

**AFFORDABLE HOUSING MODIFICATIONS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: Val K. Potter

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**LONG TITLE**

**Committee Note:**

The Economic Development and Workforce Services Interim Committee recommended this bill.

**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 related to the municipalities' 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:



- 28           • from the General Fund, \$20,000,000; and
- 29           ▶ to the Department of Workforce Services -- Olene Walker Housing Loan Fund as an
- 30 ongoing appropriation:
- 31           • from the General Fund, \$4,000,000.

32 **Other Special Clauses:**

33           None

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36           **10-9a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415
- 37           **10-9a-403**, as last amended by Laws of Utah 2018, Chapter 218
- 38           **10-9a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364
- 39           **17-27a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415
- 40           **17-27a-403**, as last amended by Laws of Utah 2018, Chapter 218
- 41           **17-27a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364
- 42           **35A-8-503**, as renumbered and amended by Laws of Utah 2012, Chapter 212
- 43           **35A-8-505**, as last amended by Laws of Utah 2018, Chapter 251
- 44           **35A-8-803**, as renumbered and amended by Laws of Utah 2012, Chapter 212
- 45           **72-1-304**, as last amended by Laws of Utah 2018, Chapter 424
- 46           **72-2-124**, as last amended by Laws of Utah 2018, Chapter 424



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

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

50           **10-9a-103. Definitions.**

51           As used in this chapter:

52           (1) "Affected entity" means a county, municipality, local district, special service  
53 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
54 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
55 public utility, property owner, property owners association, or the Utah Department of  
56 Transportation, if:

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

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

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

64 (2) "Appeal authority" means the person, board, commission, agency, or other body  
65 designated by ordinance to decide an appeal of a decision of a land use application or a  
66 variance.

67 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
68 residential property if the sign is designed or intended to direct attention to a business, product,  
69 or service that is not sold, offered, or existing on the property where the sign is located.

70 (4) (a) "Charter school" means:

71 (i) an operating charter school;

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

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

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

77 (5) "Conditional use" means a land use that, because of its unique characteristics or  
78 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be  
79 compatible in some areas or may be compatible only if certain conditions are required that  
80 mitigate or eliminate the detrimental impacts.

81 (6) "Constitutional taking" means a governmental action that results in a taking of  
82 private property so that compensation to the owner of the property is required by the:

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

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

85 (7) "Culinary water authority" means the department, agency, or public entity with  
86 responsibility to review and approve the feasibility of the culinary water system and sources for  
87 the subject property.

88 (8) "Development activity" means:

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

90 demand and need for public facilities;

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

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

95 (9) (a) "Disability" means a physical or mental impairment that substantially limits one  
96 or more of a person's major life activities, including a person having a record of such an  
97 impairment or being regarded as having such an impairment.

98 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
99 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
100 802.

101 (10) "Educational facility":

102 (a) means:

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

106 (ii) a structure or facility:

107 (A) located on the same property as a building described in Subsection (10)(a)(i); and

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

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

111 (b) does not include:

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

114 (A) not located on the same property as a building described in Subsection (10)(a)(i);  
115 and

116 (B) used in support of the purposes of a building described in Subsection (10)(a)(i); or

117 (ii) a therapeutic school.

118 (11) "Fire authority" means the department, agency, or public entity with responsibility  
119 to review and approve the feasibility of fire protection and suppression services for the subject  
120 property.

121 (12) "Flood plain" means land that:

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

123 Management Agency; or

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

128 (13) "General plan" means a document that a municipality adopts that sets forth general  
129 guidelines for proposed future development of the land within the municipality.

130 (14) "Geologic hazard" means:

131 (a) a surface fault rupture;

132 (b) shallow groundwater;

133 (c) liquefaction;

134 (d) a landslide;

135 (e) a debris flow;

136 (f) unstable soil;

137 (g) a rock fall; or

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

139 (i) to life;

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

141 (iii) of substantial damage to real property.

142 (15) "Historic preservation authority" means a person, board, commission, or other  
143 body designated by a legislative body to:

144 (a) recommend land use regulations to preserve local historic districts or areas; and

145 (b) administer local historic preservation land use regulations within a local historic  
146 district or area.

147 (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
148 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other  
149 utility system.

150 (17) "Identical plans" means building plans submitted to a municipality that:

151 (a) are clearly marked as "identical plans";

152 (b) are substantially identical to building plans that were previously submitted to and  
153 reviewed and approved by the municipality; and

154 (c) describe a building that:

155 (i) is located on land zoned the same as the land on which the building described in the  
156 previously approved plans is located;

157 (ii) is subject to the same geological and meteorological conditions and the same law  
158 as the building described in the previously approved plans;

159 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
160 and approved by the municipality; and

161 (iv) does not require any additional engineering or analysis.

162 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
163 Impact Fees Act.

164 (19) "Improvement completion assurance" means a surety bond, letter of credit,  
165 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
166 by a municipality to guaranty the proper completion of landscaping or an infrastructure  
167 improvement required as a condition precedent to:

168 (a) recording a subdivision plat; or

169 (b) development of a commercial, industrial, mixed use, or multifamily project.

170 (20) "Improvement warranty" means an applicant's unconditional warranty that the  
171 applicant's installed and accepted landscaping or infrastructure improvement:

172 (a) complies with the municipality's written standards for design, materials, and  
173 workmanship; and

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

176 (21) "Improvement warranty period" means a period:

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

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

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

182 (ii) has substantial evidence, on record:

- 183 (A) of prior poor performance by the applicant; or  
184 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
185 and the municipality has not otherwise required the applicant to mitigate the suspect soil.
- 186 (22) "Infrastructure improvement" means permanent infrastructure that an applicant  
187 must install:
- 188 (a) pursuant to published installation and inspection specifications for public  
189 improvements; and
- 190 (b) as a condition of:
- 191 (i) recording a subdivision plat; or  
192 (ii) development of a commercial, industrial, mixed use, condominium, or multifamily  
193 project.
- 194 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted  
195 designation that:
- 196 (a) runs with the land; and  
197 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
198 the plat; or  
199 (ii) designates a development condition that is enclosed within the perimeter of a lot  
200 described on the plat.
- 201 (24) "Land use applicant" means a property owner, or the property owner's designee,  
202 who submits a land use application regarding the property owner's land.
- 203 (25) "Land use application":
- 204 (a) means an application that is:  
205 (i) required by a municipality; and  
206 (ii) submitted by a land use applicant to obtain a land use decision; and  
207 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 208 (26) "Land use authority" means:
- 209 (a) a person, board, commission, agency, or body, including the local legislative body,  
210 designated by the local legislative body to act upon a land use application; or  
211 (b) if the local legislative body has not designated a person, board, commission,  
212 agency, or body, the local legislative body.
- 213 (27) "Land use decision" means an administrative decision of a land use authority or

214 appeal authority regarding:

215 (a) a land use permit;

216 (b) a land use application; or

217 (c) the enforcement of a land use regulation, land use permit, or development

218 agreement.

