 **director.**

1381 At the direction of the board, the executive director may:

1382 (1) provide fund money to any of the following activities:

1383 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

1384 (b) matching funds for social services projects directly related to providing housing for
1385 special-need renters in assisted projects;

1386 (c) the development and construction of accessible housing designed for low-income
1387 persons;

1388 (d) the construction or improvement of a shelter or transitional housing facility that
1389 provides services intended to prevent or minimize homelessness among members of a specific

1390 homeless subpopulation;

1391 (e) the purchase of an existing facility to provide temporary or transitional housing for
1392 the homeless in an area that does not require rezoning before providing such temporary or
1393 transitional housing; [~~and~~]

1394 (f) the purchase of land that will be used as the site of low-income housing units; and
1395 [~~(f)~~] (g) other activities that will assist in minimizing homelessness or improving the
1396 availability or quality of housing in the state for low-income persons;

1397 (2) do any act necessary or convenient to the exercise of the powers granted by this part
1398 or reasonably implied from those granted powers, including:

1399 (a) making or executing contracts and other instruments necessary or convenient for
1400 the performance of the executive director and board's duties and the exercise of the executive
1401 director and board's powers and functions under this part, including contracts or agreements for
1402 the servicing and originating of mortgage loans;

1403 (b) procuring insurance against a loss in connection with property or other assets held
1404 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

1405 (c) entering into agreements with a department, agency, or instrumentality of the
1406 United States or this state and with mortgagors and mortgage lenders for the purpose of
1407 planning and regulating and providing for the financing and refinancing, purchase,
1408 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
1409 or other disposition of residential housing undertaken with the assistance of the department
1410 under this part;

1411 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,
1412 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or
1413 personal property obtained by the fund due to the default on a mortgage loan held by the fund
1414 in preparation for disposition of the property, taking assignments of leases and rentals,
1415 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
1416 performance of its duties; and

1417 (e) selling, at a public or private sale, with public bidding, a mortgage or other
1418 obligation held by the fund.

1419 Section 11. Section **35A-8-803** is amended to read:

1420 **35A-8-803. Division -- Functions.**

- 1421 (1) In addition to any other functions the governor or Legislature may assign:
1422 (a) the division shall:
1423 (i) provide a clearinghouse of information for federal, state, and local housing
1424 assistance programs;
1425 (ii) establish, in cooperation with political subdivisions, model plans and management
1426 methods to encourage or provide for the development of affordable housing that may be
1427 adopted by political subdivisions by reference;
1428 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of
1429 problems relating to housing needs, such as:
1430 (A) inadequate supply of dwellings;
1431 (B) substandard dwellings; and
1432 (C) inability of medium and low income families to obtain adequate housing;
1433 (iv) provide the information obtained under Subsection (1)(a)(iii) to:
1434 (A) political subdivisions;
1435 (B) real estate developers;
1436 (C) builders;
1437 (D) lending institutions;
1438 (E) affordable housing advocates; and
1439 (F) others having use for the information;
1440 (v) advise political subdivisions of serious housing problems existing within their
1441 jurisdiction that require concerted public action for solution; [~~and~~]
1442 (vi) assist political subdivisions in defining housing objectives and in preparing for
1443 adoption a plan of action covering a five-year period designed to accomplish housing
1444 objectives within their jurisdiction; and
1445 (vii) for municipalities or counties required to submit an annual moderate income
1446 housing report to the department as described in Section [10-9a-408](#) or [17-27a-408](#):
1447 (A) assist in the creation of the reports; and
1448 (B) evaluate the reports for the purposes of Subsections [72-2-124](#)(5) and (6); and
1449 (b) within legislative appropriations, the division may accept for and on behalf of, and
1450 bind the state to, any federal housing or homeless program in which the state is invited,
1451 permitted, or authorized to participate in the distribution, disbursement, or administration of

1452 any funds or service advanced, offered, or contributed in whole or in part by the federal
1453 government.

1454 (2) The administration of any federal housing program in which the state is invited,
1455 permitted, or authorized to participate in distribution, disbursement, or administration of funds
1456 or services, except those administered by the Utah Housing Corporation, is governed by
1457 Sections [35A-8-501](#) through [35A-8-508](#).

