

Senator Jacob L. Anderegg proposes the following substitute bill:

AFFORDABLE HOUSING MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Val K. Potter

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

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



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

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

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 Revisor Instructions, Laws of Utah 2018, Chapter 456

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

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



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

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

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

54 As used in this chapter:

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

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

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

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

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

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

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

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

74 (i) an operating charter school;

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

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

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

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

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

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

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

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

91 (8) "Development activity" means:

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

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

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

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

101 (b) "Disability" does not include current illegal use of, or addiction to, any federally
102 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
103 802.

104 (10) "Educational facility":

105 (a) means:

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

109 (ii) a structure or facility:

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

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

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

114 (b) does not include:

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

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

118 and

119 (B) used in support of the purposes of a building described in Subsection (10)(a)(i); or
120 (ii) a therapeutic school.

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

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

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

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

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

133 (14) "Geologic hazard" means:

134 (a) a surface fault rupture;

135 (b) shallow groundwater;

136 (c) liquefaction;

137 (d) a landslide;

138 (e) a debris flow;

139 (f) unstable soil;

140 (g) a rock fall; or

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

142 (i) to life;

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

144 (iii) of substantial damage to real property.

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

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

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

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

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

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

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

157 (c) describe a building that:

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

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

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

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

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

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

171 (a) recording a subdivision plat; or

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

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

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

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

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

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

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

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

185 (ii) has substantial evidence, on record:

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

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

189 (22) "Infrastructure improvement" means permanent infrastructure that an applicant
190 must install:

191 (a) pursuant to published installation and inspection specifications for public
192 improvements; and

193 (b) as a condition of:

194 (i) recording a subdivision plat; or

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

197 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted
198 designation that:

199 (a) runs with the land; and

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

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

204 (24) "Land use applicant" means a property owner, or the property owner's designee,
205 who submits a land use application regarding the property owner's land.

206 (25) "Land use application":

207 (a) means an application that is:

208 (i) required by a municipality; and

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

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

211 (26) "Land use authority" means:

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

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

216 (27) "Land use decision" means an administrative decision of a land use authority or
217 appeal authority regarding:

218 (a) a land use permit;

219 (b) a land use application; or

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

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

223 (29) "Land use regulation":

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

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

228 (c) does not include:

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

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

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

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

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

236 (31) "Local district" means an entity under Title 17B, Limited Purpose Local
237 Government Entities - Local Districts, and any other governmental or quasi-governmental
238 entity that is not a county, municipality, school district, or the state.

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

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

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

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

247 (34) "Major transit investment corridor" means public transit service that uses or
248 occupies:

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

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

251 or

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

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

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

256 ~~(34)~~ (35) "Moderate income housing" means housing occupied or reserved for
257 occupancy by households with a gross household income equal to or less than 80% of the
258 median gross income for households of the same size in the county in which the city is located.

259 ~~(35)~~ (36) "Nominal fee" means a fee that reasonably reimburses a municipality only
260 for time spent and expenses incurred in:

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

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

264 ~~(36)~~ (37) "Noncomplying structure" means a structure that:

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

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

269 ~~(37)~~ (38) "Nonconforming use" means a use of land that:

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

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

273 (c) because of one or more subsequent land use ordinance changes, does not conform

274 to the regulations that now govern the use of the land.

275 ~~[(38)]~~ (39) "Official map" means a map drawn by municipal authorities and recorded in
276 a county recorder's office that:

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

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

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

283 ~~[(39)]~~ (40) "Parcel boundary adjustment" means a recorded agreement between owners
284 of adjoining properties adjusting their mutual boundary if:

285 (a) no additional parcel is created; and

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

288 ~~[(40)]~~ (41) "Person" means an individual, corporation, partnership, organization,
289 association, trust, governmental agency, or any other legal entity.

290 ~~[(41)]~~ (42) "Plan for moderate income housing" means a written document adopted by
291 a [city] municipality's legislative body that includes:

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

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

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

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

299 (e) a description of the [city's] municipality's program to encourage an adequate supply
300 of moderate income housing.

301 ~~[(42)]~~ (43) "Plat" means a map or other graphical representation of lands being laid out
302 and prepared in accordance with Section [10-9a-603](#), [17-23-17](#), or [57-8-13](#).

303 ~~[(43)]~~ (44) "Potential geologic hazard area" means an area that:

304 (a) is designated by a Utah Geological Survey map, county geologist map, or other

305 relevant map or report as needing further study to determine the area's potential for geologic
306 hazard; or

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

310 [~~44~~] (45) "Public agency" means:

311 (a) the federal government;

312 (b) the state;

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

315 (d) a charter school.

316 [~~45~~] (46) "Public hearing" means a hearing at which members of the public are
317 provided a reasonable opportunity to comment on the subject of the hearing.

318 [~~46~~] (47) "Public meeting" means a meeting that is required to be open to the public
319 under Title 52, Chapter 4, Open and Public Meetings Act.

320 [~~47~~] (48) "Receiving zone" means an area of a municipality that the municipality
321 designates, by ordinance, as an area in which an owner of land may receive a transferable
322 development right.

323 [~~48~~] (49) "Record of survey map" means a map of a survey of land prepared in
324 accordance with Section [17-23-17](#).

325 [~~49~~] (50) "Residential facility for persons with a disability" means a residence:

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

327 (b) (i) which is licensed or certified by the Department of Human Services under Title
328 62A, Chapter 2, Licensure of Programs and Facilities; or

329 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
330 21, Health Care Facility Licensing and Inspection Act.

331 [~~50~~] (51) "Rules of order and procedure" means a set of rules that govern and
332 prescribe in a public meeting:

333 (a) parliamentary order and procedure;

334 (b) ethical behavior; and

335 (c) civil discourse.

336 [~~(51)~~] (52) "Sanitary sewer authority" means the department, agency, or public entity
337 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
338 wastewater systems.

339 [~~(52)~~] (53) "Sending zone" means an area of a municipality that the municipality
340 designates, by ordinance, as an area from which an owner of land may transfer a transferable
341 development right.

342 [~~(53)~~] (54) "Specified public agency" means:

- 343 (a) the state;
- 344 (b) a school district; or
- 345 (c) a charter school.

346 [~~(54)~~] (55) "Specified public utility" means an electrical corporation, gas corporation,
347 or telephone corporation, as those terms are defined in Section 54-2-1.

348 [~~(55)~~] (56) "State" includes any department, division, or agency of the state.

349 [~~(56)~~] (57) "Street" means a public right-of-way, including a highway, avenue,
350 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
351 or other way.

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

356 (b) "Subdivision" includes:

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

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

362 (c) "Subdivision" does not include:

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

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

369 (A) no new lot is created; and

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

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

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

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

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

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

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

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

383 (vi) a parcel boundary adjustment.

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

388 [~~(58)~~] (59) "Suspect soil" means soil that has:

389 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
390 3% swell potential;

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

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

394 [~~(59)~~] (60) "Therapeutic school" means a residential group living facility:

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

396 (i) the owner of the facility; or

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

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

399 (i) at home;

400 (ii) in a public school; or

401 (iii) in a nonresidential private school; and

402 (c) that offers:

403 (i) room and board; and

404 (ii) an academic education integrated with:

405 (A) specialized structure and supervision; or

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

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

408 ~~[(60)]~~ (61) "Transferable development right" means a right to develop and use land that
409 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
410 land use rights from a designated sending zone to a designated receiving zone.

411 ~~[(61)]~~ (62) "Unincorporated" means the area outside of the incorporated area of a city
412 or town.

413 ~~[(62)]~~ (63) "Water interest" means any right to the beneficial use of water, including:

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

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

416 (i) a contract; or

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

418 ~~[(63)]~~ (64) "Zoning map" means a map, adopted as part of a land use ordinance, that
419 depicts land use zones, overlays, or districts.

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

421 **10-9a-401. General plan required -- Content.**

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

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

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

426 (2) The general plan may provide for:

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

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

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

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

463 **10-9a-403. General plan preparation.**

464 (1) (a) The planning commission shall provide notice, as provided in Section
465 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a
466 general plan or a comprehensive general plan amendment when the planning commission
467 initiates the process of preparing its recommendation.