219 (28) "Land use permit" means a permit issued by a land use authority.

220 (29) "Land use regulation":

221 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,

222 specification, fee, or rule that governs the use or development of land;

223 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

224 and

225 (c) does not include:

226 (i) a land use decision of the legislative body acting as the land use authority, even if

227 the decision is expressed in a resolution or ordinance; or

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

229 (A) increase a land use applicant's cost of development compared to the existing

230 specification; or

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

232 (30) "Legislative body" means the municipal council.

233 (31) "Local district" means an entity under Title 17B, Limited Purpose Local

234 Government Entities - Local Districts, and any other governmental or quasi-governmental

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

236 (32) "Local historic district or area" means a geographically definable area that:

237 (a) contains any combination of buildings, structures, sites, objects, landscape features,

238 archeological sites, or works of art that contribute to the historic preservation goals of a

239 legislative body; and

240 (b) is subject to land use regulations to preserve the historic significance of the local

241 historic district or area.

242 (33) "Lot line adjustment" means the relocation of the property boundary line in a

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

244 (34) "Major transit investment corridor" means public transit service that uses or



245 occupies:

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

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

248 or

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

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

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

253 ~~[(34)]~~ (35) "Moderate income housing" means housing occupied or reserved for  
254 occupancy by households with a gross household income equal to or less than 80% of the  
255 median gross income for households of the same size in the county in which the city is located.

256 ~~[(35)]~~ (36) "Nominal fee" means a fee that reasonably reimburses a municipality only  
257 for time spent and expenses incurred in:

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

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

261 ~~[(36)]~~ (37) "Noncomplying structure" means a structure that:

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

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

266 ~~[(37)]~~ (38) "Nonconforming use" means a use of land that:

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

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

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

272 ~~[(38)]~~ (39) "Official map" means a map drawn by municipal authorities and recorded in  
273 a county recorder's office that:

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

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

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

280 [~~(39)~~] (40) "Parcel boundary adjustment" means a recorded agreement between owners  
281 of adjoining properties adjusting their mutual boundary if:

282 (a) no additional parcel is created; and

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

285 [~~(40)~~] (41) "Person" means an individual, corporation, partnership, organization,  
286 association, trust, governmental agency, or any other legal entity.

287 [~~(41)~~] (42) "Plan for moderate income housing" means a written document adopted by  
288 a city legislative body that includes:

289 (a) an estimate of the existing supply of moderate income housing located within the  
290 city;

291 (b) an estimate of the need for moderate income housing in the city for the next five  
292 years as revised biennially;

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

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

296 (e) a description of the city's program to encourage an adequate supply of moderate  
297 income housing.

298 [~~(42)~~] (43) "Plat" means a map or other graphical representation of lands being laid out  
299 and prepared in accordance with Section [10-9a-603](#), [17-23-17](#), or [57-8-13](#).

300 [~~(43)~~] (44) "Potential geologic hazard area" means an area that:

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

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

307            [~~(44)~~] (45) "Public agency" means:

308            (a) the federal government;

309            (b) the state;

310            (c) a county, municipality, school district, local district, special service district, or other

311 political subdivision of the state; or

312            (d) a charter school.

313            [~~(45)~~] (46) "Public hearing" means a hearing at which members of the public are  
314 provided a reasonable opportunity to comment on the subject of the hearing.

315            [~~(46)~~] (47) "Public meeting" means a meeting that is required to be open to the public  
316 under Title 52, Chapter 4, Open and Public Meetings Act.

317            [~~(47)~~] (48) "Receiving zone" means an area of a municipality that the municipality  
318 designates, by ordinance, as an area in which an owner of land may receive a transferable  
319 development right.

320            [~~(48)~~] (49) "Record of survey map" means a map of a survey of land prepared in  
321 accordance with Section [17-23-17](#).

322            [~~(49)~~] (50) "Residential facility for persons with a disability" means a residence:

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

324            (b) (i) which is licensed or certified by the Department of Human Services under Title  
325 62A, Chapter 2, Licensure of Programs and Facilities; or

326            (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
327 21, Health Care Facility Licensing and Inspection Act.

328            [~~(50)~~] (51) "Rules of order and procedure" means a set of rules that govern and  
329 prescribe in a public meeting:

330            (a) parliamentary order and procedure;

331            (b) ethical behavior; and

332            (c) civil discourse.

333            [~~(51)~~] (52) "Sanitary sewer authority" means the department, agency, or public entity  
334 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
335 wastewater systems.

336            [~~(52)~~] (53) "Sending zone" means an area of a municipality that the municipality  
337 designates, by ordinance, as an area from which an owner of land may transfer a transferable

338 development right.

339 ~~[(53)]~~ (54) "Specified public agency" means:

340 (a) the state;

341 (b) a school district; or

342 (c) a charter school.

343 ~~[(54)]~~ (55) "Specified public utility" means an electrical corporation, gas corporation,  
344 or telephone corporation, as those terms are defined in Section 54-2-1.

345 ~~[(55)]~~ (56) "State" includes any department, division, or agency of the state.

346 ~~[(56)]~~ (57) "Street" means a public right-of-way, including a highway, avenue,  
347 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
348 or other way.

349 ~~[(57)]~~ (58) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
350 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
351 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
352 installment plan or upon any and all other plans, terms, and conditions.

353 (b) "Subdivision" includes:

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

356 (ii) except as provided in Subsection ~~[(57)]~~ (58)(c), divisions of land for residential and  
357 nonresidential uses, including land used or to be used for commercial, agricultural, and  
358 industrial purposes.

359 (c) "Subdivision" does not include:

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

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

366 (A) no new lot is created; and

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

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

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

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

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

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

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

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

380 (vi) a parcel boundary adjustment.

381 (d) The joining of a subdivided parcel of property to another parcel of property that has  
382 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (58) as to  
383 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
384 subdivision ordinance.

385 [~~(58)~~] (59) "Suspect soil" means soil that has:

386 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
387 3% swell potential;

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

389 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
390 commonly associated with dissolution and collapse features.

391 [~~(59)~~] (60) "Therapeutic school" means a residential group living facility:

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

393 (i) the owner of the facility; or

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

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

396 (i) at home;

397 (ii) in a public school; or

398 (iii) in a nonresidential private school; and

399 (c) that offers:

- 400 (i) room and board; and
- 401 (ii) an academic education integrated with:
- 402 (A) specialized structure and supervision; or
- 403 (B) services or treatment related to a disability, an emotional development, a
- 404 behavioral development, a familial development, or a social development.

