

WATER AS PART OF GENERAL PLAN

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions related to general plans to address water.

Highlighted Provisions:

This bill:

- ▶ requires a water use and preservation element to be part of a municipal or county general plan;
- ▶ outlines how a water use and preservation element is integrated into a general plan and what steps to take in developing a water use and preservation element;
- ▶ provides for action related to the general plan by the legislative body of a municipality or county;
- ▶ addresses assistance by the Division of Water Resources; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- ▶ to the Department of Natural Resources - Division of Water Resources as a one-time appropriation:
 - from the General Fund, One-time, \$300,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-401, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-403, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-404, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

17-27a-401, as last amended by Laws of Utah 2021, Chapter 363

17-27a-403, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

17-27a-404, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355

ENACTS:

73-10-36, Utah Code Annotated 1953

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

Section 1. Section **10-9a-401** is amended to read:

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

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

(a) present and future needs of the municipality; and

(b) growth and development of all or any part of the land within the municipality.

(2) The general plan may provide for:

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

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

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

(i) food and water; and

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

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

(e) the protection of urban development;

(f) if the municipality is a town, the protection or promotion of moderate income housing;

(g) the protection and promotion of air quality;

(h) historic preservation;

(i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by ~~[each]~~ an affected entity; and

(j) an official map.

(3) (a) The general plan of a municipality, other than a town, shall plan for moderate income housing growth.

(b) On or before December 1, 2019, ~~[each]~~ any of the following that have a general plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with Subsection (3)(a):

(i) a city of the first, second, third, or fourth class;

(ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; and

(iii) a metro township with a population of 5,000 or more.

(c) The population figures described in Subsections (3)(b)(ii) and (iii) shall be derived from:

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

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

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

(5) On or before December 31, 2025, a municipality that has a general plan that does not include a water use and preservation element that complies with Section 10-9a-403 shall amend the municipality's general plan to comply with Section 10-9a-403.

Section 2. Section 10-9a-403 is amended to read:

10-9a-403. General plan preparation.

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

(b) The planning commission shall make and recommend to the legislative body a

proposed general plan for the area within the municipality.

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

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

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

(i) a land use element that:

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

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

(C) is coordinated to integrate the land use element with the water use and preservation element; and

(D) accounts for the effect of land use categories and land uses on water demand;

(ii) a transportation and traffic circulation element that:

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

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

(C) for a municipality that does not have access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development in areas that will

maintain and improve the connections between housing, transportation, employment, education, recreation, and commerce; and

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

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

(iv) a water use and preservation element that addresses:

(A) the effect of permitted development or patterns of development on water demand and water infrastructure;

(B) methods of reducing water demand and per capita consumption for future development;

(C) methods of reducing water demand and per capita consumption for existing development; and

(D) opportunities for the municipality to modify the municipality's operations to eliminate practices or conditions that waste water.

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

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

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

(B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;

(ii) for a town, may include, and for other municipalities, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;

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

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

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

(C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing;

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

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

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

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

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

(I) allow for single room occupancy developments;

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

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

(L) preserve existing moderate income housing;

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

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

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

(P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing;

(Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;

(R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;

(S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;

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

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

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

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

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

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

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

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

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

(i) consider the regional transportation plan developed by ~~its~~ the municipality's region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or

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

(e) In drafting the water use and preservation element, the planning commission:

(i) shall consider:

(A) applicable regional water conservation goals recommended by the Division of

214 Water Resources; and

215 (B) if Section 73-10-32 requires the municipality to adopt a water conservation plan
216 pursuant to Section 73-10-32, the municipality's water conservation plan;

217 (ii) shall include a recommendation for:

218 (A) water conservation policies to be determined by the municipality; and

219 (B) landscaping options within a public street for current and future development that
220 do not require the use of lawn or turf in a parkstrip;

221 (iii) shall review the municipality's land use ordinances and include a recommendation
222 for changes to an ordinance that promotes the inefficient use of water;

223 (iv) shall consider principles of sustainable landscaping, including the:

224 (A) reduction or limitation of the use of lawn or turf;

225 (B) promotion of site-specific landscape design that decreases stormwater runoff or
226 runoff of water used for irrigation;