1458 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1459 department shall make rules describing the evaluation process for moderate income housing
1460 reports described in Subsection (1)(a)(vii).

1461 Section 12. Section **63B-18-401** is amended to read:

1462 **63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway**
1463 **projects.**

1464 (1) (a) The total amount of bonds issued under this section may not exceed
1465 \$2,077,000,000.

1466 (b) When the Department of Transportation certifies to the commission that the
1467 requirements of Subsection [72-2-124](#)~~(5)~~(7) have been met and certifies the amount of bond
1468 proceeds that it needs to provide funding for the projects described in Subsection (2) for the
1469 next fiscal year, the commission may issue and sell general obligation bonds in an amount
1470 equal to the certified amount plus costs of issuance.

1471 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
1472 shall be provided to the Department of Transportation to pay all or part of the costs of the
1473 following state highway construction or reconstruction projects:

1474 (a) Interstate 15 reconstruction in Utah County;

1475 (b) the Mountain View Corridor;

1476 (c) the Southern Parkway; and

1477 (d) state and federal highways prioritized by the Transportation Commission through:

1478 (i) the prioritization process for new transportation capacity projects adopted under
1479 Section [72-1-304](#); or

1480 (ii) the state highway construction program.

1481 (3) (a) Except as provided in Subsection (5), the bond proceeds issued under this
1482 section shall be provided to the Department of Transportation.

1483 (b) The Department of Transportation shall use bond proceeds and the funds provided
1484 to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction,
1485 reconstruction, renovations, or improvements to the following highways:

1486 (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street
1487 interchange to Payson;

1488 (ii) \$28 million for improvements to Riverdale Road in Ogden;

1489 (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;

1490 (iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and
1491 Richardson Flat Road;

1492 (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore
1493 Road;

1494 (vi) \$7 million for 2600 South interchange modifications in Woods Cross;

1495 (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder
1496 County;

1497 (viii) \$18 million for the Provo west-side connector;

1498 (ix) \$8 million for interchange modifications on I-15 in the Layton area;

1499 (x) \$3,000,000 for an energy corridor study and environmental review for
1500 improvements in the Uintah Basin;

1501 (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;

1502 (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State
1503 University campus to create improved access to an institution of higher education;

1504 (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's
1505 Office of Economic Development for transportation infrastructure improvements associated
1506 with annual tourism events that have:

1507 (A) a significant economic development impact within the state; and

1508 (B) significant needs for congestion mitigation;

1509 (xiv) \$4,500,000 to be provided to the Governor's Office of Economic Development
1510 for transportation infrastructure acquisitions and improvements that have a significant
1511 economic development impact within the state;

1512 (xv) \$125,000,000 to pay all or part of the costs of state and federal highway
1513 construction or reconstruction projects prioritized by the Transportation Commission through

1514 the prioritization process for new transportation capacity projects adopted under Section
1515 [72-1-304](#); and

1516 (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state
1517 and federal highway construction or reconstruction projects as prioritized by the Transportation
1518 Commission.

1519 (4) (a) The Department of Transportation shall use bond proceeds and the funds under
1520 Section [72-2-121](#) to pay for, or to provide funds to, a municipality, county, or political
1521 subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction,
1522 renovations, or improvements to the following highway or transit projects in Salt Lake County:

1523 (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;

1524 (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200
1525 South and pedestrian crossings and system connections;

1526 (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake
1527 Community College Road;

1528 (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from
1529 6200 South to 8600 South;

1530 (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from
1531 1300 West to S.R. 111;

1532 (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;

1533 (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200
1534 West to 700 West;

1535 (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;

1536 (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State
1537 Street to 900 East;

1538 (x) \$1,800,000 to Murray City for highway improvements to 1300 East;

1539 (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West
1540 Temple, Main Street, and State Street;

1541 (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from
1542 5600 West to Mountain View Corridor;

1543 (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from
1544 Parkway Boulevard to SR-201 Frontage Road;

1545 (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from
1546 4800 West to 7200 West and pedestrian crossings;

1547 (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800
1548 West to 5600 West;

1549 (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from
1550 12600 South to Riverton Boulevard;

1551 (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue
1552 from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;

1553 (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal
1554 Boulevard;

1555 (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15
1556 to 1000 West;

1557 (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter
1558 Rockwell Boulevard;

1559 (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:

1560 (A) a circulator study; and

1561 (B) a mountain transport study; and

1562 (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.

