

Land Use Task Force Update

Utah League of Cities and Towns
Political Subdivisions Interim Committee
September 2020



Land Use Task Force



- Purpose and Background
- 2020 Study Items

Land Use Task Force



Members

- Utah League of Cities and Towns, Utah Association of Counties, Property Rights Coalition (developers, landlords), and Home Builders Association
- LUTF also receives input from local districts, Utah Land Use Institute, other local government entities.

Purpose

- Bring stakeholders together to discuss land use policy during the interim and provide stakeholder vetted legislation on land use or best practices.
- Identify challenges in land use law and build consensus on solutions.
- Assist each other by resolving issues without legislation when possible.



Land Use Task Force



- Former Lt. Governor and Senator Greg Bell urged the development community and local government to create the LUTF and personally participated.
- 2005: LUDMA re-write and subsequent training
- 2006: Sen. Mansell sought to abolish zoning over ULCT opposition; all sides subsequently committed to the LUTF process.

Land Use Task Force

- 14-year track record of consensus on technical and policy legislation and, alternatively, agreeing to disagree.
- State leaders appreciate LUTF process for avoiding political battles over land use and providing a venue for consensus building.
- Informal but professional forum to work through complicated land use issues.
- Members can educate each other on land use challenges and perspectives.



2020 LUTF Study Items

- 1. Annual land use training:** Whether volunteer planning commission members should be required to participate in annual land use training. Also discussing whether elected officials who deal with land use should participate in training.
- 2. Standards of review:**
 - Whether there should be a bifurcated standard of review on a land use appeal based on who files the appeal (e.g. a land use applicant vs. an adversely affected party).
 - Whether the appeal standard for a land use regulation should be changed (UCA 10-9a-801: is it “reasonably debatable” that the regulation is consistent with LUDMA).

2020 LUTF Study Items

- 3. Public Infrastructure Districts (PIDS):** Whether legislation should allow in certain circumstances automatic creation of a PID without local government review and approval.
- SB 228 (2019) allows public infrastructure districts, which have property taxing and bonding authority, to be created if the municipality/county/development authority authorizes the creation, agrees to the PID's governing document, and 100% of property owners consent.
 - PID debt is separate from the municipality/county/development authority but the additional tax burden may create disparate property tax obligations on residents within the municipality/county/development.

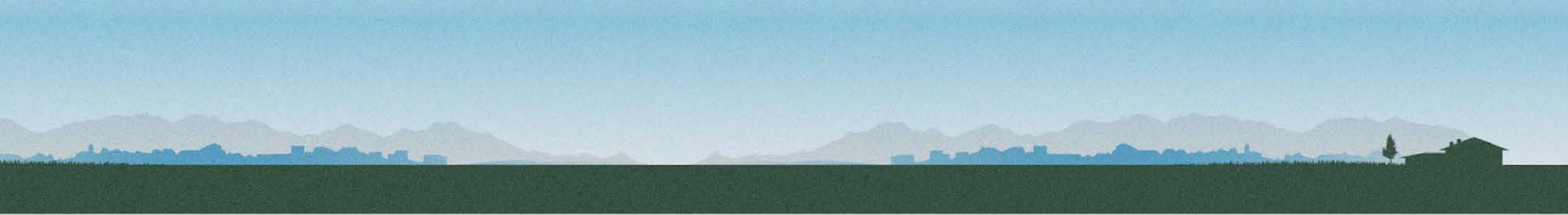
2020 LUTF Study Items

4. **Conditional Use Permits:** Modifying UCA 10-9a-407 to state that CUP standards must be “objective.”
 - “A CUP is a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts.” (OPRO)
5. **Impact Fees:** Clarifying existing statute that allows a local entity to use impact fees to pay for the impact fee facilities plan and analysis and enactment of the impact fee. Also looking at clarifying ambiguous language requiring schools to pay impact fees and repealing loopholes.
 - “Impact fees are intended to help fund expansion of public facilities, including acquisition of property or water rights, materials, and construction. Impact fees may not be used for routine maintenance of existing facilities, or for employee salaries.” (OPRO)



2020 LUTF Study Items

6. **Water provider review of plats:** Local districts requested statutory clarification and authority for a water district/provider to review and approve a plat at the time of subdivision or vacating and, at the time of review, preservation or creation of a water provider easement.
7. **Annexation:** (lead by Rep. Waldrip- working on issues created by HB 359 1st Sub, SB 5004 1st Sub)
 - Cross-county boundary annexations
 - Notice for annexations and incorporations
 - Incorporation boundary protection
 - Islands and peninsulas
 - Pausing annexations/ recodifying state annexation code

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8. **Development Agreements:** Discussing development agreements and recent case law on contract zoning.
 9. **Low impact development:** Continuing work from the general session on LID/storm water permitting (HB 226- Rep. Snider) and responding to EPA regulations.
 10. **Building permit and vesting:** Clarifying that building permits are a separate process from the land use approval process and that the building code may only be changed by the Legislature.

Other land use issues

- **Gravel pits:** how and whether existing and new gravel pit operations should be regulated.

Land Use Task Force

A decorative header image showing a silhouette of a landscape. In the background, there are mountains. In the middle ground, there is a city skyline. In the foreground, there is a dark green field with a small house and a tree on the right side.

Please contact Victoria Ashby, vashby@ulct.org for more information