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

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

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

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

480 (i) a land use element that:

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

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

487 (ii) a transportation and traffic circulation element [~~consisting of the general location~~
488 ~~and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~
489 ~~any other modes of transportation that the planning commission considers appropriate, all~~
490 ~~correlated with the population projections and the proposed land use element of the general~~

491 ~~plan; and] that:~~

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

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

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

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

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

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

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

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

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

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

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

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

522 housing;

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

525 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
526 income housing;

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

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

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

533 (G) encourage higher density or moderate income residential development near major
534 transit investment corridors, commercial centers, or employment centers;

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

538 (I) allow for single room occupancy developments;

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

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

543 (L) preserve existing moderate income housing;

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

546 (N) participate in a community land trust program;

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

549 [~~F~~] (P) consider utilization of state or federal funds or tax incentives to promote the
550 construction of moderate income housing;

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

553 ~~[(G)]~~ (R) consider utilization of affordable housing programs administered by the
554 Department of Workforce Services; ~~[and]~~

555 ~~[(H)]~~ (S) consider utilization of programs administered by an association of
556 governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal
557 Cooperation Act~~[-];~~

558 (T) consider utilization of services provided by a public housing authority to preserve
559 and create moderate income housing;

560 (U) consider utilization of programs administered by a metropolitan planning
561 organization or other transportation agency that provides technical planning assistance; and

562 (V) any other program or strategy implemented by the municipality to address the
563 housing needs of residents of the municipality who earn less than 80% of the area median
564 income.

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

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

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

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

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

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

577 (3) The proposed general plan may include:

578 (a) an environmental element that addresses:

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

582 (ii) the reclamation of land, flood control, prevention and control of the pollution of
583 streams and other waters, regulation of the use of land on hillsides, stream channels and other

584 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
585 protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

591 (i) historic preservation;

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

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

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

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

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

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

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

606 **10-9a-408. Reporting requirements and civil action regarding moderate income**
607 **housing element of general plan.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

633 ~~[(e)]~~ (c) [all] a description of any efforts made by the municipality to utilize a moderate
 634 income housing set-aside from a [redevelopment agency, a community development agency, or
 635 an economic development agency;] community reinvestment agency, redevelopment agency, or
 636 community development and renewal agency; and

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

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

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

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

646 planning organization.

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

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

651 **17-27a-103. Definitions.**

652 As used in this chapter:

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

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

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

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

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

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

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

672 (i) an operating charter school;

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

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

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

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

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

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

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

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

688 (8) "Culinary water authority" means the department, agency, or public entity with
689 responsibility to review and approve the feasibility of the culinary water system and sources for
690 the subject property.

691 (9) "Development activity" means:

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

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

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

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

701 (b) "Disability" does not include current illegal use of, or addiction to, any federally
702 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
703 802.

704 (11) "Educational facility":

705 (a) means:

706 (i) a school district's building at which pupils assemble to receive instruction in a
707 program for any combination of grades from preschool through grade 12, including

708 kindergarten and a program for children with disabilities;

709 (ii) a structure or facility:

710 (A) located on the same property as a building described in Subsection (11)(a)(i); and

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

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

714 (b) does not include:

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

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

718 and

719 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or

720 (ii) a therapeutic school.

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

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

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

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

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

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

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

735 (b) for a mountainous planning district, the land within the mountainous planning
736 district.

737 (16) "Geologic hazard" means:

738 (a) a surface fault rupture;

- 739 (b) shallow groundwater;
- 740 (c) liquefaction;
- 741 (d) a landslide;
- 742 (e) a debris flow;
- 743 (f) unstable soil;
- 744 (g) a rock fall; or
- 745 (h) any other geologic condition that presents a risk:
- 746 (i) to life;
- 747 (ii) of substantial loss of real property; or
- 748 (iii) of substantial damage to real property.
- 749 (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 750 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 751 system.
- 752 (18) "Identical plans" means building plans submitted to a county that:
- 753 (a) are clearly marked as "identical plans";
- 754 (b) are substantially identical building plans that were previously submitted to and
- 755 reviewed and approved by the county; and
- 756 (c) describe a building that:
- 757 (i) is located on land zoned the same as the land on which the building described in the
- 758 previously approved plans is located;
- 759 (ii) is subject to the same geological and meteorological conditions and the same law
- 760 as the building described in the previously approved plans;
- 761 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 762 and approved by the county; and
- 763 (iv) does not require any additional engineering or analysis.
- 764 (19) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 765 Impact Fees Act.
- 766 (20) "Improvement completion assurance" means a surety bond, letter of credit,
- 767 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 768 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 769 required as a condition precedent to:

- 770 (a) recording a subdivision plat; or
771 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 772 (21) "Improvement warranty" means an applicant's unconditional warranty that the
773 applicant's installed and accepted landscaping or infrastructure improvement:
- 774 (a) complies with the county's written standards for design, materials, and
775 workmanship; and
776 (b) will not fail in any material respect, as a result of poor workmanship or materials,
777 within the improvement warranty period.
- 778 (22) "Improvement warranty period" means a period:
- 779 (a) no later than one year after a county's acceptance of required landscaping; or
780 (b) no later than one year after a county's acceptance of required infrastructure, unless
781 the county:
- 782 (i) determines for good cause that a one-year period would be inadequate to protect the
783 public health, safety, and welfare; and
784 (ii) has substantial evidence, on record:
- 785 (A) of prior poor performance by the applicant; or
786 (B) that the area upon which the infrastructure will be constructed contains suspect soil
787 and the county has not otherwise required the applicant to mitigate the suspect soil.
- 788 (23) "Infrastructure improvement" means permanent infrastructure that an applicant
789 must install:
- 790 (a) pursuant to published installation and inspection specifications for public
791 improvements; and
792 (b) as a condition of:
- 793 (i) recording a subdivision plat; or
794 (ii) development of a commercial, industrial, mixed use, condominium, or multifamily
795 project.
- 796 (24) "Internal lot restriction" means a platted note, platted demarcation, or platted
797 designation that:
- 798 (a) runs with the land; and
799 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
800 the plat; or

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

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

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

809 (27) "Land use applicant" means a property owner, or the property owner's designee,
810 who submits a land use application regarding the property owner's land.

811 (28) "Land use application":

812 (a) means an application that is:

813 (i) required by a county; and

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

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

816 (29) "Land use authority" means:

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

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

821 (30) "Land use decision" means an administrative decision of a land use authority or
822 appeal authority regarding:

823 (a) a land use permit;

824 (b) a land use application; or

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

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

828 (32) "Land use regulation":

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

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

832 and

833 (c) does not include:

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

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

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

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

840 (33) "Legislative body" means the county legislative body, or for a county that has
841 adopted an alternative form of government, the body exercising legislative powers.

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

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

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

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

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

851 or

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

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

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

856 [~~36~~] (37) "Moderate income housing" means housing occupied or reserved for
857 occupancy by households with a gross household income equal to or less than 80% of the
858 median gross income for households of the same size in the county in which the housing is
859 located.

860 [~~37~~] (38) "Mountainous planning district" means an area:

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

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

863 [~~38~~] (39) "Nominal fee" means a fee that reasonably reimburses a county only for
864 time spent and expenses incurred in:

- 865 (a) verifying that building plans are identical plans; and
- 866 (b) reviewing and approving those minor aspects of identical plans that differ from the
867 previously reviewed and approved building plans.

868 [~~39~~] (40) "Noncomplying structure" means a structure that:

- 869 (a) legally existed before its current land use designation; and
- 870 (b) because of one or more subsequent land use ordinance changes, does not conform
871 to the setback, height restrictions, or other regulations, excluding those regulations that govern
872 the use of land.

873 [~~40~~] (41) "Nonconforming use" means a use of land that:

- 874 (a) legally existed before its current land use designation;
- 875 (b) has been maintained continuously since the time the land use ordinance regulation
876 governing the land changed; and
- 877 (c) because of one or more subsequent land use ordinance changes, does not conform
878 to the regulations that now govern the use of the land.

879 [~~41~~] (42) "Official map" means a map drawn by county authorities and recorded in
880 the county recorder's office that:

- 881 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
882 highways and other transportation facilities;
- 883 (b) provides a basis for restricting development in designated rights-of-way or between
884 designated setbacks to allow the government authorities time to purchase or otherwise reserve
885 the land; and
- 886 (c) has been adopted as an element of the county's general plan.

887 [~~42~~] (43) "Parcel boundary adjustment" means a recorded agreement between owners
888 of adjoining properties adjusting their mutual boundary if:

- 889 (a) no additional parcel is created; and
- 890 (b) each property identified in the agreement is unsubdivided land, including a
891 remainder of subdivided land.

892 [~~43~~] (44) "Person" means an individual, corporation, partnership, organization,
893 association, trust, governmental agency, or any other legal entity.