227 (C) preservation and use of healthy trees that have a reasonable water requirement or
228 are resistant to dry soil conditions;

229 (D) elimination or regulation of ponds, pools, and other features that promote
230 unnecessary water evaporation;

231 (E) reduction of yard waste; and

232 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
233 optimal amount of water to the plants being irrigated;

234 (v) may include recommendations for additional water demand reduction strategies,
235 including:

236 (A) creating a water budget associated with a particular type of development;

237 (B) adopting new or modified lot size, configuration, and landscaping standards that
238 will reduce water demand for new single family development;

239 (C) providing one or more water reduction incentives for existing development such as
240 modification of existing landscapes and irrigation systems and installation of water fixtures or
241 systems that minimize water demand;

242 (D) discouraging incentives for economic development activities that do not adequately
243 account for water use or do not include strategies for reducing water demand; and

244 (E) adopting water concurrency standards requiring that adequate water supplies and

245 facilities are or will be in place for new development; and

246 (vi) for a town, may include, and for another municipality, shall include, a
247 recommendation for low water use landscaping standards for a new:

248 (A) commercial, industrial, or institutional development;

249 (B) common interest community, as defined in Section [57-25-102](#); or

250 (C) multifamily housing project.

251 (3) The proposed general plan may include:

252 (a) an environmental element that addresses:

253 (i) the protection, conservation, development, and use of natural resources, including
254 the quality of:

255 (A) air;

256 (B) forests;

257 (C) soils;

258 (D) rivers;

259 (E) groundwater and other waters;

260 (F) harbors;

261 (G) fisheries;

262 (H) wildlife;

263 (I) minerals; and

264 (J) other natural resources; and

265 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
266 of streams and other waters;

267 (B) the regulation of the use of land on hillsides, stream channels and other
268 environmentally sensitive areas;

269 (C) the prevention, control, and correction of the erosion of soils~~[-protection]~~;

270 (D) the reservation and enhancement of watersheds and wetlands;

271 (E) the mapping of known geologic hazards;

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

275 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and

programs for:

(i) historic preservation;

(ii) the diminution or elimination of a development impediment as defined in Section 17C-1-102; and

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

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

(e) recommendations for implementing all or any portion of the general plan, including the ~~[use]~~ adoption of land and water use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;

(f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3); and

(g) any other element the municipality considers appropriate.

Section 3. Section 10-9a-404 is amended to read:

10-9a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1) (a) After completing ~~[its]~~ the planning commission's recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Section 10-9a-204.

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) (a) The legislative body may adopt, reject, or make any revisions to the proposed general plan or amendment that ~~[it]~~ the legislative body considers appropriate.

(b) If the municipal legislative body rejects the proposed general plan or amendment, [it] the legislative body may provide suggestions to the planning commission for the planning commission's review and recommendation.

(4) The legislative body shall adopt:

(a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 10-9a-403(2)(a)(ii); [and]

(c) for a municipality, other than a town, after considering the factors included in Subsection 10-9a-403(2)(b)(iii), a plan to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years[-]; and

(d) on or before December 31, 2025, a water use and preservation element as provided in Subsection 10-9a-403(2)(a)(iv).

Section 4. Section 17-27a-401 is amended to read:

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

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

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

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

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

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

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

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

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

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

(i) food and water; and

- 338 (ii) drainage, sanitary, and other facilities and resources;
339 (d) the use of energy conservation and solar and renewable energy resources;
340 (e) the protection of urban development;
341 (f) the protection and promotion of air quality;
342 (g) historic preservation;
343 (h) identifying future uses of land that are likely to require an expansion or significant
344 modification of services or facilities provided by ~~each~~ an affected entity; and
345 (i) an official map.
- 346 (3) (a) The general plan shall:
347 (i) allow and plan for moderate income housing growth; and
348 (ii) contain a resource management plan for the public lands, as defined in Section
349 [63L-6-102](#), within the county.
- 350 (b) On or before December 1, 2019, a county with a general plan that does not comply
351 with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).
- 352 (c) The resource management plan described in Subsection (3)(a)(ii) shall address:
353 (i) mining;
354 (ii) land use;
355 (iii) livestock and grazing;
356 (iv) irrigation;
357 (v) agriculture;
358 (vi) fire management;
359 (vii) noxious weeds;
360 (viii) forest management;
361 (ix) water rights;
362 (x) ditches and canals;
363 (xi) water quality and hydrology;
364 (xii) flood plains and river terraces;
365 (xiii) wetlands;
366 (xiv) riparian areas;
367 (xv) predator control;
368 (xvi) wildlife;