405 ~~[(60)]~~ (61) "Transferable development right" means a right to develop and use land that

406 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer

407 land use rights from a designated sending zone to a designated receiving zone.

408 ~~[(61)]~~ (62) "Unincorporated" means the area outside of the incorporated area of a city

409 or town.

410 ~~[(62)]~~ (63) "Water interest" means any right to the beneficial use of water, including:

- 411 (a) each of the rights listed in Section 73-1-11; and
- 412 (b) an ownership interest in the right to the beneficial use of water represented by:
  - 413 (i) a contract; or
  - 414 (ii) a share in a water company, as defined in Section 73-3-3.5.

415 ~~[(63)]~~ (64) "Zoning map" means a map, adopted as part of a land use ordinance, that

416 depicts land use zones, overlays, or districts.

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

418 **10-9a-403. General plan preparation.**

419 (1) (a) The planning commission shall provide notice, as provided in Section

420 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a

421 general plan or a comprehensive general plan amendment when the planning commission

422 initiates the process of preparing its recommendation.

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

424 proposed general plan for the area within the municipality.

425 (c) The plan may include areas outside the boundaries of the municipality if, in the

426 planning commission's judgment, those areas are related to the planning of the municipality's

427 territory.

428 (d) Except as otherwise provided by law or with respect to a municipality's power of

429 eminent domain, when the plan of a municipality involves territory outside the boundaries of

430 the municipality, the municipality may not take action affecting that territory without the

431 concurrence of the county or other municipalities affected.

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

435 (i) a land use element that:

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

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

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

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

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

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

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

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

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

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

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

464 (ii) for a town, may include, and for other municipalities, shall include, an analysis of  
465 ~~[why the recommended means, techniques, or combination of means and techniques provide]~~  
466 how the municipality will provide a realistic opportunity for the development of moderate  
467 income housing within the next five years~~[- which means or techniques may include a~~  
468 recommendation to:];

469 (iii) for a town, may include, and for other municipalities, shall include, a  
470 recommendation to do two or more of the following:

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

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

475 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate  
476 income housing;

477 (D) consider general fund subsidies to waive construction related fees that are  
478 otherwise generally imposed by the city;

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

481 (F) allow for housing in commercial and mixed-use zones;

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

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

487 (I) allow for single room occupancy developments;

488 (J) preserve existing moderate income housing;

489 ~~[(E)]~~ (K) consider utilization of state or federal funds or tax incentives to promote the  
490 construction of moderate income housing;

491 ~~[(F)]~~ (L) consider utilization of programs offered by the Utah Housing Corporation  
492 within that agency's funding capacity;



493           ~~[(G)]~~ (M) consider utilization of affordable housing programs administered by the  
494 Department of Workforce Services; ~~[and]~~

495           ~~[(H)]~~ (N) consider utilization of programs administered by an association of  
496 governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal  
497 Cooperation Act~~[-];~~ and

498           (O) consider utilization of services provided by a public housing authority to preserve  
499 and create moderate income housing.

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

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

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

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

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

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

512           (3) The proposed general plan may include:

513           (a) an environmental element that addresses:

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

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

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

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

526 (i) historic preservation;

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

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

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

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

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

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

540 Section 3. Section 10-9a-408 is amended to read:

541 **10-9a-408. Reporting requirements and civil action regarding moderate income**  
542 **housing element of general plan.**

543 (1) The legislative body of a municipality described in Subsection 10-9a-401(3)(b)  
544 shall [~~biennially~~] annually:

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

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

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

549 (2) The report described in Subsection (1) shall include a description of:

550 (a) efforts made by the municipality to reduce, mitigate, or eliminate local regulatory  
551 barriers to moderate income housing;

552 (b) actions taken by the municipality to encourage preservation of existing moderate  
553 income housing and development of new moderate income housing;

554 (c) progress made within the municipality to provide moderate income housing,

555 demonstrated by analyzing and publishing data on:

556 (i) the number of housing units in the municipality that are at or below:

557 (A) 80% of the adjusted median income for the municipality;

558 (B) 50% of the adjusted median income for the municipality; and

559 (C) 30% of the adjusted median income for the municipality;

560 (ii) the number of housing units in the municipality that are subsidized by the  
561 municipality, the state, or the federal government; and

562 (iii) the number of housing units in the municipality that are deed-restricted;

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

566 (e) all efforts made by the municipality to utilize a moderate income housing set-aside  
567 from a redevelopment agency, a community development agency, or an economic development  
568 agency;

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

571 (g) programs of the Utah Housing Corporation that were utilized by the  
572 municipality[~~;~~]; and

573 (h) a description of how the municipality has implemented any of the recommendations  
574 related to moderate income housing described in Subsection [10-9a-403\(2\)\(b\)\(iii\)](#).

575 (3) The legislative body of each [city] municipality described in Subsection (1) shall  
576 send a copy of the report under Subsection (1) to the Department of Workforce Services and  
577 the association of governments in which the [city] municipality is located.

578 (4) In a civil action seeking enforcement or claiming a violation of this section or of  
579 Subsection [10-9a-404\(5\)\(c\)](#), a plaintiff may not recover damages but may be awarded only  
580 injunctive or other equitable relief.

581 Section 4. Section **17-27a-103** is amended to read:

582 **17-27a-103. Definitions.**

583 As used in this chapter:

584 (1) "Affected entity" means a county, municipality, local district, special service  
585 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal

586 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
587 property owner, property owners association, public utility, or the Utah Department of  
588 Transportation, if:

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

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

593 (c) the entity has filed with the county a request for notice during the same calendar  
594 year and before the county provides notice to an affected entity in compliance with a  
595 requirement imposed under this chapter.

596 (2) "Appeal authority" means the person, board, commission, agency, or other body  
597 designated by ordinance to decide an appeal of a decision of a land use application or a  
598 variance.

599 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
600 residential property if the sign is designed or intended to direct attention to a business, product,  
601 or service that is not sold, offered, or existing on the property where the sign is located.

602 (4) (a) "Charter school" means:

603 (i) an operating charter school;

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

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

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

609 (5) "Chief executive officer" means the person or body that exercises the executive  
610 powers of the county.

611 (6) "Conditional use" means a land use that, because of its unique characteristics or  
612 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
613 compatible in some areas or may be compatible only if certain conditions are required that  
614 mitigate or eliminate the detrimental impacts.