894 [~~(44)~~] (45) "Plan for moderate income housing" means a written document adopted by
895 a county legislative body that includes:

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

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

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

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

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

905 [~~(45)~~] (46) "Planning advisory area" means a contiguous, geographically defined
906 portion of the unincorporated area of a county established under this part with planning and
907 zoning functions as exercised through the planning advisory area planning commission, as
908 provided in this chapter, but with no legal or political identity separate from the county and no
909 taxing authority.

910 [~~(46)~~] (47) "Plat" means a map or other graphical representation of lands being laid out
911 and prepared in accordance with Section [17-27a-603](#), [17-23-17](#), or [57-8-13](#).

912 [~~(47)~~] (48) "Potential geologic hazard area" means an area that:

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

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

919 [~~(48)~~] (49) "Public agency" means:

920 (a) the federal government;

921 (b) the state;

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

924 (d) a charter school.

925 [~~(49)~~] (50) "Public hearing" means a hearing at which members of the public are
926 provided a reasonable opportunity to comment on the subject of the hearing.

927 [~~(50)~~] (51) "Public meeting" means a meeting that is required to be open to the public
928 under Title 52, Chapter 4, Open and Public Meetings Act.

929 [~~(51)~~] (52) "Receiving zone" means an unincorporated area of a county that the county
930 designates, by ordinance, as an area in which an owner of land may receive a transferable
931 development right.

932 [~~(52)~~] (53) "Record of survey map" means a map of a survey of land prepared in
933 accordance with Section [17-23-17](#).

934 [~~(53)~~] (54) "Residential facility for persons with a disability" means a residence:

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

936 (b) (i) which is licensed or certified by the Department of Human Services under Title
937 62A, Chapter 2, Licensure of Programs and Facilities; or

938 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
939 21, Health Care Facility Licensing and Inspection Act.

940 [~~(54)~~] (55) "Rules of order and procedure" means a set of rules that govern and
941 prescribe in a public meeting:

942 (a) parliamentary order and procedure;

943 (b) ethical behavior; and

944 (c) civil discourse.

945 [~~(55)~~] (56) "Sanitary sewer authority" means the department, agency, or public entity
946 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
947 wastewater systems.

948 [~~(56)~~] (57) "Sending zone" means an unincorporated area of a county that the county
949 designates, by ordinance, as an area from which an owner of land may transfer a transferable
950 development right.

951 [~~(57)~~] (58) "Site plan" means a document or map that may be required by a county
952 during a preliminary review preceding the issuance of a building permit to demonstrate that an
953 owner's or developer's proposed development activity meets a land use requirement.

954 [~~(58)~~] (59) "Specified public agency" means:

955 (a) the state;

956 (b) a school district; or

957 (c) a charter school.

958 [~~59~~] (60) "Specified public utility" means an electrical corporation, gas corporation,
959 or telephone corporation, as those terms are defined in Section 54-2-1.

960 [~~60~~] (61) "State" includes any department, division, or agency of the state.

961 [~~61~~] (62) "Street" means a public right-of-way, including a highway, avenue,
962 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
963 or other way.

964 [~~62~~] (63) (a) "Subdivision" means any land that is divided, resubdivided or proposed
965 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
966 purpose, whether immediate or future, for offer, sale, lease, or development either on the
967 installment plan or upon any and all other plans, terms, and conditions.

968 (b) "Subdivision" includes:

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

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

974 (c) "Subdivision" does not include:

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

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

978 (A) no new lot is created; and

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

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

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

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

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

- 987 (A) an electrical transmission line or a substation;
- 988 (B) a natural gas pipeline or a regulation station; or
- 989 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 990 utility service regeneration, transformation, retransmission, or amplification facility;
- 991 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
- 992 their mutual boundary if:

- 993 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 994 (B) the adjustment will not violate any applicable land use ordinance;
- 995 (vi) a bona fide division or partition of land by deed or other instrument where the land
- 996 use authority expressly approves in writing the division in anticipation of further land use
- 997 approvals on the parcel or parcels; or
- 998 (vii) a parcel boundary adjustment.

999 (d) The joining of a subdivided parcel of property to another parcel of property that has
1000 not been subdivided does not constitute a subdivision under this Subsection [~~(62)~~] (63) as to
1001 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
1002 subdivision ordinance.

1003 [~~(63)~~] (64) "Suspect soil" means soil that has:

- 1004 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1005 3% swell potential;
- 1006 (b) bedrock units with high shrink or swell susceptibility; or
- 1007 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1008 commonly associated with dissolution and collapse features.

1009 [~~(64)~~] (65) "Therapeutic school" means a residential group living facility:

- 1010 (a) for four or more individuals who are not related to:
 - 1011 (i) the owner of the facility; or
 - 1012 (ii) the primary service provider of the facility;
- 1013 (b) that serves students who have a history of failing to function:
 - 1014 (i) at home;
 - 1015 (ii) in a public school; or
 - 1016 (iii) in a nonresidential private school; and
 - 1017 (c) that offers:

- 1018 (i) room and board; and
- 1019 (ii) an academic education integrated with:
- 1020 (A) specialized structure and supervision; or
- 1021 (B) services or treatment related to a disability, an emotional development, a
- 1022 behavioral development, a familial development, or a social development.

1023 ~~[(65)]~~ (66) "Transferable development right" means a right to develop and use land that

1024 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer

1025 land use rights from a designated sending zone to a designated receiving zone.

1026 ~~[(66)]~~ (67) "Unincorporated" means the area outside of the incorporated area of a

1027 municipality.

1028 ~~[(67)]~~ (68) "Water interest" means any right to the beneficial use of water, including:

- 1029 (a) each of the rights listed in Section 73-1-11; and
- 1030 (b) an ownership interest in the right to the beneficial use of water represented by:
- 1031 (i) a contract; or
- 1032 (ii) a share in a water company, as defined in Section 73-3-3.5.

1033 ~~[(68)]~~ (69) "Zoning map" means a map, adopted as part of a land use ordinance, that

1034 depicts land use zones, overlays, or districts.

1035 Section 6. Section 17-27a-401 is amended to read:

1036 **17-27a-401. General plan required -- Content -- Resource management plan --**

1037 **Provisions related to radioactive waste facility.**

1038 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a

1039 comprehensive, long-range general plan:

- 1040 (a) for present and future needs of the county;
- 1041 (b) (i) for growth and development of all or any part of the land within the
- 1042 unincorporated portions of the county; or
- 1043 (ii) if a county has designated a mountainous planning district, for growth and
- 1044 development of all or any part of the land within the mountainous planning district; and
- 1045 (c) as a basis for communicating and coordinating with the federal government on land
- 1046 and resource management issues.

1047 (2) To promote health, safety, and welfare, the general plan may provide for:

- 1048 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic

- 1049 activities, aesthetics, and recreational, educational, and cultural opportunities;
- 1050 (b) the reduction of the waste of physical, financial, or human resources that result
- 1051 from either excessive congestion or excessive scattering of population;
- 1052 (c) the efficient and economical use, conservation, and production of the supply of:
- 1053 (i) food and water; and
- 1054 (ii) drainage, sanitary, and other facilities and resources;
- 1055 (d) the use of energy conservation and solar and renewable energy resources;
- 1056 (e) the protection of urban development;
- 1057 (f) the protection and promotion of air quality;
- 1058 (g) historic preservation;
- 1059 (h) identifying future uses of land that are likely to require an expansion or significant
- 1060 modification of services or facilities provided by each affected entity; and
- 1061 (i) an official map.
- 1062 (3) (a) The general plan shall:
- 1063 (i) allow and plan for moderate income housing growth; and
- 1064 (ii) contain a resource management plan for the public lands, as defined in Section
- 1065 [63L-6-102](#), within the county.
- 1066 (b) On or before [~~July 1, 2019~~] December 1, 2019, a county with a general plan that
- 1067 does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with
- 1068 Subsection (3)(a)(i).
- 1069 (c) The resource management plan described in Subsection (3)(a)(ii) shall address:
- 1070 (i) mining;
- 1071 (ii) land use;
- 1072 (iii) livestock and grazing;
- 1073 (iv) irrigation;
- 1074 (v) agriculture;
- 1075 (vi) fire management;
- 1076 (vii) noxious weeds;
- 1077 (viii) forest management;
- 1078 (ix) water rights;
- 1079 (x) ditches and canals;