- (xvii) fisheries;
- (xviii) recreation and tourism;
- (xix) energy resources;
- (xx) mineral resources;
- (xxi) cultural, historical, geological, and paleontological resources;
- (xxii) wilderness;
- (xxiii) wild and scenic rivers;
- (xxiv) threatened, endangered, and sensitive species;
- (xxv) land access;
- (xxvi) law enforcement;
- (xxvii) economic considerations; and
- (xxviii) air.

(d) For each item listed under Subsection (3)(c), a county's resource management plan shall:

- (i) establish findings pertaining to the item;
- (ii) establish defined objectives; and
- (iii) outline general policies and guidelines on how the objectives described in Subsection (3)(d)(ii) are to be accomplished.

(4) (a) The general plan shall include specific provisions related to ~~[any areas]~~ an area within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section 19-3-303. The provisions shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:

- (i) the information identified in Section 19-3-305;
- (ii) information supported by credible studies that demonstrates that ~~[the provisions of]~~ Subsection 19-3-307(2) ~~[have]~~ has been satisfied; and

(iii) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.

(b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the

placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

(d) The county shall send a certified copy of the ordinance described in Subsection (4)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.

(e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

(i) comply with Subsection (4)(a) as soon as reasonably possible; and

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

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

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

(7) If a county has designated a mountainous planning district, the general plan for the mountainous planning district is the controlling plan.

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

(9) On or before December 31, 2025, a county that has a general plan that does not include a water use and preservation element that complies with Section 17-27a-403 shall amend the county's general plan to comply with Section 17-27a-403.

Section 5. Section 17-27a-403 is amended to read:

17-27a-403. General plan preparation.

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

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

(i) the unincorporated area within the county; or

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

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

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

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

(i) a land use element that:

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

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

(C) is coordinated to integrate the land use element with the water use and preservation element; and

(D) accounts for the effect of land use categories and land uses on water demand;

(ii) a transportation and traffic circulation element that:

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

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

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

(iii) a plan for the development of additional moderate income housing within the

unincorporated area of the county or the mountainous planning district, and a plan to provide a realistic opportunity to meet the need for additional moderate income housing; ~~and~~

(iv) before May 1, 2017, a resource management plan detailing the findings, objectives, and policies required by Subsection [17-27a-401\(3\)](#)~~[-]~~; and

(v) a water use and preservation element that addresses:

(A) the effect of permitted development or patterns of development on water demand and water infrastructure;

(B) methods of reducing water demand and per capita consumption for future development;

(C) methods of reducing water demand and per capita consumption for existing development; and

(D) opportunities for the county to modify the county's operations to eliminate practices or conditions that waste water.

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

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

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

(B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) shall include an analysis of how the county will provide a realistic opportunity for the development of moderate income housing within the planning horizon, which may include a recommendation to implement three or more of the following strategies:

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

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

(C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing;

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

- 493 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
494 residential zones;
- 495 (F) allow for higher density or moderate income residential development in
496 commercial and mixed-use zones, commercial centers, or employment centers;
- 497 (G) encourage higher density or moderate income residential development near major
498 transit investment corridors;
- 499 (H) eliminate or reduce parking requirements for residential development where a
500 resident is less likely to rely on the resident's own vehicle, such as residential development near
501 major transit investment corridors or senior living facilities;
- 502 (I) allow for single room occupancy developments;
- 503 (J) implement zoning incentives for low to moderate income units in new
504 developments;
- 505 (K) ~~[utilize]~~ use strategies that preserve subsidized low to moderate income units on a
506 long-term basis;
- 507 (L) preserve existing moderate income housing;
- 508 (M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate
509 income housing;
- 510 (N) participate in a community land trust program for low or moderate income
511 housing;
- 512 (O) implement a mortgage assistance program for employees of the county or of an
513 employer that provides contracted services for the county;
- 514 (P) apply for or partner with an entity that applies for state or federal funds or tax
515 incentives to promote the construction of moderate income housing;
- 516 (Q) apply for or partner with an entity that applies for programs offered by the Utah
517 Housing Corporation within that agency's funding capacity;
- 518 (R) apply for or partner with an entity that applies for affordable housing programs
519 administered by the Department of Workforce Services;
- 520 (S) apply for or partner with an entity that applies for services provided by a public
521 housing authority to preserve and create moderate income housing;
- 522 (T) apply for or partner with an entity that applies for programs administered by a
523 metropolitan planning organization or other transportation agency that provides technical