1563 (b) (i) Before providing funds to a municipality or county under this Subsection (4), the
1564 Department of Transportation shall obtain from the municipality or county:

1565 (A) a written certification signed by the county or city mayor or the mayor's designee
1566 certifying that the municipality or county will use the funds provided under this Subsection (4)
1567 solely for the projects described in Subsection (4)(a); and

1568 (B) other documents necessary to protect the state and the bondholders and to ensure
1569 that all legal requirements are met.

1570 (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality
1571 or county receiving funds described in this Subsection (4) shall submit to the Department of
1572 Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to
1573 pay project costs for the projects described in Subsection (4)(a).

1574 (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1,
1575 the Department of Transportation shall provide funds to the municipality or county necessary to

1576 pay project costs for the next fiscal year based upon the statement of cash flow submitted by
1577 the municipality or county.

1578 (iv) Upon the financial close of each project described in Subsection (4)(a), the
1579 municipality or county receiving funds under this Subsection (4) shall submit a statement to the
1580 Department of Transportation detailing the expenditure of funds received for each project.

1581 (c) For calendar year 2012 only:

1582 (i) the municipality or county shall submit to the Department of Transportation a
1583 statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

1584 (ii) the Department of Transportation shall provide funds to the municipality or county
1585 necessary to pay project costs based upon the statement of cash flow.

1586 (5) Twenty million dollars of the bond proceeds issued under this section and funds
1587 available under Section 72-2-124 shall be provided to the Transportation Infrastructure Loan
1588 Fund created by Section 72-2-202 to make funds available for transportation infrastructure
1589 loans and transportation infrastructure assistance under Title 72, Chapter 2, Part 2,
1590 Transportation Infrastructure Loan Fund.

1591 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies
1592 necessary to make transportation infrastructure improvements, the cost of acquiring land,
1593 interests in land, easements and rights-of-way, improving sites, and making all improvements
1594 necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds
1595 during the period to be covered by construction of the projects plus a period of six months after
1596 the end of the construction period, interest estimated to accrue on any bond anticipation notes
1597 issued under the authority of this title, and all related engineering, architectural, and legal fees.

1598 (7) The commission or the state treasurer may make any statement of intent relating to
1599 a reimbursement that is necessary or desirable to comply with federal tax law.

1600 (8) The Department of Transportation may enter into agreements related to the projects
1601 described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under
1602 this section.

1603 (9) The Department of Transportation may enter into a new or amend an existing
1604 interlocal agreement related to the projects described in Subsections (3) and (4) to establish any
1605 necessary covenants or requirements not otherwise provided for by law.

1606 Section 13. Section 63B-27-101 is amended to read:

1607 **63B-27-101. Highway bonds -- Maximum amount -- Use of proceeds for highway**
1608 **projects.**

1609 (1) (a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued
1610 under this section may not exceed \$1,000,000,000 for acquisition and construction proceeds,
1611 plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to
1612 fund any existing debt service reserve requirements, with the total amount of the bonds not to
1613 exceed \$1,010,000,000.

1614 (b) When the Department of Transportation certifies to the commission that the
1615 requirements of Subsection ~~72-2-124(5)~~(7) have been met and certifies the amount of bond
1616 proceeds that the commission needs to provide funding for the projects described in Subsection
1617 (2) for the current or next fiscal year, the commission may issue and sell general obligation
1618 bonds in an amount equal to the certified amount, plus additional amounts necessary to pay
1619 costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve
1620 requirements, not to exceed one percent of the certified amount.

1621 (c) The commission may not issue general obligation bonds authorized under this
1622 section if the issuance of the general obligation bonds would result in the total current
1623 outstanding general obligation debt of the state exceeding 50% of the limitation described in
1624 the Utah Constitution, Article XIV, Section 1.