- 1080 (xi) water quality and hydrology;
 - 1081 (xii) flood plains and river terraces;
 - 1082 (xiii) wetlands;
 - 1083 (xiv) riparian areas;
 - 1084 (xv) predator control;
 - 1085 (xvi) wildlife;
 - 1086 (xvii) fisheries;
 - 1087 (xviii) recreation and tourism;
 - 1088 (xix) energy resources;
 - 1089 (xx) mineral resources;
 - 1090 (xxi) cultural, historical, geological, and paleontological resources;
 - 1091 (xxii) wilderness;
 - 1092 (xxiii) wild and scenic rivers;
 - 1093 (xxiv) threatened, endangered, and sensitive species;
 - 1094 (xxv) land access;
 - 1095 (xxvi) law enforcement;
 - 1096 (xxvii) economic considerations; and
 - 1097 (xxviii) air.
- 1098 (d) For each item listed under Subsection (3)(c), a county's resource management plan
- 1099 shall:
- 1100 (i) establish findings pertaining to the item;
 - 1101 (ii) establish defined objectives; and
 - 1102 (iii) outline general policies and guidelines on how the objectives described in
- 1103 Subsection (3)(d)(ii) are to be accomplished.
- 1104 (4) (a) The general plan shall include specific provisions related to any areas within, or
- 1105 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
- 1106 county, which are proposed for the siting of a storage facility or transfer facility for the
- 1107 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
- 1108 these wastes are defined in Section 19-3-303. The provisions shall address the effects of the
- 1109 proposed site upon the health and general welfare of citizens of the state, and shall provide:
- 1110 (i) the information identified in Section 19-3-305;

1111 (ii) information supported by credible studies that demonstrates that the provisions of
1112 Subsection 19-3-307(2) have been satisfied; and

1113 (iii) specific measures to mitigate the effects of high-level nuclear waste and greater
1114 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

1115 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance
1116 indicating that all proposals for the siting of a storage facility or transfer facility for the
1117 placement of high-level nuclear waste or greater than class C radioactive waste wholly or
1118 partially within the county are rejected.

1119 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

1120 (d) The county shall send a certified copy of the ordinance described in Subsection
1121 (4)(b) to the executive director of the Department of Environmental Quality by certified mail
1122 within 30 days of enactment.

1123 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

1124 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

1125 (ii) send a certified copy of the repeal to the executive director of the Department of
1126 Environmental Quality by certified mail within 30 days after the repeal.

1127 (5) The general plan may define the county's local customs, local culture, and the
1128 components necessary for the county's economic stability.

1129 (6) Subject to Subsection 17-27a-403(2), the county may determine the
1130 comprehensiveness, extent, and format of the general plan.

1131 (7) If a county has designated a mountainous planning district, the general plan for the
1132 mountainous planning district is the controlling plan and takes precedence over a municipality's
1133 general plan for property located within the mountainous planning district.

1134 (8) Nothing in this part may be construed to limit the authority of the state to manage
1135 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

1136 Section 7. Section 17-27a-403 is amended to read:

1137 **17-27a-403. Plan preparation.**

1138 (1) (a) The planning commission shall provide notice, as provided in Section
1139 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
1140 plan or a comprehensive general plan amendment when the planning commission initiates the
1141 process of preparing its recommendation.

1142 (b) The planning commission shall make and recommend to the legislative body a
1143 proposed general plan for:

1144 (i) the unincorporated area within the county; or

1145 (ii) if the planning commission is a planning commission for a mountainous planning
1146 district, the mountainous planning district.

1147 (c) (i) The plan may include planning for incorporated areas if, in the planning
1148 commission's judgment, they are related to the planning of the unincorporated territory or of
1149 the county as a whole.

1150 (ii) Elements of the county plan that address incorporated areas are not an official plan
1151 or part of a municipal plan for any municipality, unless it is recommended by the municipal
1152 planning commission and adopted by the governing body of the municipality.

1153 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
1154 planning district, the plan for the mountainous planning district controls and precedes a
1155 municipal plan, if any, to which the property would be subject.

1156 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1157 and descriptive and explanatory matter, shall include the planning commission's
1158 recommendations for the following plan elements:

1159 (i) a land use element that:

1160 (A) designates the long-term goals and the proposed extent, general distribution, and
1161 location of land for housing for residents of various income levels, business, industry,
1162 agriculture, recreation, education, public buildings and grounds, open space, and other
1163 categories of public and private uses of land as appropriate; and

1164 (B) may include a statement of the projections for and standards of population density
1165 and building intensity recommended for the various land use categories covered by the plan;

1166 (ii) a transportation and traffic circulation element [~~consisting of the general location
1167 and extent of existing and proposed freeways, arterial and collector streets, mass transit, and
1168 any other modes of transportation that the planning commission considers appropriate, all
1169 correlated with the population projections and the proposed land use element of the general
1170 plan;~~] that:

1171 (A) provides the general location and extent of existing and proposed freeways, arterial
1172 and collector streets, public transit, active transportation facilities, and other modes of

1173 transportation that the planning commission considers appropriate;

1174 (B) addresses the county's plan for residential and commercial development around
1175 major transit investment corridors to maintain and improve the connections between housing,
1176 employment, education, recreation, and commerce; and

1177 (C) correlates with the population projections, the employment projections, and the
1178 proposed land use element of the general plan;

1179 (iii) a plan for the development of additional moderate income housing within the
1180 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1181 realistic opportunity to meet the need for additional moderate income housing; and

1182 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1183 and policies required by Subsection 17-27a-401(3).

1184 (b) In drafting the moderate income housing element, the planning commission:

1185 (i) shall consider the Legislature's determination that counties should facilitate a
1186 reasonable opportunity for a variety of housing, including moderate income housing:

1187 (A) to meet the needs of people [~~desiring to live there~~] of various income levels living,
1188 working, or desiring to live or work in the community; and

1189 (B) to allow [~~persons with moderate~~] people with various incomes to benefit from and
1190 fully participate in all aspects of neighborhood and community life; and

1191 (ii) shall include an analysis of [~~why the recommended means, techniques, or~~
1192 ~~combination of means and techniques~~] how the county will provide a realistic opportunity for
1193 the development of moderate income housing within the planning horizon, which [~~means or~~
1194 ~~techniques~~] may include a recommendation to implement two or more of the following
1195 strategies:

1196 (A) rezone for densities necessary to assure the production of moderate income
1197 housing;

1198 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1199 construction of moderate income housing;

1200 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
1201 income housing;

1202 (D) consider county general fund subsidies or other sources of revenue to waive
1203 construction related fees that are otherwise generally imposed by the county;

- 1204 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
- 1205 residential zones;
- 1206 (F) allow for higher density or moderate income residential development in
- 1207 commercial and mixed-use zones;
- 1208 (G) encourage higher density or moderate income residential development near major
- 1209 transit investment corridors, commercial centers, or employment centers;
- 1210 (H) eliminate or reduce parking requirements for residential development where a
- 1211 resident is less likely to rely on the resident's own vehicle, such as residential development near
- 1212 major transit investment corridors or senior living facilities;
- 1213 (I) allow for single room occupancy developments;
- 1214 (J) implement zoning incentives for low to moderate income units in new
- 1215 developments;
- 1216 (K) utilize strategies that preserve subsidized low to moderate income units on a
- 1217 long-term basis;
- 1218 (L) preserve existing moderate income housing;
- 1219 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
- 1220 income housing;
- 1221 (N) participate in a community land trust program;
- 1222 (O) implement a mortgage assistance program for employees of the county or of an
- 1223 employer that provides contracted services for the county;
- 1224 ~~(P)~~ (P) consider utilization of state or federal funds or tax incentives to promote the
- 1225 construction of moderate income housing;
- 1226 ~~(Q)~~ (Q) consider utilization of programs offered by the Utah Housing Corporation
- 1227 within that agency's funding capacity; ~~and~~
- 1228 ~~(R)~~ (R) consider utilization of affordable housing programs administered by the
- 1229 Department of Workforce Services[-];
- 1230 (S) consider utilization of services provided by a public housing authority to preserve
- 1231 and create moderate income housing;
- 1232 (T) consider utilization of programs administered by a metropolitan planning
- 1233 organization or other transportation agency that provides technical planning assistance; and
- 1234 (U) consider any other program or strategy implemented by the county to address the

1235 housing needs of residents of the county who earn less than 80% of the area median income.

1236 (c) In drafting the land use element, the planning commission shall:

1237 (i) identify and consider each agriculture protection area within the unincorporated area
1238 of the county or mountainous planning district; and

1239 (ii) avoid proposing a use of land within an agriculture protection area that is
1240 inconsistent with or detrimental to the use of the land for agriculture.