524 planning assistance;

525 (U) ~~[utilize]~~ use a moderate income housing set aside from a community reinvestment
526 agency, redevelopment agency, or community development and renewal agency; and

527 (V) consider any other program or strategy implemented by the county to address the
528 housing needs of residents of the county who earn less than 80% of the area median income.

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

530 (i) identify and consider each agriculture protection area within the unincorporated area
531 of the county or mountainous planning district; and

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

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

536 (i) consider the regional transportation plan developed by ~~[its]~~ the county's region's
537 metropolitan planning organization, if the relevant areas of the county are within the
538 boundaries of a metropolitan planning organization; or

539 (ii) consider the long-range transportation plan developed by the Department of
540 Transportation, if the relevant areas of the county are not within the boundaries of a
541 metropolitan planning organization.

542 (e) In drafting the water use and preservation element, the planning commission:

543 (i) shall consider applicable regional water conservation goals recommended by the
544 Division of Water Resources;

545 (ii) shall include a recommendation for:

546 (A) water conservation policies to be determined by the county; and

547 (B) landscaping options within a public street for current and future development that
548 do not require the use of lawn or turf in a parkstrip;

549 (iii) shall review the county's land use ordinances and include a recommendation for
550 changes to an ordinance that promotes the inefficient use of water;

551 (iv) shall consider principles of sustainable landscaping, including the:

552 (A) reduction or limitation of the use of lawn or turf;

553 (B) promotion of site-specific landscape design that decreases stormwater runoff or
554 runoff of water used for irrigation;

555 (C) preservation and use of healthy trees that have a reasonable water requirement or
556 are resistant to dry soil conditions;

557 (D) elimination or regulation of ponds, pools, and other features that promote
558 unnecessary water evaporation;

559 (E) reduction of yard waste; and

560 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
561 optimal amount of water to the plants being irrigated;

562 (v) may include recommendations for additional water demand reduction strategies,
563 including:

564 (A) creating a water budget associated with a particular type of development;

565 (B) adopting new or modified lot size, configuration, and landscaping standards that
566 will reduce water demand for new single family development;

567 (C) providing one or more water reduction incentives for existing landscapes and
568 irrigation systems and installation of water fixtures or systems that minimize water demand;

569 (D) discouraging incentives for economic development activities that do not adequately
570 account for water use or do not include strategies for reducing water demand; and

571 (E) adopting water concurrency standards requiring that adequate water supplies and
572 facilities are or will be in place for new development; and

573 (vi) shall include a recommendation for low water use landscaping standards for a new:

574 (A) commercial, industrial, or institutional development;

575 (B) common interest community, as defined in Section [57-25-102](#); or

576 (C) multifamily housing project.

577 (3) The proposed general plan may include:

578 (a) an environmental element that addresses:

579 (i) to the extent not covered by the county's resource management plan, the protection,
580 conservation, development, and use of natural resources, including the quality of:

581 (A) air[;];

582 (B) forests[;];

583 (C) soils[;];

584 (D) rivers;

585 (E) groundwater and other waters[;];