1625 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
1626 shall be provided to the Department of Transportation to pay all or part of the costs of the
1627 following state highway construction or reconstruction projects:

1628 (a) state and federal highways prioritized by the Transportation Commission through
1629 the prioritization process for new transportation capacity projects adopted under Section
1630 ~~72-1-304~~, giving priority consideration for projects with a regional significance or that support
1631 economic development within the state, including:

1632 (i) projects that are prioritized but exceed available cash flow beyond the normal
1633 programming horizon; or

1634 (ii) projects prioritized in the state highway construction program; and

1635 (b) \$100,000,000 to be used by the Department of Transportation for transportation
1636 improvements as prioritized by the Transportation Commission for projects that:

1637 (i) have a significant economic development impact associated with recreation and

1638 tourism within the state; and

1639 (ii) address significant needs for congestion mitigation.

1640 (3) Thirty-nine million dollars of the bond proceeds issued under this section shall be
1641 provided to the Transportation Infrastructure Loan Fund created by Section 72-2-202 to make
1642 funds available for a transportation infrastructure loan or transportation infrastructure
1643 assistance under Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, including
1644 the amounts as follows:

1645 (a) \$14,000,000 to the military installation development authority created in Section
1646 63H-1-201; and

1647 (b) \$5,000,000 for right-of-way acquisition and highway construction in Salt Lake
1648 County for roads in the northwest quadrant of Salt Lake City.

1649 (4) (a) Four million dollars of the bond proceeds issued under this section shall be used
1650 for a public transit fixed guideway rail station associated with or adjacent to an institution of
1651 higher education.

1652 (b) Ten million dollars of the bond proceeds issued under this section shall be used by
1653 the Department of Transportation for the design, engineering, construction, or reconstruction of
1654 underpasses under a state highway connecting a state park and a project area created by a
1655 military installation development authority created in Section 63H-1-201.

1656 (5) The bond proceeds issued under this section shall be provided to the Department of
1657 Transportation.

1658 (6) The costs under Subsection (2) may include the costs of studies necessary to make
1659 transportation infrastructure improvements, the costs of acquiring land, interests in land, and
1660 easements and rights-of-way, the costs of improving sites, and making all improvements
1661 necessary, incidental, or convenient to the facilities, and the costs of interest estimated to
1662 accrue on these bonds during the period to be covered by construction of the projects plus a
1663 period of six months after the end of the construction period, interest estimated to accrue on
1664 any bond anticipation notes issued under the authority of this title, and all related engineering,
1665 architectural, and legal fees.

1666 (7) The commission or the state treasurer may make any statement of intent relating to
1667 a reimbursement that is necessary or desirable to comply with federal tax law.

1668 (8) The Department of Transportation may enter into agreements related to the projects

1669 described in Subsection (2) before the receipt of proceeds of bonds issued under this section.

1670 Section 14. Section **63I-2-217** is amended to read:

1671 **63I-2-217. Repeal dates -- Title 17.**

1672 (1) Subsection **17-27a-102**(1)(b), the language that states "or a designated mountainous
1673 planning district" is repealed June 1, 2020.

1674 (2) (a) Subsection **17-27a-103**(15)(b) is repealed June 1, 2020.

1675 (b) Subsection **17-27a-103**~~(37)~~(38) is repealed June 1, 2020.

1676 (3) Subsection **17-27a-210**(2)(a), the language that states "or the mountainous planning
1677 district area" is repealed June 1, 2020.

1678 (4) (a) Subsection **17-27a-301**(1)(b)(iii) is repealed June 1, 2020.

1679 (b) Subsection **17-27a-301**(1)(c) is repealed June 1, 2020.

1680 (c) Subsection **17-27a-301**(2)(a), the language that states "described in Subsection
1681 (1)(a) or (c)" is repealed June 1, 2020.

1682 (5) Subsection **17-27a-302**(1), the language that states ", or mountainous planning
1683 district" and "or the mountainous planning district," is repealed June 1, 2020.

1684 (6) Subsection **17-27a-305**(1)(a), the language that states "a mountainous planning
1685 district or" and ", as applicable" is repealed June 1, 2020.

