

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

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

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

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

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

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

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

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

77            (i) an operating charter school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

108 (a) means:

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

112 (ii) a structure or facility:

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

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

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

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

118 (b) does not include:

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

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

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

125 (ii) a therapeutic school.

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

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

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

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

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

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

139 (a) a surface fault rupture;

140 (b) shallow groundwater;

141 (c) liquefaction;

142 (d) a landslide;

143 (e) a debris flow;

144 (f) unstable soil;

145 (g) a rock fall; or

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

147 (i) to life;

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

149 (iii) of substantial damage to real property.

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

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

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

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

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

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

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

162            (c) describe a building that:

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

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

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

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

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

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

176            (a) recording a subdivision plat; or

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

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

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

181 workmanship; and

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

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

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

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

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

190 (ii) has substantial evidence, on record:

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

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

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

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

198 (b) as a condition of:

199 (i) recording a subdivision plat; or

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

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

204 (a) runs with the land; and

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

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

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

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

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

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

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

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

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

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

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

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

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

256 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

290 (a) no additional parcel is created; and

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

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

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

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

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

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

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

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

305 of moderate income housing.

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

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

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

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

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

316 (a) the federal government;

317 (b) the state;

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

320 (d) a charter school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

361 (b) "Subdivision" includes:

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

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

- 367 (c) "Subdivision" does not include:
- 368 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
- 369 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
- 370 neither the resulting combined parcel nor the parcel remaining from the division or partition
- 371 violates an applicable land use ordinance;
- 372 (ii) a recorded agreement between owners of adjoining unsubdivided properties
- 373 adjusting their mutual boundary if:
- 374 (A) no new lot is created; and
- 375 (B) the adjustment does not violate applicable land use ordinances;
- 376 (iii) a recorded document, executed by the owner of record:
- 377 (A) revising the legal description of more than one contiguous unsubdivided parcel of
- 378 property into one legal description encompassing all such parcels of property; or
- 379 (B) joining a subdivided parcel of property to another parcel of property that has not
- 380 been subdivided, if the joinder does not violate applicable land use ordinances;
- 381 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
- 382 their mutual boundary if:
- 383 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 384 (B) the adjustment will not violate any applicable land use ordinance;
- 385 (v) a bona fide division or partition of land by deed or other instrument where the land
- 386 use authority expressly approves in writing the division in anticipation of further land use
- 387 approvals on the parcel or parcels; or
- 388 (vi) a parcel boundary adjustment.
- 389 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 390 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (59) as to
- 391 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
- 392 subdivision ordinance.
- 393 [~~(58)~~] (60) "Suspect soil" means soil that has:
- 394 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 395 3% swell potential;
- 396 (b) bedrock units with high shrink or swell susceptibility; or
- 397 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

398 commonly associated with dissolution and collapse features.

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

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

401 (i) the owner of the facility; or

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

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

404 (i) at home;

405 (ii) in a public school; or

406 (iii) in a nonresidential private school; and

407 (c) that offers:

408 (i) room and board; and

409 (ii) an academic education integrated with:

410 (A) specialized structure and supervision; or

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

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

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

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

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

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

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

421 (i) a contract; or

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

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

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

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

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

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

460 derived from:

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

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

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

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

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

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

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

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

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

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

485 (i) a land use element that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

543 (I) allow for single room occupancy developments;

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

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

548 (L) preserve existing moderate income housing;

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

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

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

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

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

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

561 ~~[(H)]~~ (S) consider utilization of programs administered by an association of  
562 governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal  
563 Cooperation Act[.];

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

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

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

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

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

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

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

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

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

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

584 Transportation, if the municipality is not within the boundaries of a metropolitan planning  
585 organization.

586 (3) The proposed general plan may include:

587 (a) an environmental element that addresses:

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

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

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

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

600 (i) historic preservation;

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

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

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

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

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

612 and

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

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

615 **10-9a-408. Reporting requirements and civil action regarding moderate income**  
616 **housing element of general plan.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

642 ~~[(e)]~~ (c) ~~[aH]~~ a description of any efforts made by the municipality to utilize a moderate  
643 income housing set-aside from a ~~[redevelopment agency, a community development agency, or~~  
644 ~~an economic development agency;]~~ community reinvestment agency, redevelopment agency, or  
645 community development and renewal agency; and

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

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

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

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

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

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

660 **17-27a-103. Definitions.**

661 As used in this chapter:

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

664 ~~[(1)]~~ (2) "Affected entity" means a county, municipality, local district, special service  
665 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
666 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
667 property owner, property owners association, public utility, or the Utah Department of  
668 Transportation, if:

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

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

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

676 ~~[(2)]~~ (3) "Appeal authority" means the person, board, commission, agency, or other

677 body designated by ordinance to decide an appeal of a decision of a land use application or a  
678 variance.

679 ~~[(3)]~~ (4) "Billboard" means a freestanding ground sign located on industrial,  
680 commercial, or residential property if the sign is designed or intended to direct attention to a  
681 business, product, or service that is not sold, offered, or existing on the property where the sign  
682 is located.

683 ~~[(4)]~~ (5) (a) "Charter school" means:

684 (i) an operating charter school;

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

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

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

690 ~~[(5)]~~ (6) "Chief executive officer" means the person or body that exercises the  
691 executive powers of the county.

692 ~~[(6)]~~ (7) "Conditional use" means a land use that, because of its unique characteristics  
693 or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
694 compatible in some areas or may be compatible only if certain conditions are required that  
695 mitigate or eliminate the detrimental impacts.

696 ~~[(7)]~~ (8) "Constitutional taking" means a governmental action that results in a taking of  
697 private property so that compensation to the owner of the property is required by the:

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

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

700 ~~[(8)]~~ (9) "Culinary water authority" means the department, agency, or public entity with  
701 responsibility to review and approve the feasibility of the culinary water system and sources for  
702 the subject property.

703 ~~[(9)]~~ (10) "Development activity" means:

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

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

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

710 ~~[(10)]~~ (11) (a) "Disability" means a physical or mental impairment that substantially  
711 limits one or more of a person's major life activities, including a person having a record of such  
712 an impairment or being regarded as having such an impairment.

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

716 ~~[(11)]~~ (12) "Educational facility":

717 (a) means:

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

721 (ii) a structure or facility:

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

723 (12)(a)(i); and

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

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

727 (b) does not include:

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

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

731 (12)(a)(i); and

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

733 (12)(a)(i); or

734 (ii) a therapeutic school.

735 ~~[(12)]~~ (13) "Fire authority" means the department, agency, or public entity with  
736 responsibility to review and approve the feasibility of fire protection and suppression services  
737 for the subject property.

738 ~~[(13)]~~ (14) "Flood plain" means land that:

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

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

745 [~~(14)~~] (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

746 [~~(15)~~] (16) "General plan" means a document that a county adopts that sets forth  
747 general guidelines for proposed future development of:

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

749 (b) for a mountainous planning district, the land within the mountainous planning  
750 district.

751 [~~(16)~~] (17) "Geologic hazard" means:

752 (a) a surface fault rupture;

753 (b) shallow groundwater;

754 (c) liquefaction;

755 (d) a landslide;

756 (e) a debris flow;

757 (f) unstable soil;

758 (g) a rock fall; or

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

760 (i) to life;

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

762 (iii) of substantial damage to real property.

763 [~~(17)~~] (18) "Hookup fee" means a fee for the installation and inspection of any pipe,  
764 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other  
765 utility system.

766 [~~(18)~~] (19) "Identical plans" means building plans submitted to a county that:

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

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

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

801 and the county has not otherwise required the applicant to mitigate the suspect soil.