615 (7) "Constitutional taking" means a governmental action that results in a taking of  
616 private property so that compensation to the owner of the property is required by the:

- 617 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 618 (b) Utah Constitution, Article I, Section 22.
- 619 (8) "Culinary water authority" means the department, agency, or public entity with
- 620 responsibility to review and approve the feasibility of the culinary water system and sources for
- 621 the subject property.
- 622 (9) "Development activity" means:
- 623 (a) any construction or expansion of a building, structure, or use that creates additional
- 624 demand and need for public facilities;
- 625 (b) any change in use of a building or structure that creates additional demand and need
- 626 for public facilities; or
- 627 (c) any change in the use of land that creates additional demand and need for public
- 628 facilities.
- 629 (10) (a) "Disability" means a physical or mental impairment that substantially limits
- 630 one or more of a person's major life activities, including a person having a record of such an
- 631 impairment or being regarded as having such an impairment.
- 632 (b) "Disability" does not include current illegal use of, or addiction to, any federally
- 633 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
- 634 802.
- 635 (11) "Educational facility":
- 636 (a) means:
- 637 (i) a school district's building at which pupils assemble to receive instruction in a
- 638 program for any combination of grades from preschool through grade 12, including
- 639 kindergarten and a program for children with disabilities;
- 640 (ii) a structure or facility:
- 641 (A) located on the same property as a building described in Subsection (11)(a)(i); and
- 642 (B) used in support of the use of that building; and
- 643 (iii) a building to provide office and related space to a school district's administrative
- 644 personnel; and
- 645 (b) does not include:
- 646 (i) land or a structure, including land or a structure for inventory storage, equipment
- 647 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

648 (A) not located on the same property as a building described in Subsection (11)(a)(i);  
649 and

650 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or  
651 (ii) a therapeutic school.

652 (12) "Fire authority" means the department, agency, or public entity with responsibility  
653 to review and approve the feasibility of fire protection and suppression services for the subject  
654 property.

655 (13) "Flood plain" means land that:

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

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

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

663 (15) "General plan" means a document that a county adopts that sets forth general  
664 guidelines for proposed future development of:

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

666 (b) for a mountainous planning district, the land within the mountainous planning  
667 district.

668 (16) "Geologic hazard" means:

669 (a) a surface fault rupture;

670 (b) shallow groundwater;

671 (c) liquefaction;

672 (d) a landslide;

673 (e) a debris flow;

674 (f) unstable soil;

675 (g) a rock fall; or

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

677 (i) to life;

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

679 (iii) of substantial damage to real property.

680 (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
681 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
682 system.

683 (18) "Identical plans" means building plans submitted to a county that:

684 (a) are clearly marked as "identical plans";

685 (b) are substantially identical building plans that were previously submitted to and  
686 reviewed and approved by the county; and

687 (c) describe a building that:

688 (i) is located on land zoned the same as the land on which the building described in the  
689 previously approved plans is located;

690 (ii) is subject to the same geological and meteorological conditions and the same law  
691 as the building described in the previously approved plans;

692 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
693 and approved by the county; and

694 (iv) does not require any additional engineering or analysis.

695 (19) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
696 Impact Fees Act.

697 (20) "Improvement completion assurance" means a surety bond, letter of credit,  
698 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
699 by a county to guaranty the proper completion of landscaping or an infrastructure improvement  
700 required as a condition precedent to:

701 (a) recording a subdivision plat; or

702 (b) development of a commercial, industrial, mixed use, or multifamily project.

703 (21) "Improvement warranty" means an applicant's unconditional warranty that the  
704 applicant's installed and accepted landscaping or infrastructure improvement:

705 (a) complies with the county's written standards for design, materials, and  
706 workmanship; and

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

709 (22) "Improvement warranty period" means a period:

- 710 (a) no later than one year after a county's acceptance of required landscaping; or  
711 (b) no later than one year after a county's acceptance of required infrastructure, unless  
712 the county:
- 713 (i) determines for good cause that a one-year period would be inadequate to protect the  
714 public health, safety, and welfare; and  
715 (ii) has substantial evidence, on record:
- 716 (A) of prior poor performance by the applicant; or  
717 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
718 and the county has not otherwise required the applicant to mitigate the suspect soil.
- 719 (23) "Infrastructure improvement" means permanent infrastructure that an applicant  
720 must install:
- 721 (a) pursuant to published installation and inspection specifications for public  
722 improvements; and  
723 (b) as a condition of:
- 724 (i) recording a subdivision plat; or  
725 (ii) development of a commercial, industrial, mixed use, condominium, or multifamily  
726 project.
- 727 (24) "Internal lot restriction" means a platted note, platted demarcation, or platted  
728 designation that:
- 729 (a) runs with the land; and  
730 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
731 the plat; or  
732 (ii) designates a development condition that is enclosed within the perimeter of a lot  
733 described on the plat.
- 734 (25) "Interstate pipeline company" means a person or entity engaged in natural gas  
735 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
736 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 737 (26) "Intrastate pipeline company" means a person or entity engaged in natural gas  
738 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
739 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 740 (27) "Land use applicant" means a property owner, or the property owner's designee,



741 who submits a land use application regarding the property owner's land.

742 (28) "Land use application":

743 (a) means an application that is:

744 (i) required by a county; and

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

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

747 (29) "Land use authority" means:

748 (a) a person, board, commission, agency, or body, including the local legislative body,

749 designated by the local legislative body to act upon a land use application; or

750 (b) if the local legislative body has not designated a person, board, commission,

751 agency, or body, the local legislative body.

752 (30) "Land use decision" means an administrative decision of a land use authority or

753 appeal authority regarding:

754 (a) a land use permit;

755 (b) a land use application; or

756 (c) the enforcement of a land use regulation, land use permit, or development

757 agreement.

758 (31) "Land use permit" means a permit issued by a land use authority.

759 (32) "Land use regulation":

760 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,

761 specification, fee, or rule that governs the use or development of land;

762 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

763 and

764 (c) does not include:

765 (i) a land use decision of the legislative body acting as the land use authority, even if

766 the decision is expressed in a resolution or ordinance; or

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

768 (A) increase a land use applicant's cost of development compared to the existing

769 specification; or

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

771 (33) "Legislative body" means the county legislative body, or for a county that has

772 adopted an alternative form of government, the body exercising legislative powers.

773 (34) "Local district" means any entity under Title 17B, Limited Purpose Local  
774 Government Entities - Local Districts, and any other governmental or quasi-governmental  
775 entity that is not a county, municipality, school district, or the state.

776 (35) "Lot line adjustment" means the relocation of the property boundary line in a  
777 subdivision between two adjoining lots with the consent of the owners of record.

778 (36) "Major transit investment corridor" means public transit service that uses or  
779 occupies:

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

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

782 or

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

785 (i) a public transit district as defined in Section 17B-2a-802; or

786 (ii) an eligible political subdivision as defined in Section 59-12-2219.

787 ~~[(36)]~~ (37) "Moderate income housing" means housing occupied or reserved for  
788 occupancy by households with a gross household income equal to or less than 80% of the  
789 median gross income for households of the same size in the county in which the housing is  
790 located.