1686 (7) (a) Subsection **17-27a-401**(1)(b)(ii) is repealed June 1, 2020.

1687 (b) Subsection **17-27a-401**(6) is repealed June 1, 2020.

1688 (8) (a) Subsection **17-27a-403**(1)(b)(ii) is repealed June 1, 2020.

1689 (b) Subsection **17-27a-403**(1)(c)(iii) is repealed June 1, 2020.

1690 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning
1691 district" is repealed June 1, 2020.

1692 (d) Subsection **17-27a-403**(2)(c)(i), the language that states "or mountainous planning
1693 district" is repealed June 1, 2020.

1694 (9) Subsection **17-27a-502**(1)(d)(i)(B) is repealed June 1, 2020.

1695 (10) Subsection **17-27a-505.5**(2)(a)(iii) is repealed June 1, 2020.

1696 (11) Subsection **17-27a-602**(1)(b), the language that states "or, in the case of a
1697 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.

1698 (12) Subsection **17-27a-604**(1)(b)(i)(B) is repealed June 1, 2020.

1699 (13) Subsection **17-27a-605**(1), the language that states "or mountainous planning

1700 district land" is repealed June 1, 2020.

1701 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
1702 2020.

1703 (15) On June 1, 2020, when making the changes in this section, the Office of
1704 Legislative Research and General Counsel shall:

1705 (a) in addition to its authority under Subsection 36-12-12(3), make corrections
1706 necessary to ensure that sections and subsections identified in this section are complete
1707 sentences and accurately reflect the office's understanding of the Legislature's intent; and

1708 (b) identify the text of the affected sections and subsections based upon the section and
1709 subsection numbers used in Laws of Utah 2017, Chapter 448.

1710 (16) On June 1, 2020:

1711 (a) Section 17-52a-104 is repealed;

1712 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
1713 described in Subsection 17-52a-104(2)," is repealed;

1714 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

1715 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a
1716 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was
1717 in effect on March 14, 2018," is repealed; and

1718 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a
1719 pending process described in Section 17-52a-104, the attorney's report that is described in
1720 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a
1721 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,
1722 2018," is repealed.

1723 (17) On January 1, 2028, Subsection 17-52a-102(3) is repealed.

1724 Section 15. Section 72-1-304 is amended to read:

1725 **72-1-304. Written project prioritization process for new transportation capacity**
1726 **projects -- Rulemaking.**

1727 (1) (a) The Transportation Commission, in consultation with the department and the
1728 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
1729 prioritization process for the prioritization of new transportation capacity projects that are or
1730 will be part of the state highway system under Chapter 4, Part 1, State Highways, or public

1731 transit projects that add capacity to the public transit systems within the state.

1732 (b) (i) A local government or district may nominate a project for prioritization in
1733 accordance with the process established by the commission in rule.

1734 (ii) If a local government or district nominates a project for prioritization by the
1735 commission, the local government or district shall provide data and evidence to show that:

1736 (A) the project will advance the purposes and goals described in Section 72-1-211;

1737 (B) for a public transit project, the local government or district has an ongoing funding
1738 source for operations and maintenance of the proposed development; and

1739 (C) the local government or district will provide 40% of the funds for the project as
1740 required by Subsection 72-2-124~~(7)~~(9)(e).

1741 (2) The following shall be included in the written prioritization process under
1742 Subsection (1):

1743 (a) a description of how the strategic initiatives of the department adopted under
1744 Section 72-1-211 are advanced by the written prioritization process;

1745 (b) a definition of the type of projects to which the written prioritization process
1746 applies;

1747 (c) specification of a weighted criteria system that is used to rank proposed projects
1748 and how it will be used to determine which projects will be prioritized;

1749 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1750 (e) any other provisions the commission considers appropriate, which may include
1751 consideration of:

1752 (i) regional and statewide economic development impacts, including improved local
1753 access to:

1754 (A) employment;

1755 (B) educational facilities;

1756 ~~(B)~~ (C) recreation;

1757 ~~(C)~~ (D) commerce; and

1758 ~~(D)~~ (E) residential areas, including moderate income housing as demonstrated in the
1759 local government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

1760 (ii) the extent to which local land use plans relevant to a project support and
1761 accomplish the strategic initiatives adopted under Section 72-1-211; and

1762 (iii) any matching funds provided by a political subdivision or public transit district in
1763 addition to the 40% required by Subsection 72-2-124~~(7)~~(9)(e).