802 [~~(23)~~] (24) "Infrastructure improvement" means permanent infrastructure that an  
803 applicant must install:

804 (a) pursuant to published installation and inspection specifications for public  
805 improvements; and

806 (b) as a condition of:

807 (i) recording a subdivision plat; or

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

810 [~~(24)~~] (25) "Internal lot restriction" means a platted note, platted demarcation, or  
811 platted designation that:

812 (a) runs with the land; and

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

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

817 [~~(25)~~] (26) "Interstate pipeline company" means a person or entity engaged in natural  
818 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission  
819 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

820 [~~(26)~~] (27) "Intrastate pipeline company" means a person or entity engaged in natural  
821 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
822 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

823 [~~(27)~~] (28) "Land use applicant" means a property owner, or the property owner's  
824 designee, who submits a land use application regarding the property owner's land.

825 [~~(28)~~] (29) "Land use application":

826 (a) means an application that is:

827 (i) required by a county; and

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

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

830 [~~(29)~~] (30) "Land use authority" means:

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

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

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

835 [~~(30)~~] (31) "Land use decision" means an administrative decision of a land use  
836 authority or appeal authority regarding:

837 (a) a land use permit;

838 (b) a land use application; or

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

841 [~~(31)~~] (32) "Land use permit" means a permit issued by a land use authority.

842 [~~(32)~~] (33) "Land use regulation":

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

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

847 (c) does not include:

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

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

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

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

854 [~~(33)~~] (34) "Legislative body" means the county legislative body, or for a county that  
855 has adopted an alternative form of government, the body exercising legislative powers.

856 [~~(34)~~] (35) "Local district" means any entity under Title 17B, Limited Purpose Local  
857 Government Entities - Local Districts, and any other governmental or quasi-governmental  
858 entity that is not a county, municipality, school district, or the state.

859 [~~(35)~~] (36) "Lot line adjustment" means the relocation of the property boundary line in  
860 a subdivision between two adjoining lots with the consent of the owners of record.

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

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

865 or

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

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

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

870 ~~[(36)]~~ (38) "Moderate income housing" means housing occupied or reserved for  
871 occupancy by households with a gross household income equal to or less than 80% of the  
872 median gross income for households of the same size in the county in which the housing is  
873 located.

874 ~~[(37)]~~ (39) "Mountainous planning district" means an area:

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

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

877 ~~[(38)]~~ (40) "Nominal fee" means a fee that reasonably reimburses a county only for  
878 time spent and expenses incurred in:

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

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

882 ~~[(39)]~~ (41) "Noncomplying structure" means a structure that:

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

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

887 ~~[(40)]~~ (42) "Nonconforming use" means a use of land that:

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

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

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

893 ~~[(41)]~~ (43) "Official map" means a map drawn by county authorities and recorded in

894 the county recorder's office that:

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

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

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

901 ~~[(42)]~~ (44) "Parcel boundary adjustment" means a recorded agreement between owners  
902 of adjoining properties adjusting their mutual boundary if:

903 (a) no additional parcel is created; and

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

906 ~~[(43)]~~ (45) "Person" means an individual, corporation, partnership, organization,  
907 association, trust, governmental agency, or any other legal entity.

908 ~~[(44)]~~ (46) "Plan for moderate income housing" means a written document adopted by  
909 a county legislative body that includes:

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

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

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

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

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

919 ~~[(45)]~~ (47) "Planning advisory area" means a contiguous, geographically defined  
920 portion of the unincorporated area of a county established under this part with planning and  
921 zoning functions as exercised through the planning advisory area planning commission, as  
922 provided in this chapter, but with no legal or political identity separate from the county and no  
923 taxing authority.

924 ~~[(46)]~~ (48) "Plat" means a map or other graphical representation of lands being laid out

925 and prepared in accordance with Section [17-27a-603](#), [17-23-17](#), or [57-8-13](#).

926 [~~47~~] [\(49\)](#) "Potential geologic hazard area" means an area that:

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

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

933 [~~48~~] [\(50\)](#) "Public agency" means:

934 (a) the federal government;

935 (b) the state;

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

938 (d) a charter school.

939 [~~49~~] [\(51\)](#) "Public hearing" means a hearing at which members of the public are  
940 provided a reasonable opportunity to comment on the subject of the hearing.

941 [~~50~~] [\(52\)](#) "Public meeting" means a meeting that is required to be open to the public  
942 under Title 52, Chapter 4, Open and Public Meetings Act.

943 [~~51~~] [\(53\)](#) "Receiving zone" means an unincorporated area of a county that the county  
944 designates, by ordinance, as an area in which an owner of land may receive a transferable  
945 development right.

946 [~~52~~] [\(54\)](#) "Record of survey map" means a map of a survey of land prepared in  
947 accordance with Section [17-23-17](#).

948 [~~53~~] [\(55\)](#) "Residential facility for persons with a disability" means a residence:

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

950 (b) (i) which is licensed or certified by the Department of Human Services under Title  
951 62A, Chapter 2, Licensure of Programs and Facilities; or

952 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
953 21, Health Care Facility Licensing and Inspection Act.

954 [~~54~~] [\(56\)](#) "Rules of order and procedure" means a set of rules that govern and  
955 prescribe in a public meeting:

956 (a) parliamentary order and procedure;

957 (b) ethical behavior; and

958 (c) civil discourse.

959 [~~55~~] (57) "Sanitary sewer authority" means the department, agency, or public entity  
960 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
961 wastewater systems.

962 [~~56~~] (58) "Sending zone" means an unincorporated area of a county that the county  
963 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
964 development right.

965 [~~57~~] (59) "Site plan" means a document or map that may be required by a county  
966 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
967 owner's or developer's proposed development activity meets a land use requirement.

968 [~~58~~] (60) "Specified public agency" means:

969 (a) the state;

970 (b) a school district; or

971 (c) a charter school.

972 [~~59~~] (61) "Specified public utility" means an electrical corporation, gas corporation,  
973 or telephone corporation, as those terms are defined in Section 54-2-1.

974 [~~60~~] (62) "State" includes any department, division, or agency of the state.

975 [~~61~~] (63) "Street" means a public right-of-way, including a highway, avenue,  
976 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
977 or other way.

978 [~~62~~] (64) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
979 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
980 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
981 installment plan or upon any and all other plans, terms, and conditions.

982 (b) "Subdivision" includes:

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

985 (ii) except as provided in Subsection [~~62~~] (64)(c), divisions of land for residential and  
986 nonresidential uses, including land used or to be used for commercial, agricultural, and

987 industrial purposes.

988 (c) "Subdivision" does not include:

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

990 (ii) a recorded agreement between owners of adjoining properties adjusting their

991 mutual boundary if:

992 (A) no new lot is created; and

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

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

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

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

999 (iv) a bona fide division or partition of land in a county other than a first class county  
1000 for the purpose of siting, on one or more of the resulting separate parcels:

1001 (A) an electrical transmission line or a substation;

1002 (B) a natural gas pipeline or a regulation station; or

1003 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
1004 utility service regeneration, transformation, retransmission, or amplification facility;

1005 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
1006 their mutual boundary if:

1007 (A) no new dwelling lot or housing unit will result from the adjustment; and

1008 (B) the adjustment will not violate any applicable land use ordinance;

1009 (vi) a bona fide division or partition of land by deed or other instrument where the land  
1010 use authority expressly approves in writing the division in anticipation of further land use  
1011 approvals on the parcel or parcels; or

1012 (vii) a parcel boundary adjustment.

1013 (d) The joining of a subdivided parcel of property to another parcel of property that has  
1014 not been subdivided does not constitute a subdivision under this Subsection [~~(62)~~] (63) as to  
1015 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
1016 subdivision ordinance.