1241 (d) In drafting the transportation and traffic circulation element, the planning
1242 commission shall:

1243 (i) consider the regional transportation plan developed by its region's metropolitan
1244 planning organization, if the relevant areas of the county are within the boundaries of a
1245 metropolitan planning organization; or

1246 (ii) consider the long-range transportation plan developed by the Department of
1247 Transportation, if the relevant areas of the county are not within the boundaries of a
1248 metropolitan planning organization.

1249 (3) The proposed general plan may include:

1250 (a) an environmental element that addresses:

1251 (i) to the extent not covered by the county's resource management plan, the protection,
1252 conservation, development, and use of natural resources, including the quality of air, forests,
1253 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1254 and

1255 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1256 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1257 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1258 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1259 (b) a public services and facilities element showing general plans for sewage, water,
1260 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1261 police and fire protection, and other public services;

1262 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1263 programs for:

1264 (i) historic preservation;

1265 (ii) the diminution or elimination of blight; and

1266 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1267 public building sites;

1268 (d) an economic element composed of appropriate studies and forecasts, as well as an
1269 economic development plan, which may include review of existing and projected county
1270 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1271 primary and secondary market areas, employment, and retail sales activity;

1272 (e) recommendations for implementing all or any portion of the general plan, including
1273 the use of land use ordinances, capital improvement plans, community development and
1274 promotion, and any other appropriate action;

1275 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
1276 (3)(a)(i); and

1277 (g) any other element the county considers appropriate.

1278 Section 8. Section 17-27a-408 is amended to read:

1279 **17-27a-408. Reporting requirements and civil action regarding moderate income**
1280 **housing element of general plan.**

1281 (1) The legislative body of each county of the first, second, or third class, which has a
1282 population in the county's unincorporated areas of more than 5,000 residents, shall annually:

1283 (a) review the moderate income housing plan element of the county's general plan and
1284 implementation of that element of the general plan;

1285 (b) prepare a report on the findings of the review described in Subsection (1)(a); and

1286 (c) post the report described in Subsection (1)(b) on the county's website.

1287 (2) The report described in Subsection (1) shall include:

1288 (a) a revised estimate of the need for moderate income housing in the unincorporated
1289 areas of the county for the next five years;

1290 (b) a description of progress made within the unincorporated areas of the county to
1291 provide moderate income housing demonstrated by analyzing and publishing data on the
1292 number of housing units in the county that are at or below:

1293 (i) 80% of the adjusted median family income;

1294 (ii) 50% of the adjusted median family income; and

1295 (iii) 30% of the adjusted median family income;

1296 (c) a description of any efforts made by the county to utilize a moderate income

1297 housing set-aside from a community reinvestment agency, redevelopment agency, or a
 1298 community development and renewal agency; and

1299 (d) a description of how the county has implemented any of the recommendations
 1300 related to moderate income housing described in Subsection 17-27a-403(2)(b)(ii).

1301 (3) The legislative body of each county described in Subsection (1) shall send a copy of
 1302 the report under Subsection (1) to the Department of Workforce Services, the association of
 1303 governments in which the county is located, and, if the unincorporated area of the county is
 1304 located within the boundaries of a metropolitan planning organization, the appropriate
 1305 metropolitan planning organization.

1306 (4) In a civil action seeking enforcement or claiming a violation of this section or of
 1307 Subsection 17-27a-404(6)(c), a plaintiff may not recover damages but may be awarded only
 1308 injunctive or other equitable relief.

1309 Section 9. Section **35A-8-503** is amended to read:

1310 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

1311 (1) There is created the Olene Walker Housing Loan Fund Board.

1312 (2) The board is composed of 11 voting members.

1313 (a) The governor shall appoint the following members to four-year terms:

1314 (i) two members from local governments;

1315 (ii) two members from the mortgage lending community;

1316 (iii) one member from real estate sales interests;

1317 (iv) one member from home builders interests;

1318 (v) one member from rental housing interests;

1319 (vi) one member from housing advocacy interests;

1320 (vii) one member of the manufactured housing interest; ~~and~~

1321 (viii) one member with expertise in transit-oriented developments; and

1322 (ix) one member who represents rural interests.

1323 ~~[(viii) two members of the general public.]~~

1324 (b) The director or the director's designee serves as the secretary of the board.

1325 (c) The members of the board shall annually elect a chair from among the voting
 1326 membership of the board.

1327 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the

1328 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1329 board members are staggered so that approximately half of the board is appointed every two
1330 years.

1331 (b) When a vacancy occurs in the membership for any reason, the replacement is
1332 appointed for the unexpired term.

1333 (4) (a) The board shall:

1334 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by
1335 the board;

1336 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to
1337 provide information to and receive input from the public regarding the state's housing policies
1338 and needs;

1339 [(ii)] (iii) keep minutes of its meetings; and

1340 [(iii)] (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open
1341 and Public Meetings Act.

1342 (b) [~~Seven~~] Six members of the board constitute a quorum, and the governor, the chair,
1343 or a majority of the board may call a meeting of the board.

1344 (5) The board shall:

1345 (a) review the housing needs in the state;

1346 (b) determine the relevant operational aspects of any grant, loan, or revenue collection
1347 program established under the authority of this chapter;

1348 (c) determine the means to implement the policies and goals of this chapter;

1349 (d) select specific projects to receive grant or loan money; and

1350 (e) determine how fund money shall be allocated and distributed.

1351 (6) A member may not receive compensation or benefits for the member's service, but
1352 may receive per diem and travel expenses in accordance with:

1353 (a) Section [63A-3-106](#);

1354 (b) Section [63A-3-107](#); and

1355 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1356 [63A-3-107](#).

1357 Section 10. Section **35A-8-505** is amended to read:

1358 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**

1359 **director.**

1360 At the direction of the board, the executive director may:

1361 (1) provide fund money to any of the following activities:

1362 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

1363 (b) matching funds for social services projects directly related to providing housing for
1364 special-need renters in assisted projects;

1365 (c) the development and construction of accessible housing designed for low-income
1366 persons;

1367 (d) the construction or improvement of a shelter or transitional housing facility that
1368 provides services intended to prevent or minimize homelessness among members of a specific
1369 homeless subpopulation;

1370 (e) the purchase of an existing facility to provide temporary or transitional housing for
1371 the homeless in an area that does not require rezoning before providing such temporary or
1372 transitional housing; [~~and~~]

1373 (f) the purchase of land that will be used as the site of low-income housing units; and

1374 [~~(f)~~] (g) other activities that will assist in minimizing homelessness or improving the
1375 availability or quality of housing in the state for low-income persons;

1376 (2) do any act necessary or convenient to the exercise of the powers granted by this part
1377 or reasonably implied from those granted powers, including:

1378 (a) making or executing contracts and other instruments necessary or convenient for
1379 the performance of the executive director and board's duties and the exercise of the executive
1380 director and board's powers and functions under this part, including contracts or agreements for
1381 the servicing and originating of mortgage loans;

1382 (b) procuring insurance against a loss in connection with property or other assets held
1383 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

1384 (c) entering into agreements with a department, agency, or instrumentality of the
1385 United States or this state and with mortgagors and mortgage lenders for the purpose of
1386 planning and regulating and providing for the financing and refinancing, purchase,
1387 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
1388 or other disposition of residential housing undertaken with the assistance of the department
1389 under this part;

1390 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,
1391 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or
1392 personal property obtained by the fund due to the default on a mortgage loan held by the fund
1393 in preparation for disposition of the property, taking assignments of leases and rentals,
1394 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
1395 performance of its duties; and

1396 (e) selling, at a public or private sale, with public bidding, a mortgage or other
1397 obligation held by the fund.