586 (F) harbors[;];
587 (G) fisheries[;];
588 (H) wildlife[;];
589 (I) minerals[;]; and
590 (J) other natural resources; and
591 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
592 of streams and other waters[;];
593 (B) the regulation of the use of land on hillsides, stream channels and other
594 environmentally sensitive areas[;];
595 (C) the prevention, control, and correction of the erosion of soils[~~protection~~];
596 (D) the preservation and enhancement of watersheds and wetlands[;]; and
597 (E) 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 a development impediment as defined in Section
605 17C-1-102; and
606 (iii) redevelopment of land, including housing sites, business and industrial sites, and
607 public building sites;
608 (d) an economic element composed of appropriate studies and forecasts, as well as an
609 economic development plan, which may include review of existing and projected county
610 revenue and expenditures, revenue sources, identification of basic and secondary industry,
611 primary and secondary market areas, employment, and retail sales activity;
612 (e) recommendations for implementing all or any portion of the general plan, including
613 the ~~use~~ adoption of land and water use ordinances, capital improvement plans, community
614 development and promotion, and any other appropriate action;
615 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
616 (3)(a)(i); and

(g) any other element the county considers appropriate.

Section 6. Section **17-27a-404** is amended to read:

17-27a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1) (a) After completing ~~[its]~~ the planning commission's recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Section **17-27a-204**.

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) (a) As provided by local ordinance and by Section **17-27a-204**, the legislative body shall provide notice of ~~[its]~~ the legislative body's intent to consider the general plan proposal.

(b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan regarding Subsection **17-27a-401**(4). The hearing procedure shall comply with this Subsection (3)(b).

(ii) The hearing format shall allow adequate time for public comment at the actual public hearing, and shall also allow for public comment in writing to be submitted to the legislative body for not fewer than 90 days after the date of the public hearing.

(c) (i) The legislative body shall give notice of the hearing in accordance with this Subsection (3) when the proposed plan provisions required by Subsection **17-27a-401**(4) are complete.

(ii) Direct notice of the hearing shall be given, in writing, to the governor, members of the state Legislature, executive director of the Department of Environmental Quality, the state planning coordinator, the Resource Development Coordinating Committee, and any other citizens or entities who specifically request notice in writing.

(iii) Public notice shall be given by publication on the Utah Public Notice Website

created in Section 63A-16-601.

(iv) The notice shall be published to allow reasonable time for interested parties and the state to evaluate the information regarding ~~[the provisions of]~~ Subsection 17-27a-401(4), including publication described in Subsection (3)(c)(iii) for 180 days before the date of the hearing to be held under this Subsection (3).

(4) (a) After the public hearing required under this section, the legislative body may adopt, reject, or make any revisions to the proposed general plan that ~~[it]~~ the legislative body considers appropriate.

(b) The legislative body shall respond in writing and in a substantive manner to all those providing comments as a result of the hearing required by Subsection (3).

(c) If the county legislative body rejects the proposed general plan or amendment, ~~[it]~~ the legislative body may provide suggestions to the planning commission for the planning commission's review and recommendation.

(5) The legislative body shall adopt:

(a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 17-27a-403(2)(a)(ii);

(c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to provide a realistic opportunity to meet the need for additional moderate income housing; ~~[and]~~

(d) before August 1, 2017, a resource management plan as provided by Subsection 17-27a-403(2)(a)(iv)~~[-]; and~~

(e) on or before December 31, 2025, a water use and preservation element as provided in Subsection 17-27a-403(2)(a)(v).

Section 7. Section 73-10-36 is enacted to read:

73-10-36. Division to provide technical assistance in local government planning.

(1) As used in this section:

(a) "Division" means the Division of Water Resources.

(b) "General plan":

(i) for a municipality, means the same as that term is defined in Section 10-9a-103; and

(ii) for a county, means the same as that term is defined in Section 17-27a-103.

(c) "Local government" means a county or a municipality, as defined in Section

10-1-104.

(2) The division may provide technical assistance to a local government to support the local government's adoption of a water use and preservation element in a general plan.

Section 8. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Natural Resources -- Division of Water Resources

From General Fund, One-time

\$300,000

Schedule of Programs:

Program Delivery

\$300,000

The Legislature intends that the appropriation under this item be used to fund the cost of the Division of Water Resources providing technical assistance under Section 73-10-36 to a local government's adoption of a water use or preservation element in a general plan. The Legislature intends that the appropriation in this item be nonlapsing.