1017 [~~(63)~~] (65) "Suspect soil" means soil that has:

1018 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
1019 3% swell potential;

1020 (b) bedrock units with high shrink or swell susceptibility; or

1021 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
1022 commonly associated with dissolution and collapse features.

1023 [~~(64)~~] (66) "Therapeutic school" means a residential group living facility:

1024 (a) for four or more individuals who are not related to:

1025 (i) the owner of the facility; or

1026 (ii) the primary service provider of the facility;

1027 (b) that serves students who have a history of failing to function:

1028 (i) at home;

1029 (ii) in a public school; or

1030 (iii) in a nonresidential private school; and

1031 (c) that offers:

1032 (i) room and board; and

1033 (ii) an academic education integrated with:

1034 (A) specialized structure and supervision; or

1035 (B) services or treatment related to a disability, an emotional development, a  
1036 behavioral development, a familial development, or a social development.

1037 [~~(65)~~] (67) "Transferable development right" means a right to develop and use land that  
1038 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
1039 land use rights from a designated sending zone to a designated receiving zone.

1040 [~~(66)~~] (68) "Unincorporated" means the area outside of the incorporated area of a  
1041 municipality.

1042 [~~(67)~~] (69) "Water interest" means any right to the beneficial use of water, including:

1043 (a) each of the rights listed in Section 73-1-11; and

1044 (b) an ownership interest in the right to the beneficial use of water represented by:

1045 (i) a contract; or

1046 (ii) a share in a water company, as defined in Section 73-3-3.5.

1047 [~~(68)~~] (70) "Zoning map" means a map, adopted as part of a land use ordinance, that  
1048 depicts land use zones, overlays, or districts.

1049 Section 6. Section **17-27a-401** is amended to read:

1050 **17-27a-401. General plan required -- Content -- Resource management plan --**  
1051 **Provisions related to radioactive waste facility.**

1052 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a  
1053 comprehensive, long-range general plan:

1054 (a) for present and future needs of the county;

1055 (b) (i) for growth and development of all or any part of the land within the  
1056 unincorporated portions of the county; or

1057 (ii) if a county has designated a mountainous planning district, for growth and  
1058 development of all or any part of the land within the mountainous planning district; and

1059 (c) as a basis for communicating and coordinating with the federal government on land  
1060 and resource management issues.

1061 (2) To promote health, safety, and welfare, the general plan may provide for:

1062 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic  
1063 activities, aesthetics, and recreational, educational, and cultural opportunities;

1064 (b) the reduction of the waste of physical, financial, or human resources that result  
1065 from either excessive congestion or excessive scattering of population;

1066 (c) the efficient and economical use, conservation, and production of the supply of:

1067 (i) food and water; and

1068 (ii) drainage, sanitary, and other facilities and resources;

1069 (d) the use of energy conservation and solar and renewable energy resources;

1070 (e) the protection of urban development;

1071 (f) the protection and promotion of air quality;

1072 (g) historic preservation;

1073 (h) identifying future uses of land that are likely to require an expansion or significant  
1074 modification of services or facilities provided by each affected entity; and

1075 (i) an official map.

1076 (3) (a) The general plan shall:

1077 (i) allow and plan for moderate income housing growth; and

1078 (ii) contain a resource management plan for the public lands, as defined in Section  
1079 [63L-6-102](#), within the county.

1080 (b) On or before [~~July 1, 2019~~] December 1, 2019, a county with a general plan that  
1081 does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with  
1082 Subsection (3)(a)(i).

1083 (c) The resource management plan described in Subsection (3)(a)(ii) shall address:

1084 (i) mining;

1085 (ii) land use;

1086 (iii) livestock and grazing;

1087 (iv) irrigation;

1088 (v) agriculture;

1089 (vi) fire management;

1090 (vii) noxious weeds;

1091 (viii) forest management;

1092 (ix) water rights;

1093 (x) ditches and canals;

1094 (xi) water quality and hydrology;

1095 (xii) flood plains and river terraces;

1096 (xiii) wetlands;

1097 (xiv) riparian areas;

1098 (xv) predator control;

1099 (xvi) wildlife;

1100 (xvii) fisheries;

1101 (xviii) recreation and tourism;

1102 (xix) energy resources;

1103 (xx) mineral resources;

1104 (xxi) cultural, historical, geological, and paleontological resources;

1105 (xxii) wilderness;

1106 (xxiii) wild and scenic rivers;

1107 (xxiv) threatened, endangered, and sensitive species;

1108 (xxv) land access;

1109 (xxvi) law enforcement;

1110 (xxvii) economic considerations; and

- 1111 (xxviii) air.
- 1112 (d) For each item listed under Subsection (3)(c), a county's resource management plan  
1113 shall:
- 1114 (i) establish findings pertaining to the item;
  - 1115 (ii) establish defined objectives; and
  - 1116 (iii) outline general policies and guidelines on how the objectives described in  
1117 Subsection (3)(d)(ii) are to be accomplished.
- 1118 (4) (a) The general plan shall include specific provisions related to any areas within, or  
1119 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a  
1120 county, which are proposed for the siting of a storage facility or transfer facility for the  
1121 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as  
1122 these wastes are defined in Section 19-3-303. The provisions shall address the effects of the  
1123 proposed site upon the health and general welfare of citizens of the state, and shall provide:
- 1124 (i) the information identified in Section 19-3-305;
  - 1125 (ii) information supported by credible studies that demonstrates that the provisions of  
1126 Subsection 19-3-307(2) have been satisfied; and
  - 1127 (iii) specific measures to mitigate the effects of high-level nuclear waste and greater  
1128 than class C radioactive waste and guarantee the health and safety of the citizens of the state.
- 1129 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
1130 indicating that all proposals for the siting of a storage facility or transfer facility for the  
1131 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
1132 partially within the county are rejected.
- 1133 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.
- 1134 (d) The county shall send a certified copy of the ordinance described in Subsection  
1135 (4)(b) to the executive director of the Department of Environmental Quality by certified mail  
1136 within 30 days of enactment.
- 1137 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:
- 1138 (i) comply with Subsection (4)(a) as soon as reasonably possible; and
  - 1139 (ii) send a certified copy of the repeal to the executive director of the Department of  
1140 Environmental Quality by certified mail within 30 days after the repeal.
- 1141 (5) The general plan may define the county's local customs, local culture, and the

1142 components necessary for the county's economic stability.

1143 (6) Subject to Subsection 17-27a-403(2), the county may determine the  
1144 comprehensiveness, extent, and format of the general plan.

1145 (7) If a county has designated a mountainous planning district, the general plan for the  
1146 mountainous planning district is the controlling plan and takes precedence over a municipality's  
1147 general plan for property located within the mountainous planning district.

1148 (8) Nothing in this part may be construed to limit the authority of the state to manage  
1149 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

1150 Section 7. Section 17-27a-403 is amended to read:

1151 **17-27a-403. Plan preparation.**

1152 (1) (a) The planning commission shall provide notice, as provided in Section  
1153 17-27a-203, of its intent to make a recommendation to the county legislative body for a general  
1154 plan or a comprehensive general plan amendment when the planning commission initiates the  
1155 process of preparing its recommendation.

1156 (b) The planning commission shall make and recommend to the legislative body a  
1157 proposed general plan for:

1158 (i) the unincorporated area within the county; or

1159 (ii) if the planning commission is a planning commission for a mountainous planning  
1160 district, the mountainous planning district.

1161 (c) (i) The plan may include planning for incorporated areas if, in the planning  
1162 commission's judgment, they are related to the planning of the unincorporated territory or of  
1163 the county as a whole.