1764 (3) In developing the written prioritization process, the commission:

1765 (a) shall seek and consider public comment by holding public meetings at locations
1766 throughout the state; and

1767 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
1768 the state provides an equal opportunity to raise local matching dollars for state highway
1769 improvements within each county.

1770 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1771 Transportation Commission, in consultation with the department, shall make rules establishing
1772 the written prioritization process under Subsection (1).

1773 (5) The commission shall submit the proposed rules under this section to a committee
1774 or task force designated by the Legislative Management Committee for review prior to taking
1775 final action on the proposed rules or any proposed amendment to the rules described in
1776 Subsection (4).

1777 Section 16. Section 72-2-124 is amended to read:

1778 **72-2-124. Transportation Investment Fund of 2005.**

1779 (1) There is created a capital projects fund entitled the Transportation Investment Fund
1780 of 2005.

1781 (2) The fund consists of money generated from the following sources:

1782 (a) any voluntary contributions received for the maintenance, construction,
1783 reconstruction, or renovation of state and federal highways;

1784 (b) appropriations made to the fund by the Legislature;

1785 (c) registration fees designated under Section 41-1a-1201;

1786 (d) the sales and use tax revenues deposited into the fund in accordance with Section
1787 59-12-103; and

1788 (e) revenues transferred to the fund in accordance with Section 72-2-106.

1789 (3) (a) The fund shall earn interest.

1790 (b) All interest earned on fund money shall be deposited into the fund.

1791 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
1792 fund money [~~only~~] to pay:

- 1793 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
1794 federal highways prioritized by the Transportation Commission through the prioritization
1795 process for new transportation capacity projects adopted under Section [72-1-304](#);
- 1796 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
1797 projects described in Subsections [63B-18-401](#)(2), (3), and (4);
- 1798 (iii) principal, interest, and issuance costs of bonds authorized by Section [63B-18-401](#)
1799 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
1800 with Subsection [72-2-121](#)(4)(f);
- 1801 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
1802 Lake County Revenue Bond Sinking Fund created by Section [72-2-121.3](#) the amount certified
1803 by Salt Lake County in accordance with Subsection [72-2-121.3](#)(4)(c) as necessary to pay the
1804 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- 1805 (v) principal, interest, and issuance costs of bonds authorized by Section [63B-16-101](#)
1806 for projects prioritized in accordance with Section [72-2-125](#);
- 1807 (vi) all highway general obligation bonds that are intended to be paid from revenues in
1808 the Centennial Highway Fund created by Section [72-2-118](#); and
- 1809 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
1810 Class Highway Projects Fund created in Section [72-2-121](#) to be used for the purposes described
1811 in Section [72-2-121](#).
- 1812 (b) The executive director may use fund money to exchange for an equal or greater
1813 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 1814 (5) (a) Except as provided in Subsection (5)(b), the executive director may not use fund
1815 money, including fund money from the Transit Transportation Investment Fund, within the
1816 boundaries of a municipality that is required to adopt a moderate income housing plan element
1817 as part of the municipality's general plan as described in Subsection [10-9a-401](#)(3), if the
1818 municipality has failed to adopt a moderate income housing plan element as part of the
1819 municipality's general plan or has failed to implement the requirements of the moderate income
1820 housing plan as determined by the results of the Department of Workforce Service's review of
1821 the annual moderate income housing report described in Subsection [35A-8-803](#)(1)(a)(vii).
- 1822 (b) Within the boundaries of a municipality that is required under Subsection
1823 [10-9a-401](#)(3) to plan for moderate income housing growth but has failed to adopt a moderate

1824 income housing plan element as part of the municipality's general plan or has failed to
1825 implement the requirements of the moderate income housing plan as determined by the results
1826 of the Department of Workforce Service's review of the annual moderate income housing
1827 report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#), the executive director:

1828 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access
1829 facility;

1830 (ii) may not use fund money for the construction, reconstruction, or renovation of an
1831 interchange on a limited-access facility;

1832 (iii) may use Transit Transportation Investment Fund money for a multi-community
1833 fixed guideway public transportation project; and

1834 (iv) may not use Transit Transportation Investment Fund money for the construction,
1835 reconstruction, or renovation of a station that is part of a fixed guideway public transportation
1836 project.