1398 Section 11. Section **35A-8-803** is amended to read:

1399 **35A-8-803. Division -- Functions.**

1400 (1) In addition to any other functions the governor or Legislature may assign:

1401 (a) the division shall:

1402 (i) provide a clearinghouse of information for federal, state, and local housing
1403 assistance programs;

1404 (ii) establish, in cooperation with political subdivisions, model plans and management
1405 methods to encourage or provide for the development of affordable housing that may be
1406 adopted by political subdivisions by reference;

1407 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of
1408 problems relating to housing needs, such as:

1409 (A) inadequate supply of dwellings;

1410 (B) substandard dwellings; and

1411 (C) inability of medium and low income families to obtain adequate housing;

1412 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

1413 (A) political subdivisions;

1414 (B) real estate developers;

1415 (C) builders;

1416 (D) lending institutions;

1417 (E) affordable housing advocates; and

1418 (F) others having use for the information;

1419 (v) advise political subdivisions of serious housing problems existing within their
1420 jurisdiction that require concerted public action for solution; [~~and~~]

1421 (vi) assist political subdivisions in defining housing objectives and in preparing for
1422 adoption a plan of action covering a five-year period designed to accomplish housing
1423 objectives within their jurisdiction; and

1424 (vii) for municipalities or counties required to submit an annual moderate income
1425 housing report to the department as described in Section 10-9a-408 or 17-27a-408:

1426 (A) assist in the creation of the reports; and

1427 (B) evaluate the reports for the purposes of Subsections 72-2-124(5) and (6); and

1428 (b) within legislative appropriations, the division may accept for and on behalf of, and
1429 bind the state to, any federal housing or homeless program in which the state is invited,
1430 permitted, or authorized to participate in the distribution, disbursement, or administration of
1431 any funds or service advanced, offered, or contributed in whole or in part by the federal
1432 government.

1433 (2) The administration of any federal housing program in which the state is invited,
1434 permitted, or authorized to participate in distribution, disbursement, or administration of funds
1435 or services, except those administered by the Utah Housing Corporation, is governed by
1436 Sections 35A-8-501 through 35A-8-508.

1437 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1438 department shall make rules describing the evaluation process for moderate income housing
1439 reports described in Subsection (1)(a)(vii).

1440 Section 12. Section 63B-18-401 is amended to read:

1441 **63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway**
1442 **projects.**

1443 (1) (a) The total amount of bonds issued under this section may not exceed
1444 \$2,077,000,000.

1445 (b) When the Department of Transportation certifies to the commission that the
1446 requirements of Subsection 72-2-124~~(5)~~(7) have been met and certifies the amount of bond
1447 proceeds that it needs to provide funding for the projects described in Subsection (2) for the
1448 next fiscal year, the commission may issue and sell general obligation bonds in an amount
1449 equal to the certified amount plus costs of issuance.

1450 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
1451 shall be provided to the Department of Transportation to pay all or part of the costs of the

1452 following state highway construction or reconstruction projects:

1453 (a) Interstate 15 reconstruction in Utah County;

1454 (b) the Mountain View Corridor;

1455 (c) the Southern Parkway; and

1456 (d) state and federal highways prioritized by the Transportation Commission through:

1457 (i) the prioritization process for new transportation capacity projects adopted under

1458 Section [72-1-304](#); or

1459 (ii) the state highway construction program.

1460 (3) (a) Except as provided in Subsection (5), the bond proceeds issued under this

1461 section shall be provided to the Department of Transportation.

1462 (b) The Department of Transportation shall use bond proceeds and the funds provided

1463 to it under Section [72-2-124](#) to pay for the costs of right-of-way acquisition, construction,

1464 reconstruction, renovations, or improvements to the following highways:

1465 (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street

1466 interchange to Payson;

1467 (ii) \$28 million for improvements to Riverdale Road in Ogden;

1468 (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;

1469 (iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and

1470 Richardson Flat Road;

1471 (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore

1472 Road;

1473 (vi) \$7 million for 2600 South interchange modifications in Woods Cross;

1474 (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder

1475 County;

1476 (viii) \$18 million for the Provo west-side connector;

1477 (ix) \$8 million for interchange modifications on I-15 in the Layton area;

1478 (x) \$3,000,000 for an energy corridor study and environmental review for

1479 improvements in the Uintah Basin;

1480 (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;

1481 (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State

1482 University campus to create improved access to an institution of higher education;

1483 (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's
1484 Office of Economic Development for transportation infrastructure improvements associated
1485 with annual tourism events that have:

1486 (A) a significant economic development impact within the state; and

1487 (B) significant needs for congestion mitigation;

1488 (xiv) \$4,500,000 to be provided to the Governor's Office of Economic Development
1489 for transportation infrastructure acquisitions and improvements that have a significant
1490 economic development impact within the state;

1491 (xv) \$125,000,000 to pay all or part of the costs of state and federal highway
1492 construction or reconstruction projects prioritized by the Transportation Commission through
1493 the prioritization process for new transportation capacity projects adopted under Section
1494 [72-1-304](#); and

1495 (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state
1496 and federal highway construction or reconstruction projects as prioritized by the Transportation
1497 Commission.

1498 (4) (a) The Department of Transportation shall use bond proceeds and the funds under
1499 Section [72-2-121](#) to pay for, or to provide funds to, a municipality, county, or political
1500 subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction,
1501 renovations, or improvements to the following highway or transit projects in Salt Lake County:

1502 (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;

1503 (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200
1504 South and pedestrian crossings and system connections;

1505 (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake
1506 Community College Road;

1507 (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from
1508 6200 South to 8600 South;

1509 (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from
1510 1300 West to S.R. 111;

1511 (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;

1512 (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200
1513 West to 700 West;

- 1514 (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;
- 1515 (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State
- 1516 Street to 900 East;
- 1517 (x) \$1,800,000 to Murray City for highway improvements to 1300 East;
- 1518 (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West
- 1519 Temple, Main Street, and State Street;
- 1520 (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from
- 1521 5600 West to Mountain View Corridor;
- 1522 (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from
- 1523 Parkway Boulevard to SR-201 Frontage Road;
- 1524 (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from
- 1525 4800 West to 7200 West and pedestrian crossings;
- 1526 (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800
- 1527 West to 5600 West;
- 1528 (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from
- 1529 12600 South to Riverton Boulevard;
- 1530 (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue
- 1531 from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;
- 1532 (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal
- 1533 Boulevard;
- 1534 (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15
- 1535 to 1000 West;
- 1536 (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter
- 1537 Rockwell Boulevard;
- 1538 (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:
- 1539 (A) a circulator study; and
- 1540 (B) a mountain transport study; and
- 1541 (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.
- 1542 (b) (i) Before providing funds to a municipality or county under this Subsection (4), the
- 1543 Department of Transportation shall obtain from the municipality or county:
- 1544 (A) a written certification signed by the county or city mayor or the mayor's designee

1545 certifying that the municipality or county will use the funds provided under this Subsection (4)
1546 solely for the projects described in Subsection (4)(a); and

1547 (B) other documents necessary to protect the state and the bondholders and to ensure
1548 that all legal requirements are met.

1549 (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality
1550 or county receiving funds described in this Subsection (4) shall submit to the Department of
1551 Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to
1552 pay project costs for the projects described in Subsection (4)(a).

1553 (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1,
1554 the Department of Transportation shall provide funds to the municipality or county necessary to
1555 pay project costs for the next fiscal year based upon the statement of cash flow submitted by
1556 the municipality or county.

1557 (iv) Upon the financial close of each project described in Subsection (4)(a), the
1558 municipality or county receiving funds under this Subsection (4) shall submit a statement to the
1559 Department of Transportation detailing the expenditure of funds received for each project.

1560 (c) For calendar year 2012 only:

1561 (i) the municipality or county shall submit to the Department of Transportation a
1562 statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

1563 (ii) the Department of Transportation shall provide funds to the municipality or county
1564 necessary to pay project costs based upon the statement of cash flow.

1565 (5) Twenty million dollars of the bond proceeds issued under this section and funds
1566 available under Section 72-2-124 shall be provided to the Transportation Infrastructure Loan
1567 Fund created by Section 72-2-202 to make funds available for transportation infrastructure
1568 loans and transportation infrastructure assistance under Title 72, Chapter 2, Part 2,
1569 Transportation Infrastructure Loan Fund.

1570 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies
1571 necessary to make transportation infrastructure improvements, the cost of acquiring land,
1572 interests in land, easements and rights-of-way, improving sites, and making all improvements
1573 necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds
1574 during the period to be covered by construction of the projects plus a period of six months after
1575 the end of the construction period, interest estimated to accrue on any bond anticipation notes

1576 issued under the authority of this title, and all related engineering, architectural, and legal fees.

1577 (7) The commission or the state treasurer may make any statement of intent relating to
1578 a reimbursement that is necessary or desirable to comply with federal tax law.

1579 (8) The Department of Transportation may enter into agreements related to the projects
1580 described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under
1581 this section.

1582 (9) The Department of Transportation may enter into a new or amend an existing
1583 interlocal agreement related to the projects described in Subsections (3) and (4) to establish any
1584 necessary covenants or requirements not otherwise provided for by law.