1164 (ii) Elements of the county plan that address incorporated areas are not an official plan  
1165 or part of a municipal plan for any municipality, unless it is recommended by the municipal  
1166 planning commission and adopted by the governing body of the municipality.

1167 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous  
1168 planning district, the plan for the mountainous planning district controls and precedes a  
1169 municipal plan, if any, to which the property would be subject.

1170 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
1171 and descriptive and explanatory matter, shall include the planning commission's  
1172 recommendations for the following plan elements:

1173 (i) a land use element that:

1174 (A) designates the long-term goals and the proposed extent, general distribution, and  
1175 location of land for housing for residents of various income levels, business, industry,  
1176 agriculture, recreation, education, public buildings and grounds, open space, and other  
1177 categories of public and private uses of land as appropriate; and

1178 (B) may include a statement of the projections for and standards of population density  
1179 and building intensity recommended for the various land use categories covered by the plan;

1180 (ii) a transportation and traffic circulation element [~~consisting of the general location~~  
1181 ~~and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~  
1182 ~~any other modes of transportation that the planning commission considers appropriate, all~~  
1183 ~~correlated with the population projections and the proposed land use element of the general~~  
1184 ~~plan;~~] that:

1185 (A) provides the general location and extent of existing and proposed freeways, arterial  
1186 and collector streets, public transit, active transportation facilities, and other modes of  
1187 transportation that the planning commission considers appropriate;

1188 (B) addresses the county's plan for residential and commercial development around  
1189 major transit investment corridors to maintain and improve the connections between housing,  
1190 employment, education, recreation, and commerce; and

1191 (C) correlates with the population projections, the employment projections, and the  
1192 proposed land use element of the general plan;

1193 (iii) a plan for the development of additional moderate income housing within the  
1194 unincorporated area of the county or the mountainous planning district, and a plan to provide a  
1195 realistic opportunity to meet the need for additional moderate income housing; and

1196 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,  
1197 and policies required by Subsection 17-27a-401(3).

1198 (b) In drafting the moderate income housing element, the planning commission:

1199 (i) shall consider the Legislature's determination that counties should facilitate a  
1200 reasonable opportunity for a variety of housing, including moderate income housing:

1201 (A) to meet the needs of people [~~desiring to live there~~] of various income levels living,  
1202 working, or desiring to live or work in the community; and

1203 (B) to allow [~~persons with moderate~~] people with various incomes to benefit from and

1204 fully participate in all aspects of neighborhood and community life; and  
1205 (ii) shall include an analysis of [~~why the recommended means, techniques, or~~  
1206 ~~combination of means and techniques~~] how the county will provide a realistic opportunity for  
1207 the development of moderate income housing within the planning horizon, which [~~means or~~  
1208 ~~techniques~~] may include a recommendation to implement two or more of the following  
1209 strategies:  
1210 (A) rezone for densities necessary to assure the production of moderate income  
1211 housing;  
1212 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the  
1213 construction of moderate income housing;  
1214 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate  
1215 income housing;  
1216 (D) consider county general fund subsidies or other sources of revenue to waive  
1217 construction related fees that are otherwise generally imposed by the county;  
1218 (E) create or allow for, and reduce regulations related to, accessory dwelling units in  
1219 residential zones;  
1220 (F) allow for higher density or moderate income residential development in  
1221 commercial and mixed-use zones;  
1222 (G) encourage higher density or moderate income residential development near major  
1223 transit investment corridors, commercial centers, or employment centers;  
1224 (H) eliminate or reduce parking requirements for residential development where a  
1225 resident is less likely to rely on the resident's own vehicle, such as residential development near  
1226 major transit investment corridors or senior living facilities;  
1227 (I) allow for single room occupancy developments;  
1228 (J) implement zoning incentives for low to moderate income units in new  
1229 developments;  
1230 (K) utilize strategies that preserve subsidized low to moderate income units on a  
1231 long-term basis;  
1232 (L) preserve existing moderate income housing;  
1233 (M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate  
1234 income housing;

1235 (N) participate in a community land trust program for low or moderate income  
1236 housing;

1237 (O) implement a mortgage assistance program for employees of the county or of an  
1238 employer that provides contracted services for the county;

1239 [~~F~~] (P) consider utilization of state or federal funds or tax incentives to promote the  
1240 construction of moderate income housing;

1241 [~~F~~] (Q) consider utilization of programs offered by the Utah Housing Corporation  
1242 within that agency's funding capacity; [~~and~~]

1243 [~~G~~] (R) consider utilization of affordable housing programs administered by the  
1244 Department of Workforce Services[-];

1245 (S) consider utilization of services provided by a public housing authority to preserve  
1246 and create moderate income housing;

1247 (T) consider utilization of programs administered by a metropolitan planning  
1248 organization or other transportation agency that provides technical planning assistance;

1249 (U) consider utilization of a moderate income housing set aside from a community  
1250 reinvestment agency, redevelopment agency, or community development and renewal agency;  
1251 and

1252 (V) consider any other program or strategy implemented by the county to address the  
1253 housing needs of residents of the county who earn less than 80% of the area median income.

1254 (c) In drafting the land use element, the planning commission shall:

1255 (i) identify and consider each agriculture protection area within the unincorporated area  
1256 of the county or mountainous planning district; and

1257 (ii) avoid proposing a use of land within an agriculture protection area that is  
1258 inconsistent with or detrimental to the use of the land for agriculture.

1259 (d) In drafting the transportation and traffic circulation element, the planning  
1260 commission shall:

1261 (i) consider the regional transportation plan developed by its region's metropolitan  
1262 planning organization, if the relevant areas of the county are within the boundaries of a  
1263 metropolitan planning organization; or

1264 (ii) consider the long-range transportation plan developed by the Department of  
1265 Transportation, if the relevant areas of the county are not within the boundaries of a

1266 metropolitan planning organization.

1267 (3) The proposed general plan may include:

1268 (a) an environmental element that addresses:

1269 (i) to the extent not covered by the county's resource management plan, the protection,  
1270 conservation, development, and use of natural resources, including the quality of air, forests,  
1271 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;  
1272 and

1273 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
1274 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
1275 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
1276 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1277 (b) a public services and facilities element showing general plans for sewage, water,  
1278 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
1279 police and fire protection, and other public services;

1280 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and  
1281 programs for:

1282 (i) historic preservation;

1283 (ii) the diminution or elimination of blight; and

1284 (iii) redevelopment of land, including housing sites, business and industrial sites, and  
1285 public building sites;

1286 (d) an economic element composed of appropriate studies and forecasts, as well as an  
1287 economic development plan, which may include review of existing and projected county  
1288 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
1289 primary and secondary market areas, employment, and retail sales activity;

1290 (e) recommendations for implementing all or any portion of the general plan, including  
1291 the use of land use ordinances, capital improvement plans, community development and  
1292 promotion, and any other appropriate action;

1293 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or

1294 (3)(a)(i); and

1295 (g) any other element the county considers appropriate.

1296 Section 8. Section **17-27a-408** is amended to read:

1297           **17-27a-408. Reporting requirements and civil action regarding moderate income**  
1298 **housing element of general plan.**

1299           (1) The legislative body of each county of the first, second, or third class, which has a  
1300 population in the county's unincorporated areas of more than 5,000 residents, shall annually:

1301           (a) review the moderate income housing plan element of the county's general plan and  
1302 implementation of that element of the general plan;

1303           (b) prepare a report on the findings of the review described in Subsection (1)(a); and

1304           (c) post the report described in Subsection (1)(b) on the county's website.