791 ~~[(37)]~~ (38) "Mountainous planning district" means an area:

792 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

793 (b) that is not otherwise exempt under Section 10-9a-304.

794 ~~[(38)]~~ (39) "Nominal fee" means a fee that reasonably reimburses a county only for  
795 time spent and expenses incurred in:

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

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

799 ~~[(39)]~~ (40) "Noncomplying structure" means a structure that:

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

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

803 the use of land.

804 ~~[(40)]~~ (41) "Nonconforming use" means a use of land that:

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

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

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

810 ~~[(41)]~~ (42) "Official map" means a map drawn by county authorities and recorded in  
811 the county recorder's office that:

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

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

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

818 ~~[(42)]~~ (43) "Parcel boundary adjustment" means a recorded agreement between owners  
819 of adjoining properties adjusting their mutual boundary if:

820 (a) no additional parcel is created; and

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

823 ~~[(43)]~~ (44) "Person" means an individual, corporation, partnership, organization,  
824 association, trust, governmental agency, or any other legal entity.

825 ~~[(44)]~~ (45) "Plan for moderate income housing" means a written document adopted by  
826 a county legislative body that includes:

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

829 (b) an estimate of the need for moderate income housing in the county for the next five  
830 years as revised biennially;

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

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

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

836 ~~[(45)]~~ (46) "Planning advisory area" means a contiguous, geographically defined  
837 portion of the unincorporated area of a county established under this part with planning and  
838 zoning functions as exercised through the planning advisory area planning commission, as  
839 provided in this chapter, but with no legal or political identity separate from the county and no  
840 taxing authority.

841 ~~[(46)]~~ (47) "Plat" means a map or other graphical representation of lands being laid out  
842 and prepared in accordance with Section [17-27a-603](#), [17-23-17](#), or [57-8-13](#).

843 ~~[(47)]~~ (48) "Potential geologic hazard area" means an area that:

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

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

850 ~~[(48)]~~ (49) "Public agency" means:

851 (a) the federal government;

852 (b) the state;

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

855 (d) a charter school.

856 ~~[(49)]~~ (50) "Public hearing" means a hearing at which members of the public are  
857 provided a reasonable opportunity to comment on the subject of the hearing.

858 ~~[(50)]~~ (51) "Public meeting" means a meeting that is required to be open to the public  
859 under Title 52, Chapter 4, Open and Public Meetings Act.

860 ~~[(51)]~~ (52) "Receiving zone" means an unincorporated area of a county that the county  
861 designates, by ordinance, as an area in which an owner of land may receive a transferable  
862 development right.

863 ~~[(52)]~~ (53) "Record of survey map" means a map of a survey of land prepared in  
864 accordance with Section [17-23-17](#).

865 ~~[(53)]~~ (54) "Residential facility for persons with a disability" means a residence:

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

867 (b) (i) which is licensed or certified by the Department of Human Services under Title  
868 62A, Chapter 2, Licensure of Programs and Facilities; or

869 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
870 21, Health Care Facility Licensing and Inspection Act.

871 ~~[(54)]~~ (55) "Rules of order and procedure" means a set of rules that govern and  
872 prescribe in a public meeting:

873 (a) parliamentary order and procedure;

874 (b) ethical behavior; and

875 (c) civil discourse.

876 ~~[(55)]~~ (56) "Sanitary sewer authority" means the department, agency, or public entity  
877 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
878 wastewater systems.

879 ~~[(56)]~~ (57) "Sending zone" means an unincorporated area of a county that the county  
880 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
881 development right.

882 ~~[(57)]~~ (58) "Site plan" means a document or map that may be required by a county  
883 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
884 owner's or developer's proposed development activity meets a land use requirement.

885 ~~[(58)]~~ (59) "Specified public agency" means:

886 (a) the state;

887 (b) a school district; or

888 (c) a charter school.

889 ~~[(59)]~~ (60) "Specified public utility" means an electrical corporation, gas corporation,  
890 or telephone corporation, as those terms are defined in Section [54-2-1](#).

891 ~~[(60)]~~ (61) "State" includes any department, division, or agency of the state.

892 ~~[(61)]~~ (62) "Street" means a public right-of-way, including a highway, avenue,  
893 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
894 or other way.

895 ~~[(62)]~~ (63) (a) "Subdivision" means any land that is divided, resubdivided or proposed

896 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
897 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
898 installment plan or upon any and all other plans, terms, and conditions.

899 (b) "Subdivision" includes:

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

902 (ii) except as provided in Subsection [~~62~~] (63)(c), divisions of land for residential and  
903 nonresidential uses, including land used or to be used for commercial, agricultural, and  
904 industrial purposes.

905 (c) "Subdivision" does not include:

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

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

909 (A) no new lot is created; and

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

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

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

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

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

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

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

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

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

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

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

926 (vi) a bona fide division or partition of land by deed or other instrument where the land

927 use authority expressly approves in writing the division in anticipation of further land use  
928 approvals on the parcel or parcels; or

929 (vii) a parcel boundary adjustment.

930 (d) The joining of a subdivided parcel of property to another parcel of property that has  
931 not been subdivided does not constitute a subdivision under this Subsection [~~(62)~~] (63) as to  
932 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
933 subdivision ordinance.

934 [~~(63)~~] (64) "Suspect soil" means soil that has:

935 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
936 3% swell potential;

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

938 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
939 commonly associated with dissolution and collapse features.

940 [~~(64)~~] (65) "Therapeutic school" means a residential group living facility:

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

942 (i) the owner of the facility; or

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

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

945 (i) at home;

946 (ii) in a public school; or

947 (iii) in a nonresidential private school; and

948 (c) that offers:

949 (i) room and board; and

950 (ii) an academic education integrated with:

951 (A) specialized structure and supervision; or

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

954 [~~(65)~~] (66) "Transferable development right" means a right to develop and use land that  
955 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
956 land use rights from a designated sending zone to a designated receiving zone.

957 [~~(66)~~] (67) "Unincorporated" means the area outside of the incorporated area of a

958 municipality.

959 ~~[(67)]~~ (68) "Water interest" means any right to the beneficial use of water, including:

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

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

962 (i) a contract; or

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

964 ~~[(68)]~~ (69) "Zoning map" means a map, adopted as part of a land use ordinance, that  
965 depicts land use zones, overlays, or districts.

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

967 **17-27a-403. Plan preparation.**

968 (1) (a) The planning commission shall provide notice, as provided in Section  
969 17-27a-203, of its intent to make a recommendation to the county legislative body for a general  
970 plan or a comprehensive general plan amendment when the planning commission initiates the  
971 process of preparing its recommendation.