1585 Section 13. Section **63B-27-101** is amended to read:

1586 **63B-27-101. Highway bonds -- Maximum amount -- Use of proceeds for highway**
1587 **projects.**

1588 (1) (a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued
1589 under this section may not exceed \$1,000,000,000 for acquisition and construction proceeds,
1590 plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to
1591 fund any existing debt service reserve requirements, with the total amount of the bonds not to
1592 exceed \$1,010,000,000.

1593 (b) When the Department of Transportation certifies to the commission that the
1594 requirements of Subsection ~~72-2-124(5)~~(7) have been met and certifies the amount of bond
1595 proceeds that the commission needs to provide funding for the projects described in Subsection
1596 (2) for the current or next fiscal year, the commission may issue and sell general obligation
1597 bonds in an amount equal to the certified amount, plus additional amounts necessary to pay
1598 costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve
1599 requirements, not to exceed one percent of the certified amount.

1600 (c) The commission may not issue general obligation bonds authorized under this
1601 section if the issuance of the general obligation bonds would result in the total current
1602 outstanding general obligation debt of the state exceeding 50% of the limitation described in
1603 the Utah Constitution, Article XIV, Section 1.

1604 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
1605 shall be provided to the Department of Transportation to pay all or part of the costs of the
1606 following state highway construction or reconstruction projects:

1607 (a) state and federal highways prioritized by the Transportation Commission through
1608 the prioritization process for new transportation capacity projects adopted under Section
1609 72-1-304, giving priority consideration for projects with a regional significance or that support
1610 economic development within the state, including:

1611 (i) projects that are prioritized but exceed available cash flow beyond the normal
1612 programming horizon; or

1613 (ii) projects prioritized in the state highway construction program; and

1614 (b) \$100,000,000 to be used by the Department of Transportation for transportation
1615 improvements as prioritized by the Transportation Commission for projects that:

1616 (i) have a significant economic development impact associated with recreation and
1617 tourism within the state; and

1618 (ii) address significant needs for congestion mitigation.

1619 (3) Thirty-nine million dollars of the bond proceeds issued under this section shall be
1620 provided to the Transportation Infrastructure Loan Fund created by Section 72-2-202 to make
1621 funds available for a transportation infrastructure loan or transportation infrastructure
1622 assistance under Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, including
1623 the amounts as follows:

1624 (a) \$14,000,000 to the military installation development authority created in Section
1625 63H-1-201; and

1626 (b) \$5,000,000 for right-of-way acquisition and highway construction in Salt Lake
1627 County for roads in the northwest quadrant of Salt Lake City.

1628 (4) (a) Four million dollars of the bond proceeds issued under this section shall be used
1629 for a public transit fixed guideway rail station associated with or adjacent to an institution of
1630 higher education.

1631 (b) Ten million dollars of the bond proceeds issued under this section shall be used by
1632 the Department of Transportation for the design, engineering, construction, or reconstruction of
1633 underpasses under a state highway connecting a state park and a project area created by a
1634 military installation development authority created in Section 63H-1-201.

1635 (5) The bond proceeds issued under this section shall be provided to the Department of
1636 Transportation.

1637 (6) The costs under Subsection (2) may include the costs of studies necessary to make

1638 transportation infrastructure improvements, the costs of acquiring land, interests in land, and
1639 easements and rights-of-way, the costs of improving sites, and making all improvements
1640 necessary, incidental, or convenient to the facilities, and the costs of interest estimated to
1641 accrue on these bonds during the period to be covered by construction of the projects plus a
1642 period of six months after the end of the construction period, interest estimated to accrue on
1643 any bond anticipation notes issued under the authority of this title, and all related engineering,
1644 architectural, and legal fees.

1645 (7) The commission or the state treasurer may make any statement of intent relating to
1646 a reimbursement that is necessary or desirable to comply with federal tax law.

1647 (8) The Department of Transportation may enter into agreements related to the projects
1648 described in Subsection (2) before the receipt of proceeds of bonds issued under this section.

1649 Section 14. Section **63I-2-217** is amended to read:

1650 **63I-2-217. Repeal dates -- Title 17.**

1651 (1) Subsection [17-27a-102](#)(1)(b), the language that states "or a designated mountainous
1652 planning district" is repealed June 1, 2020.

1653 (2) (a) Subsection [17-27a-103](#)(15)(b) is repealed June 1, 2020.

1654 (b) Subsection [17-27a-103](#)~~(37)~~(38) is repealed June 1, 2020.

1655 (3) Subsection [17-27a-210](#)(2)(a), the language that states "or the mountainous planning
1656 district area" is repealed June 1, 2020.

1657 (4) (a) Subsection [17-27a-301](#)(1)(b)(iii) is repealed June 1, 2020.

1658 (b) Subsection [17-27a-301](#)(1)(c) is repealed June 1, 2020.

1659 (c) Subsection [17-27a-301](#)(2)(a), the language that states "described in Subsection
1660 (1)(a) or (c)" is repealed June 1, 2020.

1661 (5) Subsection [17-27a-302](#)(1), the language that states ", or mountainous planning
1662 district" and "or the mountainous planning district," is repealed June 1, 2020.

1663 (6) Subsection [17-27a-305](#)(1)(a), the language that states "a mountainous planning
1664 district or" and ", as applicable" is repealed June 1, 2020.

1665 (7) (a) Subsection [17-27a-401](#)(1)(b)(ii) is repealed June 1, 2020.

1666 (b) Subsection [17-27a-401](#)(6) is repealed June 1, 2020.

1667 (8) (a) Subsection [17-27a-403](#)(1)(b)(ii) is repealed June 1, 2020.

1668 (b) Subsection [17-27a-403](#)(1)(c)(iii) is repealed June 1, 2020.

1669 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning
1670 district" is repealed June 1, 2020.

1671 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
1672 district" is repealed June 1, 2020.

1673 (9) Subsection 17-27a-502(1)(d)(i)(B) is repealed June 1, 2020.

1674 (10) Subsection 17-27a-505.5(2)(a)(iii) is repealed June 1, 2020.

1675 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
1676 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.

1677 (12) Subsection 17-27a-604(1)(b)(i)(B) is repealed June 1, 2020.

1678 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning
1679 district land" is repealed June 1, 2020.

1680 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
1681 2020.

1682 (15) On June 1, 2020, when making the changes in this section, the Office of
1683 Legislative Research and General Counsel shall:

1684 (a) in addition to its authority under Subsection 36-12-12(3), make corrections
1685 necessary to ensure that sections and subsections identified in this section are complete
1686 sentences and accurately reflect the office's understanding of the Legislature's intent; and

1687 (b) identify the text of the affected sections and subsections based upon the section and
1688 subsection numbers used in Laws of Utah 2017, Chapter 448.

1689 (16) On June 1, 2020:

1690 (a) Section 17-52a-104 is repealed;

1691 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
1692 described in Subsection 17-52a-104(2)," is repealed;

1693 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

1694 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a
1695 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was
1696 in effect on March 14, 2018," is repealed; and

1697 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a
1698 pending process described in Section 17-52a-104, the attorney's report that is described in
1699 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a

1700 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,
1701 2018," is repealed.

1702 (17) On January 1, 2028, Subsection 17-52a-102(3) is repealed.

1703 Section 15. Section 72-1-304 is amended to read:

1704 **72-1-304. Written project prioritization process for new transportation capacity**
1705 **projects -- Rulemaking.**

1706 (1) (a) The Transportation Commission, in consultation with the department and the
1707 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
1708 prioritization process for the prioritization of new transportation capacity projects that are or
1709 will be part of the state highway system under Chapter 4, Part 1, State Highways, or public
1710 transit projects that add capacity to the public transit systems within the state.

1711 (b) (i) A local government or district may nominate a project for prioritization in
1712 accordance with the process established by the commission in rule.

1713 (ii) If a local government or district nominates a project for prioritization by the
1714 commission, the local government or district shall provide data and evidence to show that:

1715 (A) the project will advance the purposes and goals described in Section 72-1-211;

1716 (B) for a public transit project, the local government or district has an ongoing funding
1717 source for operations and maintenance of the proposed development; and

1718 (C) the local government or district will provide 40% of the funds for the project as
1719 required by Subsection 72-2-124[(7)](9)(e).