1305           (2) The report described in Subsection (1) shall include:

1306           (a) a revised estimate of the need for moderate income housing in the unincorporated  
1307 areas of the county for the next five years;

1308           (b) a description of progress made within the unincorporated areas of the county to  
1309 provide moderate income housing demonstrated by analyzing and publishing data on the  
1310 number of housing units in the county that are at or below:

1311           (i) 80% of the adjusted median family income;

1312           (ii) 50% of the adjusted median family income; and

1313           (iii) 30% of the adjusted median family income;

1314           (c) a description of any efforts made by the county to utilize a moderate income  
1315 housing set-aside from a community reinvestment agency, redevelopment agency, or a  
1316 community development and renewal agency; and

1317           (d) a description of how the county has implemented any of the recommendations  
1318 related to moderate income housing described in Subsection 17-27a-403(2)(b)(ii).

1319           (3) The legislative body of each county described in Subsection (1) shall send a copy of  
1320 the report under Subsection (1) to the Department of Workforce Services, the association of  
1321 governments in which the county is located, and, if the unincorporated area of the county is  
1322 located within the boundaries of a metropolitan planning organization, the appropriate  
1323 metropolitan planning organization.

1324           (4) In a civil action seeking enforcement or claiming a violation of this section or of  
1325 Subsection 17-27a-404(6)(c), a plaintiff may not recover damages but may be awarded only  
1326 injunctive or other equitable relief.

1327           Section 9. Section **35A-8-503** is amended to read:

1328 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

1329 (1) There is created the Olene Walker Housing Loan Fund Board.

1330 (2) The board is composed of 11 voting members.

1331 (a) The governor shall appoint the following members to four-year terms:

1332 (i) two members from local governments;

1333 (ii) two members from the mortgage lending community;

1334 (iii) one member from real estate sales interests;

1335 (iv) one member from home builders interests;

1336 (v) one member from rental housing interests;

1337 (vi) one member from housing advocacy interests;

1338 (vii) one member of the manufactured housing interest; ~~and~~

1339 (viii) one member with expertise in transit-oriented developments; and

1340 (ix) one member who represents rural interests.

1341 ~~[(viii) two members of the general public.]~~

1342 (b) The director or the director's designee serves as the secretary of the board.

1343 (c) The members of the board shall annually elect a chair from among the voting  
1344 membership of the board.

1345 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the  
1346 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1347 board members are staggered so that approximately half of the board is appointed every two  
1348 years.

1349 (b) When a vacancy occurs in the membership for any reason, the replacement is  
1350 appointed for the unexpired term.

1351 (4) (a) The board shall:

1352 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by  
1353 the board;

1354 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to  
1355 provide information to and receive input from the public regarding the state's housing policies  
1356 and needs;

1357 ~~[(ii)]~~ (iii) keep minutes of its meetings; and

1358 ~~[(iii)]~~ (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open

1359 and Public Meetings Act.

1360 (b) [~~Seven~~] Six members of the board constitute a quorum, and the governor, the chair,  
1361 or a majority of the board may call a meeting of the board.

1362 (5) The board shall:

1363 (a) review the housing needs in the state;

1364 (b) determine the relevant operational aspects of any grant, loan, or revenue collection  
1365 program established under the authority of this chapter;

1366 (c) determine the means to implement the policies and goals of this chapter;

1367 (d) select specific projects to receive grant or loan money; and

1368 (e) determine how fund money shall be allocated and distributed.

1369 (6) A member may not receive compensation or benefits for the member's service, but  
1370 may receive per diem and travel expenses in accordance with:

1371 (a) Section [63A-3-106](#);

1372 (b) Section [63A-3-107](#); and

1373 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1374 [63A-3-107](#).

1375 Section 10. Section **35A-8-505** is amended to read:

1376 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**  
1377 **director.**

1378 At the direction of the board, the executive director may:

1379 (1) provide fund money to any of the following activities:

1380 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

1381 (b) matching funds for social services projects directly related to providing housing for  
1382 special-need renters in assisted projects;

1383 (c) the development and construction of accessible housing designed for low-income  
1384 persons;

1385 (d) the construction or improvement of a shelter or transitional housing facility that  
1386 provides services intended to prevent or minimize homelessness among members of a specific  
1387 homeless subpopulation;

1388 (e) the purchase of an existing facility to provide temporary or transitional housing for  
1389 the homeless in an area that does not require rezoning before providing such temporary or

1390 transitional housing; [~~and~~]

1391 (f) the purchase of land that will be used as the site of low-income housing units; and

1392 [~~(f)~~] (g) other activities that will assist in minimizing homelessness or improving the  
1393 availability or quality of housing in the state for low-income persons;

1394 (2) do any act necessary or convenient to the exercise of the powers granted by this part  
1395 or reasonably implied from those granted powers, including:

1396 (a) making or executing contracts and other instruments necessary or convenient for  
1397 the performance of the executive director and board's duties and the exercise of the executive  
1398 director and board's powers and functions under this part, including contracts or agreements for  
1399 the servicing and originating of mortgage loans;

1400 (b) procuring insurance against a loss in connection with property or other assets held  
1401 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

1402 (c) entering into agreements with a department, agency, or instrumentality of the  
1403 United States or this state and with mortgagors and mortgage lenders for the purpose of  
1404 planning and regulating and providing for the financing and refinancing, purchase,  
1405 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,  
1406 or other disposition of residential housing undertaken with the assistance of the department  
1407 under this part;

1408 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,  
1409 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or  
1410 personal property obtained by the fund due to the default on a mortgage loan held by the fund  
1411 in preparation for disposition of the property, taking assignments of leases and rentals,  
1412 proceeding with foreclosure actions, and taking other actions necessary or incidental to the  
1413 performance of its duties; and

1414 (e) selling, at a public or private sale, with public bidding, a mortgage or other  
1415 obligation held by the fund.

1416 Section 11. Section **35A-8-803** is amended to read:

1417 **35A-8-803. Division -- Functions.**

1418 (1) In addition to any other functions the governor or Legislature may assign:

1419 (a) the division shall:

1420 (i) provide a clearinghouse of information for federal, state, and local housing

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

1452 permitted, or authorized to participate in distribution, disbursement, or administration of funds  
1453 or services, except those administered by the Utah Housing Corporation, is governed by  
1454 Sections 35A-8-501 through 35A-8-508.

1455 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1456 department shall make rules describing the evaluation process for moderate income housing  
1457 reports described in Subsection (1)(a)(vii).

1458 Section 12. Section 63B-18-401 is amended to read:

1459 **63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway**  
1460 **projects.**

1461 (1) (a) The total amount of bonds issued under this section may not exceed  
1462 \$2,077,000,000.

1463 (b) When the Department of Transportation certifies to the commission that the  
1464 requirements of Subsection 72-2-124~~(5)~~(7) have been met and certifies the amount of bond  
1465 proceeds that it needs to provide funding for the projects described in Subsection (2) for the  
1466 next fiscal year, the commission may issue and sell general obligation bonds in an amount  
1467 equal to the certified amount plus costs of issuance.

1468 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds  
1469 shall be provided to the Department of Transportation to pay all or part of the costs of the  
1470 following state highway construction or reconstruction projects:

1471 (a) Interstate 15 reconstruction in Utah County;

1472 (b) the Mountain View Corridor;

1473 (c) the Southern Parkway; and

1474 (d) state and federal highways prioritized by the Transportation Commission through:

1475 (i) the prioritization process for new transportation capacity projects adopted under

1476 Section 72-1-304; or

1477 (ii) the state highway construction program.

1478 (3) (a) Except as provided in Subsection (5), the bond proceeds issued under this  
1479 section shall be provided to the Department of Transportation.