1837 (6) (a) Except as provided in Subsection (6)(b), the executive director may not use fund
1838 money, including fund money from the Transit Transportation Investment Fund, within the
1839 boundaries of the unincorporated area of a county, if the county is required to adopt a moderate
1840 income housing plan element as part of the county's general plan as described in Subsection
1841 [17-27a-401\(3\)](#) and if the county has failed to adopt a moderate income housing plan element as
1842 part of the county's general plan or has failed to implement the requirements of the moderate
1843 income housing plan as determined by the results of the Department of Workforce Service's
1844 review of the annual moderate income housing report described in Subsection
1845 [35A-8-803\(1\)\(a\)\(vii\)](#).

1846 (b) Within the boundaries of the unincorporated area of a county where the county is
1847 required under Subsection [17-27a-401\(3\)](#) to plan for moderate income housing growth but has
1848 failed to adopt a moderate income housing plan element as part of the county's general plan or
1849 has failed to implement the requirements of the moderate income housing plan as determined
1850 by the results of the Department of Workforce Service's review of the annual moderate income
1851 housing report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#), the executive director:

1852 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access
1853 facility;

1854 (ii) may not use fund money for the construction, reconstruction, or renovation of an

1855 interchange on a limited-access facility;

1856 (iii) may use Transit Transportation Investment Fund money for a multi-community
1857 fixed guideway public transportation project; and

1858 (iv) may not use Transit Transportation Investment Fund money for the construction,
1859 reconstruction, or renovation of a station that is part of a fixed guideway public transportation
1860 project.

1861 [~~5~~] (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be
1862 issued in any fiscal year, the department and the commission shall appear before the Executive
1863 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1864 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
1865 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1866 (b) The Executive Appropriations Committee of the Legislature shall review and
1867 comment on the amount of bond proceeds needed to fund the projects.

1868 [~~6~~] (8) The Division of Finance shall, from money deposited into the fund, transfer
1869 the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized
1870 by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service
1871 or sinking fund.

1872 [~~7~~] (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
1873 Transportation Investment Fund.

1874 (b) The fund shall be funded by:

1875 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1876 (ii) appropriations into the account by the Legislature;

1877 (iii) private contributions; and

1878 (iv) donations or grants from public or private entities.

1879 (c) (i) The fund shall earn interest.

1880 (ii) All interest earned on fund money shall be deposited into the fund.

1881 (d) Subject to Subsection [~~7~~] (9)(e), the Legislature may appropriate money from the
1882 fund for public transit capital development of new capacity projects to be used as prioritized by
1883 the commission.

1884 (e) (i) The Legislature may only appropriate money from the fund for a public transit
1885 capital development project if the public transit district or political subdivision provides funds

1886 of equal to or greater than 40% of the funds needed for the project.

1887 (ii) A public transit district or political subdivision may use money derived from a loan
1888 granted pursuant to Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, to
1889 provide all or part of the 40% requirement described in Subsection [~~(7)~~] (9)(e)(i) if:

1890 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
1891 Transportation Infrastructure Loan Fund; and

1892 (B) the proposed capital project has been prioritized by the commission pursuant to
1893 Section 72-1-303.

1894 Section 17. **Appropriation.**

1895 The following sums of money are appropriated for the fiscal year beginning July 1,
1896 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
1897 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
1898 Act, the Legislature appropriates the following sums of money from the funds or accounts
1899 indicated for the use and support of the government of the state of Utah.

1900 ITEM 1

1901 To Department of Workforce Services -- Olene Walker Housing Loan Fund

1902 From General Fund, One-time \$20,000,000

1903 From General Fund \$4,000,000

1904 Schedule of Programs:

1905 Olene Walker Housing Loan Fund \$24,000,000