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

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

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

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

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

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

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



989 (i) a land use element that:

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

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

996 (ii) a transportation and traffic circulation element [~~consisting of the general location~~  
997 ~~and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~  
998 ~~any other modes of transportation that the planning commission considers appropriate, all~~  
999 ~~correlated with the population projections and the proposed land use element of the general~~  
1000 ~~plan;~~] that:

1001 (A) provides the general location and extent of existing and proposed freeways, arterial  
1002 and collector streets, public transit, active transportation facilities, and other modes of  
1003 transportation that the planning commission considers appropriate;

1004 (B) addresses the county's plan for residential and commercial development around  
1005 major transit investment corridors to maintain and improve the connections between housing,  
1006 employment, education, recreation, and commerce; and

1007 (C) correlates with the population projections and the proposed land use element of the  
1008 general plan;

1009 (iii) a plan for the development of additional moderate income housing within the  
1010 unincorporated area of the county or the mountainous planning district, and a plan to provide a  
1011 realistic opportunity to meet the need for additional moderate income housing; and

1012 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,  
1013 and policies required by Subsection 17-27a-401(3).

1014 (b) In drafting the moderate income housing element, the planning commission:

1015 (i) shall consider the Legislature's determination that counties should facilitate a  
1016 reasonable opportunity for a variety of housing, including moderate income housing:

1017 (A) to meet the needs of people [~~desiring to live there~~] of various income levels living  
1018 or working in the community; and

1019 (B) to allow [~~persons with moderate~~] people with various incomes to benefit from and

1020 fully participate in all aspects of neighborhood and community life; and

1021 (ii) shall include an analysis of [~~why the recommended means, techniques, or~~  
1022 ~~combination of means and techniques~~] how the municipality will provide a realistic  
1023 opportunity for the development of moderate income housing within the planning horizon,  
1024 which [~~means or techniques~~] may include a recommendation to do two or more of the  
1025 following:

1026 (A) rezone for densities necessary to assure the production of moderate income  
1027 housing;

1028 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the  
1029 construction of moderate income housing;

1030 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate  
1031 income housing;

1032 (D) consider county general fund subsidies to waive construction related fees that are  
1033 otherwise generally imposed by the county;

1034 (E) create or allow for, and reduce regulations related to, accessory dwelling units in  
1035 residential zones;

1036 (F) allow for housing in commercial and mixed-use zones;

1037 (G) encourage higher density or moderate income residential development near major  
1038 transit investment corridors;

1039 (H) eliminate or reduce parking requirements for residential development where a  
1040 resident is less likely to rely on the resident's own vehicle, such as residential development near  
1041 major transit investment corridors or senior living facilities;

1042 (I) allow for single room occupancy developments;

1043 (J) preserve existing moderate income housing;

1044 [~~E~~] (L) consider utilization of state or federal funds or tax incentives to promote the  
1045 construction of moderate income housing;

1046 [~~F~~] (M) consider utilization of programs offered by the Utah Housing Corporation  
1047 within that agency's funding capacity; [~~and~~]

1048 [~~G~~] (N) consider utilization of affordable housing programs administered by the  
1049 Department of Workforce Services[-]; and

1050 (O) consider utilization of services provided by a public housing authority to preserve

1051 and create moderate income housing.

1052 (c) In drafting the land use element, the planning commission shall:

1053 (i) identify and consider each agriculture protection area within the unincorporated area  
1054 of the county or mountainous planning district; and

1055 (ii) avoid proposing a use of land within an agriculture protection area that is  
1056 inconsistent with or detrimental to the use of the land for agriculture.

1057 (d) In drafting the transportation and traffic circulation element, the planning  
1058 commission shall:

1059 (i) consider the regional transportation plan developed by its region's metropolitan  
1060 planning organization, if the relevant areas of the county are within the boundaries of a  
1061 metropolitan planning organization; or

1062 (ii) consider the long-range transportation plan developed by the Utah Department of  
1063 Transportation, if the relevant areas of the county are not within the boundaries of a  
1064 metropolitan planning organization.

1065 (3) The proposed general plan may include:

1066 (a) an environmental element that addresses:

1067 (i) to the extent not covered by the county's resource management plan, the protection,  
1068 conservation, development, and use of natural resources, including the quality of air, forests,  
1069 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;  
1070 and

1071 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
1072 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
1073 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
1074 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1075 (b) a public services and facilities element showing general plans for sewage, water,  
1076 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
1077 police and fire protection, and other public services;

1078 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and  
1079 programs for:

1080 (i) historic preservation;

1081 (ii) the diminution or elimination of blight; and

1082 (iii) redevelopment of land, including housing sites, business and industrial sites, and  
1083 public building sites;

1084 (d) an economic element composed of appropriate studies and forecasts, as well as an  
1085 economic development plan, which may include review of existing and projected county  
1086 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
1087 primary and secondary market areas, employment, and retail sales activity;

1088 (e) recommendations for implementing all or any portion of the general plan, including  
1089 the use of land use ordinances, capital improvement plans, community development and  
1090 promotion, and any other appropriate action;

1091 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or  
1092 (3)(a)(i); and

1093 (g) any other element the county considers appropriate.

1094 Section 6. Section 17-27a-408 is amended to read:

1095 **17-27a-408. Civil action regarding moderate income housing element of general**  
1096 **plan.**

1097 In a civil action seeking enforcement or claiming a violation of [~~this section or of~~]  
1098 Subsection 17-27a-404(6)(c), a plaintiff may not recover damages but may be awarded only  
1099 injunctive or other equitable relief.

1100 Section 7. Section 35A-8-503 is amended to read:

1101 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

1102 (1) There is created the Olene Walker Housing Loan Fund Board.

1103 (2) The board is composed of 11 voting members.

1104 (a) The governor shall appoint the following members to four-year terms:

1105 (i) two members from local governments;

1106 (ii) two members from the mortgage lending community;

1107 (iii) one member from real estate sales interests;

1108 (iv) one member from home builders interests;

1109 (v) one member from rental housing interests;

1110 (vi) one member from housing advocacy interests;

1111 (vii) one member of the manufactured housing interest; [~~and~~]