1480 (b) The Department of Transportation shall use bond proceeds and the funds provided  
1481 to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction,  
1482 reconstruction, renovations, or improvements to the following highways:

- 1483 (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street  
1484 interchange to Payson;
- 1485 (ii) \$28 million for improvements to Riverdale Road in Ogden;
- 1486 (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;
- 1487 (iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and  
1488 Richardson Flat Road;
- 1489 (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore  
1490 Road;
- 1491 (vi) \$7 million for 2600 South interchange modifications in Woods Cross;
- 1492 (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder  
1493 County;
- 1494 (viii) \$18 million for the Provo west-side connector;
- 1495 (ix) \$8 million for interchange modifications on I-15 in the Layton area;
- 1496 (x) \$3,000,000 for an energy corridor study and environmental review for  
1497 improvements in the Uintah Basin;
- 1498 (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;
- 1499 (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State  
1500 University campus to create improved access to an institution of higher education;
- 1501 (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's  
1502 Office of Economic Development for transportation infrastructure improvements associated  
1503 with annual tourism events that have:
- 1504 (A) a significant economic development impact within the state; and
- 1505 (B) significant needs for congestion mitigation;
- 1506 (xiv) \$4,500,000 to be provided to the Governor's Office of Economic Development  
1507 for transportation infrastructure acquisitions and improvements that have a significant  
1508 economic development impact within the state;
- 1509 (xv) \$125,000,000 to pay all or part of the costs of state and federal highway  
1510 construction or reconstruction projects prioritized by the Transportation Commission through  
1511 the prioritization process for new transportation capacity projects adopted under Section  
1512 [72-1-304](#); and
- 1513 (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state

1514 and federal highway construction or reconstruction projects as prioritized by the Transportation  
1515 Commission.

1516 (4) (a) The Department of Transportation shall use bond proceeds and the funds under  
1517 Section 72-2-121 to pay for, or to provide funds to, a municipality, county, or political  
1518 subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction,  
1519 renovations, or improvements to the following highway or transit projects in Salt Lake County:

1520 (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;

1521 (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200  
1522 South and pedestrian crossings and system connections;

1523 (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake  
1524 Community College Road;

1525 (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from  
1526 6200 South to 8600 South;

1527 (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from  
1528 1300 West to S.R. 111;

1529 (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;

1530 (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200  
1531 West to 700 West;

1532 (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;

1533 (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State  
1534 Street to 900 East;

1535 (x) \$1,800,000 to Murray City for highway improvements to 1300 East;

1536 (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West  
1537 Temple, Main Street, and State Street;

1538 (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from  
1539 5600 West to Mountain View Corridor;

1540 (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from  
1541 Parkway Boulevard to SR-201 Frontage Road;

1542 (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from  
1543 4800 West to 7200 West and pedestrian crossings;

1544 (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800

- 1545 West to 5600 West;
- 1546 (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from  
1547 12600 South to Riverton Boulevard;
- 1548 (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue  
1549 from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;
- 1550 (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal  
1551 Boulevard;
- 1552 (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15  
1553 to 1000 West;
- 1554 (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter  
1555 Rockwell Boulevard;
- 1556 (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:  
1557 (A) a circulator study; and  
1558 (B) a mountain transport study; and
- 1559 (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.
- 1560 (b) (i) Before providing funds to a municipality or county under this Subsection (4), the  
1561 Department of Transportation shall obtain from the municipality or county:
- 1562 (A) a written certification signed by the county or city mayor or the mayor's designee  
1563 certifying that the municipality or county will use the funds provided under this Subsection (4)  
1564 solely for the projects described in Subsection (4)(a); and
- 1565 (B) other documents necessary to protect the state and the bondholders and to ensure  
1566 that all legal requirements are met.
- 1567 (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality  
1568 or county receiving funds described in this Subsection (4) shall submit to the Department of  
1569 Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to  
1570 pay project costs for the projects described in Subsection (4)(a).
- 1571 (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1,  
1572 the Department of Transportation shall provide funds to the municipality or county necessary to  
1573 pay project costs for the next fiscal year based upon the statement of cash flow submitted by  
1574 the municipality or county.
- 1575 (iv) Upon the financial close of each project described in Subsection (4)(a), the

1576 municipality or county receiving funds under this Subsection (4) shall submit a statement to the  
1577 Department of Transportation detailing the expenditure of funds received for each project.

1578 (c) For calendar year 2012 only:

1579 (i) the municipality or county shall submit to the Department of Transportation a  
1580 statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

1581 (ii) the Department of Transportation shall provide funds to the municipality or county  
1582 necessary to pay project costs based upon the statement of cash flow.

1583 (5) Twenty million dollars of the bond proceeds issued under this section and funds  
1584 available under Section 72-2-124 shall be provided to the Transportation Infrastructure Loan  
1585 Fund created by Section 72-2-202 to make funds available for transportation infrastructure  
1586 loans and transportation infrastructure assistance under Title 72, Chapter 2, Part 2,  
1587 Transportation Infrastructure Loan Fund.

1588 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies  
1589 necessary to make transportation infrastructure improvements, the cost of acquiring land,  
1590 interests in land, easements and rights-of-way, improving sites, and making all improvements  
1591 necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds  
1592 during the period to be covered by construction of the projects plus a period of six months after  
1593 the end of the construction period, interest estimated to accrue on any bond anticipation notes  
1594 issued under the authority of this title, and all related engineering, architectural, and legal fees.

1595 (7) The commission or the state treasurer may make any statement of intent relating to  
1596 a reimbursement that is necessary or desirable to comply with federal tax law.

1597 (8) The Department of Transportation may enter into agreements related to the projects  
1598 described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under  
1599 this section.

1600 (9) The Department of Transportation may enter into a new or amend an existing  
1601 interlocal agreement related to the projects described in Subsections (3) and (4) to establish any  
1602 necessary covenants or requirements not otherwise provided for by law.

1603 Section 13. Section 63B-27-101 is amended to read:

1604 **63B-27-101. Highway bonds -- Maximum amount -- Use of proceeds for highway**  
1605 **projects.**

1606 (1) (a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued

1607 under this section may not exceed \$1,000,000,000 for acquisition and construction proceeds,  
1608 plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to  
1609 fund any existing debt service reserve requirements, with the total amount of the bonds not to  
1610 exceed \$1,010,000,000.

1611 (b) When the Department of Transportation certifies to the commission that the  
1612 requirements of Subsection ~~72-2-124(5)~~(7) have been met and certifies the amount of bond  
1613 proceeds that the commission needs to provide funding for the projects described in Subsection  
1614 (2) for the current or next fiscal year, the commission may issue and sell general obligation  
1615 bonds in an amount equal to the certified amount, plus additional amounts necessary to pay  
1616 costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve  
1617 requirements, not to exceed one percent of the certified amount.

1618 (c) The commission may not issue general obligation bonds authorized under this  
1619 section if the issuance of the general obligation bonds would result in the total current  
1620 outstanding general obligation debt of the state exceeding 50% of the limitation described in  
1621 the Utah Constitution, Article XIV, Section 1.

1622 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds  
1623 shall be provided to the Department of Transportation to pay all or part of the costs of the  
1624 following state highway construction or reconstruction projects:

1625 (a) state and federal highways prioritized by the Transportation Commission through  
1626 the prioritization process for new transportation capacity projects adopted under Section  
1627 ~~72-1-304~~, giving priority consideration for projects with a regional significance or that support  
1628 economic development within the state, including:

1629 (i) projects that are prioritized but exceed available cash flow beyond the normal  
1630 programming horizon; or

1631 (ii) projects prioritized in the state highway construction program; and

1632 (b) \$100,000,000 to be used by the Department of Transportation for transportation  
1633 improvements as prioritized by the Transportation Commission for projects that:

1634 (i) have a significant economic development impact associated with recreation and  
1635 tourism within the state; and

1636 (ii) address significant needs for congestion mitigation.