1720 (2) The following shall be included in the written prioritization process under
1721 Subsection (1):

1722 (a) a description of how the strategic initiatives of the department adopted under
1723 Section 72-1-211 are advanced by the written prioritization process;

1724 (b) a definition of the type of projects to which the written prioritization process
1725 applies;

1726 (c) specification of a weighted criteria system that is used to rank proposed projects
1727 and how it will be used to determine which projects will be prioritized;

1728 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1729 (e) any other provisions the commission considers appropriate, which may include
1730 consideration of:

1731 (i) regional and statewide economic development impacts, including improved local
1732 access to:

1733 (A) employment;

1734 (B) educational facilities;

1735 [~~(B)~~] (C) recreation;

1736 [~~(C)~~] (D) commerce; and

1737 [~~(D)~~] (E) residential areas, including moderate income housing as demonstrated in the
1738 local government's or district's general plan pursuant to Section [10-9a-403](#) or [17-27a-403](#);

1739 (ii) the extent to which local land use plans relevant to a project support and
1740 accomplish the strategic initiatives adopted under Section [72-1-211](#); and

1741 (iii) any matching funds provided by a political subdivision or public transit district in
1742 addition to the 40% required by Subsection [72-2-124](#)[~~(7)~~](9)(e).

1743 (3) In developing the written prioritization process, the commission:

1744 (a) shall seek and consider public comment by holding public meetings at locations
1745 throughout the state; and

1746 (b) may not consider local matching dollars as provided under Section [72-2-123](#) unless
1747 the state provides an equal opportunity to raise local matching dollars for state highway
1748 improvements within each county.

1749 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1750 Transportation Commission, in consultation with the department, shall make rules establishing
1751 the written prioritization process under Subsection (1).

1752 (5) The commission shall submit the proposed rules under this section to a committee
1753 or task force designated by the Legislative Management Committee for review prior to taking
1754 final action on the proposed rules or any proposed amendment to the rules described in
1755 Subsection (4).

1756 Section 16. Section **72-2-124** is amended to read:

1757 **72-2-124. Transportation Investment Fund of 2005.**

1758 (1) There is created a capital projects fund entitled the Transportation Investment Fund
1759 of 2005.

1760 (2) The fund consists of money generated from the following sources:

1761 (a) any voluntary contributions received for the maintenance, construction,

1762 reconstruction, or renovation of state and federal highways;

1763 (b) appropriations made to the fund by the Legislature;

1764 (c) registration fees designated under Section 41-1a-1201;

1765 (d) the sales and use tax revenues deposited into the fund in accordance with Section

1766 59-12-103; and

1767 (e) revenues transferred to the fund in accordance with Section 72-2-106.

1768 (3) (a) The fund shall earn interest.

1769 (b) All interest earned on fund money shall be deposited into the fund.

1770 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use

1771 fund money [~~only~~] to pay:

1772 (i) the costs of maintenance, construction, reconstruction, or renovation to state and

1773 federal highways prioritized by the Transportation Commission through the prioritization

1774 process for new transportation capacity projects adopted under Section 72-1-304;

1775 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway

1776 projects described in Subsections 63B-18-401(2), (3), and (4);

1777 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401

1778 minus the costs paid from the County of the First Class Highway Projects Fund in accordance

1779 with Subsection 72-2-121(4)(f);

1780 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt

1781 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified

1782 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the

1783 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1784 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101

1785 for projects prioritized in accordance with Section 72-2-125;

1786 (vi) all highway general obligation bonds that are intended to be paid from revenues in

1787 the Centennial Highway Fund created by Section 72-2-118; and

1788 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First

1789 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described

1790 in Section 72-2-121.

1791 (b) The executive director may use fund money to exchange for an equal or greater

1792 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1793 (5) (a) Except as provided in Subsection (5)(b), the executive director may not use fund
1794 money, including fund money from the Transit Transportation Investment Fund, within the
1795 boundaries of a municipality that is required to adopt a moderate income housing plan element
1796 as part of the municipality's general plan as described in Subsection 10-9a-401(3), if the
1797 municipality has failed to adopt a moderate income housing plan element as part of the
1798 municipality's general plan or has failed to implement the requirements of the moderate income
1799 housing plan as determined by the results of the Department of Workforce Service's review of
1800 the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

1801 (b) Within the boundaries of a municipality that is required under Subsection
1802 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate
1803 income housing plan element as part of the municipality's general plan or has failed to
1804 implement the requirements of the moderate income housing plan as determined by the results
1805 of the Department of Workforce Service's review of the annual moderate income housing
1806 report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

1807 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access
1808 facility;

1809 (ii) may not use fund money for the construction, reconstruction, or renovation of an
1810 interchange on a limited-access facility;

1811 (iii) may use Transit Transportation Investment Fund money for a multi-community
1812 fixed guideway public transportation project; and

1813 (iv) may not use Transit Transportation Investment Fund money for the construction,
1814 reconstruction, or renovation of a station that is part of a fixed guideway public transportation
1815 project.

1816 (6) (a) Except as provided in Subsection (6)(b), the executive director may not use fund
1817 money, including fund money from the Transit Transportation Investment Fund, within the
1818 boundaries of the unincorporated area of a county, if the county is required to adopt a moderate
1819 income housing plan element as part of the county's general plan as described in Subsection
1820 17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as
1821 part of the county's general plan or has failed to implement the requirements of the moderate
1822 income housing plan as determined by the results of the Department of Workforce Service's
1823 review of the annual moderate income housing report described in Subsection

1824 [35A-8-803\(1\)\(a\)\(vii\)](#).

1825 (b) Within the boundaries of the unincorporated area of a county where the county is
1826 required under Subsection [17-27a-401\(3\)](#) to plan for moderate income housing growth but has
1827 failed to adopt a moderate income housing plan element as part of the county's general plan or
1828 has failed to implement the requirements of the moderate income housing plan as determined
1829 by the results of the Department of Workforce Service's review of the annual moderate income
1830 housing report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#), the executive director:

1831 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access
1832 facility;

1833 (ii) may not use fund money for the construction, reconstruction, or renovation of an
1834 interchange on a limited-access facility;

1835 (iii) may use Transit Transportation Investment Fund money for a multi-community
1836 fixed guideway public transportation project; and

1837 (iv) may not use Transit Transportation Investment Fund money for the construction,
1838 reconstruction, or renovation of a station that is part of a fixed guideway public transportation
1839 project.

1840 ~~[(5)]~~ (7) (a) Before bonds authorized by Section [63B-18-401](#) or [63B-27-101](#) may be
1841 issued in any fiscal year, the department and the commission shall appear before the Executive
1842 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1843 department needs to provide funding for the projects identified in Subsections [63B-18-401\(2\)](#),
1844 (3), and (4) or Subsection [63B-27-101\(2\)](#) for the current or next fiscal year.

1845 (b) The Executive Appropriations Committee of the Legislature shall review and
1846 comment on the amount of bond proceeds needed to fund the projects.

1847 ~~[(6)]~~ (8) The Division of Finance shall, from money deposited into the fund, transfer
1848 the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized
1849 by Section [63B-18-401](#) or [63B-27-101](#) in the current fiscal year to the appropriate debt service
1850 or sinking fund.

1851 ~~[(7)]~~ (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
1852 Transportation Investment Fund.

1853 (b) The fund shall be funded by:

1854 (i) contributions deposited into the fund in accordance with Section [59-12-103](#);

1855 (ii) appropriations into the account by the Legislature;

1856 (iii) private contributions; and

1857 (iv) donations or grants from public or private entities.

1858 (c) (i) The fund shall earn interest.

1859 (ii) All interest earned on fund money shall be deposited into the fund.

1860 (d) Subject to Subsection [(7)] (9)(e), the Legislature may appropriate money from the
1861 fund for public transit capital development of new capacity projects to be used as prioritized by
1862 the commission.

1863 (e) (i) The Legislature may only appropriate money from the fund for a public transit
1864 capital development project if the public transit district or political subdivision provides funds
1865 of equal to or greater than 40% of the funds needed for the project.

1866 (ii) A public transit district or political subdivision may use money derived from a loan
1867 granted pursuant to Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, to
1868 provide all or part of the 40% requirement described in Subsection [(7)] (9)(e)(i) if:

1869 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
1870 Transportation Infrastructure Loan Fund; and

1871 (B) the proposed capital project has been prioritized by the commission pursuant to
1872 Section 72-1-303.

1873 Section 17. **Appropriation.**

1874 The following sums of money are appropriated for the fiscal year beginning July 1,
1875 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
1876 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
1877 Act, the Legislature appropriates the following sums of money from the funds or accounts
1878 indicated for the use and support of the government of the state of Utah.

1879 ITEM 1

1880 To Department of Workforce Services -- Olene Walker Housing Loan Fund

1881 From General Fund, One-time \$20,000,000

1882 From General Fund \$4,000,000

1883 Schedule of Programs:

1884 Olene Walker Housing Loan Fund \$24,000,000