1112 (viii) one member with expertise in transit-oriented developments; and

- 1113 (ix) one member who represents rural interests.  
1114 [~~(viii) two members of the general public.~~]
- 1115 (b) The director or the director's designee serves as the secretary of the board.  
1116 (c) The members of the board shall annually elect a chair from among the voting  
1117 membership of the board.
- 1118 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the  
1119 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1120 board members are staggered so that approximately half of the board is appointed every two  
1121 years.
- 1122 (b) When a vacancy occurs in the membership for any reason, the replacement is  
1123 appointed for the unexpired term.
- 1124 (4) (a) The board shall:  
1125 (i) meet regularly, at least [~~quarterly~~] six times per year, on dates fixed by the board;  
1126 (ii) keep minutes of its meetings; and  
1127 (iii) comply with the procedures and requirements of Title 52, Chapter 4, Open and  
1128 Public Meetings Act.
- 1129 (b) Seven members of the board constitute a quorum, and the governor, the chair, or a  
1130 majority of the board may call a meeting of the board.
- 1131 (5) The board shall:  
1132 (a) review the housing needs in the state;  
1133 (b) determine the relevant operational aspects of any grant, loan, or revenue collection  
1134 program established under the authority of this chapter;  
1135 (c) determine the means to implement the policies and goals of this chapter;  
1136 (d) select specific projects to receive grant or loan money; and  
1137 (e) determine how fund money shall be allocated and distributed.
- 1138 (6) A member may not receive compensation or benefits for the member's service, but  
1139 may receive per diem and travel expenses in accordance with:  
1140 (a) Section [63A-3-106](#);  
1141 (b) Section [63A-3-107](#); and  
1142 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1143 [63A-3-107](#).

1144 Section 8. Section 35A-8-505 is amended to read:

1145 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**  
1146 **director.**

1147 At the direction of the board, the executive director may:

1148 (1) provide fund money to any of the following activities:

1149 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

1150 (b) matching funds for social services projects directly related to providing housing for  
1151 special-need renters in assisted projects;

1152 (c) the development and construction of accessible housing designed for low-income  
1153 persons;

1154 (d) the construction or improvement of a shelter or transitional housing facility that  
1155 provides services intended to prevent or minimize homelessness among members of a specific  
1156 homeless subpopulation;

1157 (e) the purchase of an existing facility to provide temporary or transitional housing for  
1158 the homeless in an area that does not require rezoning before providing such temporary or  
1159 transitional housing; [~~and~~]

1160 (f) the purchase of land that will be used as the site of low-income housing units; and

1161 [~~(f)~~] (g) other activities that will assist in minimizing homelessness or improving the  
1162 availability or quality of housing in the state for low-income persons;

1163 (2) do any act necessary or convenient to the exercise of the powers granted by this part  
1164 or reasonably implied from those granted powers, including:

1165 (a) making or executing contracts and other instruments necessary or convenient for  
1166 the performance of the executive director and board's duties and the exercise of the executive  
1167 director and board's powers and functions under this part, including contracts or agreements for  
1168 the servicing and originating of mortgage loans;

1169 (b) procuring insurance against a loss in connection with property or other assets held  
1170 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

1171 (c) entering into agreements with a department, agency, or instrumentality of the  
1172 United States or this state and with mortgagors and mortgage lenders for the purpose of  
1173 planning and regulating and providing for the financing and refinancing, purchase,  
1174 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,

1175 or other disposition of residential housing undertaken with the assistance of the department  
1176 under this part;

1177 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,  
1178 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or  
1179 personal property obtained by the fund due to the default on a mortgage loan held by the fund  
1180 in preparation for disposition of the property, taking assignments of leases and rentals,  
1181 proceeding with foreclosure actions, and taking other actions necessary or incidental to the  
1182 performance of its duties; and

1183 (e) selling, at a public or private sale, with public bidding, a mortgage or other  
1184 obligation held by the fund.

1185 Section 9. Section **35A-8-803** is amended to read:

1186 **35A-8-803. Division -- Functions.**

1187 (1) In addition to any other functions the governor or Legislature may assign:

1188 (a) the division shall:

1189 (i) provide a clearinghouse of information for federal, state, and local housing  
1190 assistance programs;

1191 (ii) establish, in cooperation with political subdivisions, model plans and management  
1192 methods to encourage or provide for the development of affordable housing that may be  
1193 adopted by political subdivisions by reference;

1194 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of  
1195 problems relating to housing needs, such as:

1196 (A) inadequate supply of dwellings;

1197 (B) substandard dwellings; and

1198 (C) inability of medium and low income families to obtain adequate housing;

1199 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

1200 (A) political subdivisions;

1201 (B) real estate developers;

1202 (C) builders;

1203 (D) lending institutions;

1204 (E) affordable housing advocates; and

1205 (F) others having use for the information;

1206 (v) advise political subdivisions of serious housing problems existing within their  
1207 jurisdiction that require concerted public action for solution; [~~and~~]

1208 (vi) assist political subdivisions in defining housing objectives and in preparing for  
1209 adoption a plan of action covering a five-year period designed to accomplish housing  
1210 objectives within their jurisdiction; and

1211 (vii) for municipalities required to submit an annual moderate income housing report to  
1212 the department as described in Section 10-9a-408, assist in the creation and evaluation of the  
1213 reports; and

1214 (b) within legislative appropriations, the division may accept for and on behalf of, and  
1215 bind the state to, any federal housing or homeless program in which the state is invited,  
1216 permitted, or authorized to participate in the distribution, disbursement, or administration of  
1217 any funds or service advanced, offered, or contributed in whole or in part by the federal  
1218 government.

1219 (2) The administration of any federal housing program in which the state is invited,  
1220 permitted, or authorized to participate in distribution, disbursement, or administration of funds  
1221 or services, except those administered by the Utah Housing Corporation, is governed by  
1222 Sections 35A-8-501 through 35A-8-508.

1223 Section 10. Section 72-1-304 is amended to read:

1224 **72-1-304. Written project prioritization process for new transportation capacity**  
1225 **projects -- Rulemaking.**

1226 (1) (a) The Transportation Commission, in consultation with the department and the  
1227 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written  
1228 prioritization process for the prioritization of new transportation capacity projects that are or  
1229 will be part of the state highway system under Chapter 4, Part 1, State Highways, or public  
1230 transit projects that add capacity to the public transit systems within the state.

1231 (b) (i) A local government or district may nominate a project for prioritization in  
1232 accordance with the process established by the commission in rule.