1637 (3) Thirty-nine million dollars of the bond proceeds issued under this section shall be

1638 provided to the Transportation Infrastructure Loan Fund created by Section 72-2-202 to make  
1639 funds available for a transportation infrastructure loan or transportation infrastructure  
1640 assistance under Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, including  
1641 the amounts as follows:

1642 (a) \$14,000,000 to the military installation development authority created in Section  
1643 63H-1-201; and

1644 (b) \$5,000,000 for right-of-way acquisition and highway construction in Salt Lake  
1645 County for roads in the northwest quadrant of Salt Lake City.

1646 (4) (a) Four million dollars of the bond proceeds issued under this section shall be used  
1647 for a public transit fixed guideway rail station associated with or adjacent to an institution of  
1648 higher education.

1649 (b) Ten million dollars of the bond proceeds issued under this section shall be used by  
1650 the Department of Transportation for the design, engineering, construction, or reconstruction of  
1651 underpasses under a state highway connecting a state park and a project area created by a  
1652 military installation development authority created in Section 63H-1-201.

1653 (5) The bond proceeds issued under this section shall be provided to the Department of  
1654 Transportation.

1655 (6) The costs under Subsection (2) may include the costs of studies necessary to make  
1656 transportation infrastructure improvements, the costs of acquiring land, interests in land, and  
1657 easements and rights-of-way, the costs of improving sites, and making all improvements  
1658 necessary, incidental, or convenient to the facilities, and the costs of interest estimated to  
1659 accrue on these bonds during the period to be covered by construction of the projects plus a  
1660 period of six months after the end of the construction period, interest estimated to accrue on  
1661 any bond anticipation notes issued under the authority of this title, and all related engineering,  
1662 architectural, and legal fees.

1663 (7) The commission or the state treasurer may make any statement of intent relating to  
1664 a reimbursement that is necessary or desirable to comply with federal tax law.

1665 (8) The Department of Transportation may enter into agreements related to the projects  
1666 described in Subsection (2) before the receipt of proceeds of bonds issued under this section.

1667 Section 14. Section 63I-2-217 is amended to read:

1668 **63I-2-217. Repeal dates -- Title 17.**

- 1669 (1) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous  
1670 planning district" is repealed June 1, 2020.
- 1671 (2) (a) Subsection 17-27a-103(15)(b) is repealed June 1, 2020.
- 1672 (b) Subsection 17-27a-103[~~(37)~~](38) is repealed June 1, 2020.
- 1673 (3) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning  
1674 district area" is repealed June 1, 2020.
- 1675 (4) (a) Subsection 17-27a-301(1)(b)(iii) is repealed June 1, 2020.
- 1676 (b) Subsection 17-27a-301(1)(c) is repealed June 1, 2020.
- 1677 (c) Subsection 17-27a-301(2)(a), the language that states "described in Subsection  
1678 (1)(a) or (c)" is repealed June 1, 2020.
- 1679 (5) Subsection 17-27a-302(1), the language that states ", or mountainous planning  
1680 district" and "or the mountainous planning district," is repealed June 1, 2020.
- 1681 (6) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning  
1682 district or" and ", as applicable" is repealed June 1, 2020.
- 1683 (7) (a) Subsection 17-27a-401(1)(b)(ii) is repealed June 1, 2020.
- 1684 (b) Subsection 17-27a-401(6) is repealed June 1, 2020.
- 1685 (8) (a) Subsection 17-27a-403(1)(b)(ii) is repealed June 1, 2020.
- 1686 (b) Subsection 17-27a-403(1)(c)(iii) is repealed June 1, 2020.
- 1687 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning  
1688 district" is repealed June 1, 2020.
- 1689 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning  
1690 district" is repealed June 1, 2020.
- 1691 (9) Subsection 17-27a-502(1)(d)(i)(B) is repealed June 1, 2020.
- 1692 (10) Subsection 17-27a-505.5(2)(a)(iii) is repealed June 1, 2020.
- 1693 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a  
1694 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.
- 1695 (12) Subsection 17-27a-604(1)(b)(i)(B) is repealed June 1, 2020.
- 1696 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning  
1697 district land" is repealed June 1, 2020.
- 1698 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,  
1699 2020.

1700 (15) On June 1, 2020, when making the changes in this section, the Office of  
1701 Legislative Research and General Counsel shall:

1702 (a) in addition to its authority under Subsection 36-12-12(3), make corrections  
1703 necessary to ensure that sections and subsections identified in this section are complete  
1704 sentences and accurately reflect the office's understanding of the Legislature's intent; and

1705 (b) identify the text of the affected sections and subsections based upon the section and  
1706 subsection numbers used in Laws of Utah 2017, Chapter 448.

1707 (16) On June 1, 2020:

1708 (a) Section 17-52a-104 is repealed;

1709 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision  
1710 described in Subsection 17-52a-104(2)," is repealed;

1711 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

1712 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a  
1713 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was  
1714 in effect on March 14, 2018," is repealed; and

1715 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a  
1716 pending process described in Section 17-52a-104, the attorney's report that is described in  
1717 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a  
1718 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,  
1719 2018," is repealed.

1720 (17) On January 1, 2028, Subsection 17-52a-102(3) is repealed.

1721 Section 15. Section 72-1-304 is amended to read:

1722 **72-1-304. Written project prioritization process for new transportation capacity**  
1723 **projects -- Rulemaking.**

1724 (1) (a) The Transportation Commission, in consultation with the department and the  
1725 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written  
1726 prioritization process for the prioritization of new transportation capacity projects that are or  
1727 will be part of the state highway system under Chapter 4, Part 1, State Highways, or public  
1728 transit projects that add capacity to the public transit systems within the state.

1729 (b) (i) A local government or district may nominate a project for prioritization in  
1730 accordance with the process established by the commission in rule.

- 1731 (ii) If a local government or district nominates a project for prioritization by the  
1732 commission, the local government or district shall provide data and evidence to show that:
- 1733 (A) the project will advance the purposes and goals described in Section [72-1-211](#);
- 1734 (B) for a public transit project, the local government or district has an ongoing funding  
1735 source for operations and maintenance of the proposed development; and
- 1736 (C) the local government or district will provide 40% of the funds for the project as  
1737 required by Subsection [72-2-124](#)~~(7)~~[\(9\)](#)(e).
- 1738 (2) The following shall be included in the written prioritization process under  
1739 Subsection (1):
- 1740 (a) a description of how the strategic initiatives of the department adopted under  
1741 Section [72-1-211](#) are advanced by the written prioritization process;
- 1742 (b) a definition of the type of projects to which the written prioritization process  
1743 applies;
- 1744 (c) specification of a weighted criteria system that is used to rank proposed projects  
1745 and how it will be used to determine which projects will be prioritized;
- 1746 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- 1747 (e) any other provisions the commission considers appropriate, which may include  
1748 consideration of:
- 1749 (i) regional and statewide economic development impacts, including improved local  
1750 access to:
- 1751 (A) employment;
- 1752 (B) educational facilities;
- 1753 ~~(B)~~ (C) recreation;
- 1754 ~~(C)~~ (D) commerce; and
- 1755 ~~(D)~~ (E) residential areas, including moderate income housing as demonstrated in the  
1756 local government's or district's general plan pursuant to Section [10-9a-403](#) or [17-27a-403](#);
- 1757 (ii) the extent to which local land use plans relevant to a project support and  
1758 accomplish the strategic initiatives adopted under Section [72-1-211](#); and
- 1759 (iii) any matching funds provided by a political subdivision or public transit district in  
1760 addition to the 40% required by Subsection [72-2-124](#)~~(7)~~[\(9\)](#)(e).
- 1761 (3) In developing the written prioritization process, the commission:

1762 (a) shall seek and consider public comment by holding public meetings at locations  
1763 throughout the state; and

1764 (b) may not consider local matching dollars as provided under Section 72-2-123 unless  
1765 the state provides an equal opportunity to raise local matching dollars for state highway  
1766 improvements within each county.

1767 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1768 Transportation Commission, in consultation with the department, shall make rules establishing  
1769 the written prioritization process under Subsection (1).

1770 (5) The commission shall submit the proposed rules under this section to a committee  
1771 or task force designated by the Legislative Management Committee for review prior to taking  
1772 final action on the proposed rules or any proposed amendment to the rules described in  
1773 Subsection (4).

1774 Section 16. Section 72-2-124 is amended to read:

1775 **72-2-124. Transportation Investment Fund of 2005.**

1776 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
1777 of 2005.

1778 (2) The fund consists of money generated from the following sources:

1779 (a) any voluntary contributions received for the maintenance, construction,  
1780 reconstruction, or renovation of state and federal highways;

1781 (b) appropriations made to the fund by the Legislature;

1782 (c) registration fees designated under Section 41-1a-1201;

1783 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
1784 59-12-103; and

1785 (e) revenues transferred to the fund in accordance with Section 72-2-106.

1786 (3) (a) The fund shall earn interest.

1787 (b) All interest earned on fund money shall be deposited into the fund.

1788 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
1789 fund money [~~only~~] to pay:

1790 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
1791 federal highways prioritized by the Transportation Commission through the prioritization  
1792 process for new transportation capacity projects adopted under Section 72-1-304;

1793 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
1794 projects described in Subsections 63B-18-401(2), (3), and (4);

1795 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401  
1796 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
1797 with Subsection 72-2-121(4)(f);

1798 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
1799 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified  
1800 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
1801 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1802 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
1803 for projects prioritized in accordance with Section 72-2-125;

1804 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
1805 the Centennial Highway Fund created by Section 72-2-118; and

1806 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
1807 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described  
1808 in Section 72-2-121.

1809 (b) The executive director may use fund money to exchange for an equal or greater  
1810 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1811 (5) (a) Except as provided in Subsection (5)(b), the executive director may not use fund  
1812 money, including fund money from the Transit Transportation Investment Fund, within the  
1813 boundaries of a municipality that is required to adopt a moderate income housing plan element  
1814 as part of the municipality's general plan as described in Subsection 10-9a-401(3), if the  
1815 municipality has failed to adopt a moderate income housing plan element as part of the  
1816 municipality's general plan or has failed to implement the requirements of the moderate income  
1817 housing plan as determined by the results of the Department of Workforce Service's review of  
1818 the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

1819 (b) Within the boundaries of a municipality that is required under Subsection  
1820 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate  
1821 income housing plan element as part of the municipality's general plan or has failed to  
1822 implement the requirements of the moderate income housing plan as determined by the results  
1823 of the Department of Workforce Service's review of the annual moderate income housing

1824 report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#), the executive director:

1825 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access  
1826 facility;

1827 (ii) may not use fund money for the construction, reconstruction, or renovation of an  
1828 interchange on a limited-access facility;

1829 (iii) may use Transit Transportation Investment Fund money for a multi-community  
1830 fixed guideway public transportation project; and

1831 (iv) may not use Transit Transportation Investment Fund money for the construction,  
1832 reconstruction, or renovation of a station that is part of a fixed guideway public transportation  
1833 project.

1834 (6) (a) Except as provided in Subsection (6)(b), the executive director may not use fund  
1835 money, including fund money from the Transit Transportation Investment Fund, within the  
1836 boundaries of the unincorporated area of a county, if the county is required to adopt a moderate  
1837 income housing plan element as part of the county's general plan as described in Subsection  
1838 [17-27a-401\(3\)](#) and if the county has failed to adopt a moderate income housing plan element as  
1839 part of the county's general plan or has failed to implement the requirements of the moderate  
1840 income housing plan as determined by the results of the Department of Workforce Service's  
1841 review of the annual moderate income housing report described in Subsection  
1842 [35A-8-803\(1\)\(a\)\(vii\)](#).

1843 (b) Within the boundaries of the unincorporated area of a county where the county is  
1844 required under Subsection [17-27a-401\(3\)](#) to plan for moderate income housing growth but has  
1845 failed to adopt a moderate income housing plan element as part of the county's general plan or  
1846 has failed to implement the requirements of the moderate income housing plan as determined  
1847 by the results of the Department of Workforce Service's review of the annual moderate income  
1848 housing report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#), the executive director:

1849 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access  
1850 facility;

1851 (ii) may not use fund money for the construction, reconstruction, or renovation of an  
1852 interchange on a limited-access facility;

1853 (iii) may use Transit Transportation Investment Fund money for a multi-community  
1854 fixed guideway public transportation project; and

1855 (iv) may not use Transit Transportation Investment Fund money for the construction,  
1856 reconstruction, or renovation of a station that is part of a fixed guideway public transportation  
1857 project.

1858 ~~[(5)]~~ (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be  
1859 issued in any fiscal year, the department and the commission shall appear before the Executive  
1860 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
1861 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),  
1862 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1863 (b) The Executive Appropriations Committee of the Legislature shall review and  
1864 comment on the amount of bond proceeds needed to fund the projects.

1865 ~~[(6)]~~ (8) The Division of Finance shall, from money deposited into the fund, transfer  
1866 the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized  
1867 by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service  
1868 or sinking fund.

1869 ~~[(7)]~~ (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
1870 Transportation Investment Fund.

1871 (b) The fund shall be funded by:

1872 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1873 (ii) appropriations into the account by the Legislature;

1874 (iii) private contributions; and

1875 (iv) donations or grants from public or private entities.

1876 (c) (i) The fund shall earn interest.

1877 (ii) All interest earned on fund money shall be deposited into the fund.

1878 (d) Subject to Subsection ~~[(7)]~~ (9)(e), the Legislature may appropriate money from the  
1879 fund for public transit capital development of new capacity projects to be used as prioritized by  
1880 the commission.

1881 (e) (i) The Legislature may only appropriate money from the fund for a public transit  
1882 capital development project if the public transit district or political subdivision provides funds  
1883 of equal to or greater than 40% of the funds needed for the project.

1884 (ii) A public transit district or political subdivision may use money derived from a loan  
1885 granted pursuant to Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, to

1886 provide all or part of the 40% requirement described in Subsection [(7)] (9)(e)(i) if:

1887 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
1888 Transportation Infrastructure Loan Fund; and

1889 (B) the proposed capital project has been prioritized by the commission pursuant to  
1890 Section 72-1-303.

1891 Section 17. **Appropriation.**

1892 The following sums of money are appropriated for the fiscal year beginning July 1,  
1893 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for  
1894 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
1895 Act, the Legislature appropriates the following sums of money from the funds or accounts  
1896 indicated for the use and support of the government of the state of Utah.

1897 ITEM 1

1898 To Department of Workforce Services -- Olene Walker Housing Loan Fund

1899 From General Fund, One-time \$20,000,000

1900 From General Fund \$4,000,000

1901 Schedule of Programs:

1902 Olene Walker Housing Loan Fund \$24,000,000