1233 (ii) If a local government or district nominates a project for prioritization by the  
1234 commission, the local government or district shall provide data and evidence to show that:

1235 (A) the project will advance the purposes and goals described in Section 72-1-211;

1236 (B) for a public transit project, the local government or district has an ongoing funding



- 1237 source for operations and maintenance of the proposed development; and
- 1238 (C) the local government or district will provide 40% of the funds for the project as
- 1239 required by Subsection [72-2-124\(7\)\(e\)](#).
- 1240 (2) The following shall be included in the written prioritization process under
- 1241 Subsection (1):
- 1242 (a) a description of how the strategic initiatives of the department adopted under
- 1243 Section [72-1-211](#) are advanced by the written prioritization process;
- 1244 (b) a definition of the type of projects to which the written prioritization process
- 1245 applies;
- 1246 (c) specification of a weighted criteria system that is used to rank proposed projects
- 1247 and how it will be used to determine which projects will be prioritized;
- 1248 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- 1249 (e) any other provisions the commission considers appropriate, which may include
- 1250 consideration of:
- 1251 (i) regional and statewide economic development impacts, including improved local
- 1252 access to:
- 1253 (A) employment;
- 1254 (B) educational facilities;
- 1255 [~~(B)~~] (C) recreation;
- 1256 [~~(C)~~] (D) commerce; and
- 1257 [~~(D)~~] (E) residential areas, including moderate income housing as demonstrated in the
- 1258 local government's or district's general plan pursuant to Section [10-9a-403](#) or Section
- 1259 [17-27a-403](#);
- 1260 (ii) the extent to which local land use plans relevant to a project support and
- 1261 accomplish the strategic initiatives adopted under Section [72-1-211](#); and
- 1262 (iii) any matching funds provided by a political subdivision or public transit district in
- 1263 addition to the 40% required by Subsection [72-2-124\(7\)\(e\)](#).
- 1264 (3) In developing the written prioritization process, the commission:
- 1265 (a) shall seek and consider public comment by holding public meetings at locations
- 1266 throughout the state; and
- 1267 (b) may not consider local matching dollars as provided under Section [72-2-123](#) unless

1268 the state provides an equal opportunity to raise local matching dollars for state highway  
1269 improvements within each county.

1270 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1271 Transportation Commission, in consultation with the department, shall make rules establishing  
1272 the written prioritization process under Subsection (1).

1273 (5) The commission shall submit the proposed rules under this section to a committee  
1274 or task force designated by the Legislative Management Committee for review prior to taking  
1275 final action on the proposed rules or any proposed amendment to the rules described in  
1276 Subsection (4).

1277 Section 11. Section **72-2-124** is amended to read:

1278 **72-2-124. Transportation Investment Fund of 2005.**

1279 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
1280 of 2005.

1281 (2) The fund consists of money generated from the following sources:

1282 (a) any voluntary contributions received for the maintenance, construction,  
1283 reconstruction, or renovation of state and federal highways;

1284 (b) appropriations made to the fund by the Legislature;

1285 (c) registration fees designated under Section [41-1a-1201](#);

1286 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
1287 [59-12-103](#); and

1288 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

1289 (3) (a) The fund shall earn interest.

1290 (b) All interest earned on fund money shall be deposited into the fund.

1291 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
1292 fund money [~~only~~] to pay:

1293 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
1294 federal highways prioritized by the Transportation Commission through the prioritization  
1295 process for new transportation capacity projects adopted under Section [72-1-304](#);

1296 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
1297 projects described in Subsections [63B-18-401](#)(2), (3), and (4);

1298 (iii) principal, interest, and issuance costs of bonds authorized by Section [63B-18-401](#)

1299 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
1300 with Subsection [72-2-121](#)(4)(f);

1301 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
1302 Lake County Revenue Bond Sinking Fund created by Section [72-2-121.3](#) the amount certified  
1303 by Salt Lake County in accordance with Subsection [72-2-121.3](#)(4)(c) as necessary to pay the  
1304 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1305 (v) principal, interest, and issuance costs of bonds authorized by Section [63B-16-101](#)  
1306 for projects prioritized in accordance with Section [72-2-125](#);

1307 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
1308 the Centennial Highway Fund created by Section [72-2-118](#); and

1309 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
1310 Class Highway Projects Fund created in Section [72-2-121](#) to be used for the purposes described  
1311 in Section [72-2-121](#).

1312 (b) The executive director may use fund money to exchange for an equal or greater  
1313 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1314 (5) (a) Except as provided in Subsection (5)(b), the executive director may not use fund  
1315 money, including from the Transit Transportation Investment Fund, within the boundaries of a  
1316 municipality that is required to adopt a moderate income housing plan element as part of the  
1317 municipality's general plan as described in Subsection [10-9a-401](#)(3) but has failed to adopt a  
1318 moderate income housing plan element as part of the municipality's general plan.

1319 (b) Within the boundaries of a municipality that is required under Subsection  
1320 [10-9a-401](#)(3) to plan for moderate income housing growth but has failed to adopt a moderate  
1321 income housing plan element as part of the municipality's general plan as described in Section  
1322 [10-9a-403](#), the executive director:

1323 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access  
1324 facility; and

1325 (ii) may not use fund money for the construction, reconstruction, or renovation to an  
1326 interchange on a limited-access facility.

1327 [~~5~~] (6) (a) Before bonds authorized by Section [63B-18-401](#) or [63B-27-101](#) may be  
1328 issued in any fiscal year, the department and the commission shall appear before the Executive  
1329 Appropriations Committee of the Legislature and present the amount of bond proceeds that the

1330 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),  
1331 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1332 (b) The Executive Appropriations Committee of the Legislature shall review and  
1333 comment on the amount of bond proceeds needed to fund the projects.

1334 ~~[(6)]~~ (7) The Division of Finance shall, from money deposited into the fund, transfer  
1335 the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized  
1336 by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service  
1337 or sinking fund.

1338 ~~[(7)]~~ (8) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
1339 Transportation Investment Fund.

1340 (b) The fund shall be funded by:

1341 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1342 (ii) appropriations into the account by the Legislature;

1343 (iii) private contributions; and

1344 (iv) donations or grants from public or private entities.

1345 (c) (i) The fund shall earn interest.

1346 (ii) All interest earned on fund money shall be deposited into the fund.

1347 (d) Subject to Subsection ~~[(7)]~~ (8)(e), the Legislature may appropriate money from the  
1348 fund for public transit capital development of new capacity projects to be used as prioritized by  
1349 the commission.

1350 (e) (i) The Legislature may only appropriate money from the fund for a public transit  
1351 capital development project if the public transit district or political subdivision provides funds  
1352 of equal to or greater than 40% of the funds needed for the project.

1353 (ii) A public transit district or political subdivision may use money derived from a loan  
1354 granted pursuant to Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, to  
1355 provide all or part of the 40% requirement described in Subsection ~~[(7)]~~ (8)(e)(i) if:

1356 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
1357 Transportation Infrastructure Loan Fund; and

1358 (B) the proposed capital project has been prioritized by the commission pursuant to  
1359 Section 72-1-303.

1360 Section 12. **Appropriation.**

1361 The following sums of money are appropriated for the fiscal year beginning July 1,  
 1362 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for  
 1363 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 1364 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 1365 indicated for the use and support of the government of the state of Utah.

1366 ITEM 1

1367 To Department of Workforce Services -- Olene Walker Housing Loan Fund

1368 From General Fund, One-time \$20,000,000

1369 From General Fund \$4,000,000

1370 Schedule of Programs:

1371 Olene Walker Housing Loan Fund \$24,000,000