

Representative Val K. Potter 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:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **10-9a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415

28 **10-9a-401**, as last amended by Laws of Utah 2018, Chapter 218

29 **10-9a-403**, as last amended by Laws of Utah 2018, Chapter 218

30 **10-9a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364

31 **17-27a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415

32 **17-27a-401**, as last amended by Laws of Utah 2018, Chapter 218

33 **17-27a-403**, as last amended by Laws of Utah 2018, Chapter 218

34 **17-27a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364

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

36 **35A-8-505**, as last amended by Laws of Utah 2018, Chapter 251

37 **35A-8-803**, as renumbered and amended by Laws of Utah 2012, Chapter 212

38 **63B-18-401**, as last amended by Laws of Utah 2013, Chapter 389

39 **63B-27-101**, as last amended by Laws of Utah 2018, Chapter 280

40 **63I-2-217**, as last amended by Laws of Utah 2018, Chapter 68 and further amended by

41 Revisor Instructions, Laws of Utah 2018, Chapter 456

42 **72-1-304**, as last amended by Laws of Utah 2018, Chapter 424

43 **72-2-124**, as last amended by Laws of Utah 2018, Chapter 424

44

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

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

47 **10-9a-103. Definitions.**

48 As used in this chapter:

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

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

56 (a) the entity's services or facilities are likely to require expansion or significant

57 modification because of an intended use of land;

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

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

63 [~~(2)~~] (3) "Appeal authority" means the person, board, commission, agency, or other
64 body designated by ordinance to decide an appeal of a decision of a land use application or a
65 variance.

66 [~~(3)~~] (4) "Billboard" means a freestanding ground sign located on industrial,
67 commercial, or residential property if the sign is designed or intended to direct attention to a
68 business, product, or service that is not sold, offered, or existing on the property where the sign
69 is located.

70 [~~(4)~~] (5) (a) "Charter school" means:

71 (i) an operating charter school;

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

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

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

77 [~~(5)~~] (6) "Conditional use" means a land use that, because of its unique characteristics
78 or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not
79 be compatible in some areas or may be compatible only if certain conditions are required that
80 mitigate or eliminate the detrimental impacts.

81 [~~(6)~~] (7) "Constitutional taking" means a governmental action that results in a taking of
82 private property so that compensation to the owner of the property is required by the:

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

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

85 [~~(7)~~] (8) "Culinary water authority" means the department, agency, or public entity with
86 responsibility to review and approve the feasibility of the culinary water system and sources for
87 the subject property.

88 [~~(8)~~] (9) "Development activity" means:

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

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

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

95 [~~(9)~~] (10) (a) "Disability" means a physical or mental impairment that substantially
96 limits one or more of a person's major life activities, including a person having a record of such
97 an impairment or being regarded as having such an impairment.

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

101 [~~(10)~~] (11) "Educational facility":

102 (a) means:

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

106 (ii) a structure or facility:

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

108 (11)(a)(i); and

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

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

112 (b) does not include:

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

115 (A) not located on the same property as a building described in Subsection [~~(10)~~]

116 (11)(a)(i); and

117 (B) used in support of the purposes of a building described in Subsection [~~(10)~~]

118 (11)(a)(i); or

119 (ii) a therapeutic school.

120 [~~(11)~~] (12) "Fire authority" means the department, agency, or public entity with
121 responsibility to review and approve the feasibility of fire protection and suppression services
122 for the subject property.

123 [~~(12)~~] (13) "Flood plain" means land that:

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

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

130 [~~(13)~~] (14) "General plan" means a document that a municipality adopts that sets forth
131 general guidelines for proposed future development of the land within the municipality.

132 [~~(14)~~] (15) "Geologic hazard" means:

133 (a) a surface fault rupture;

134 (b) shallow groundwater;

135 (c) liquefaction;

136 (d) a landslide;

137 (e) a debris flow;

138 (f) unstable soil;

139 (g) a rock fall; or

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

141 (i) to life;

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

143 (iii) of substantial damage to real property.

144 [~~(15)~~] (16) "Historic preservation authority" means a person, board, commission, or
145 other body designated by a legislative body to:

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

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

149 [~~(16)~~] (17) "Hookup fee" means a fee for the installation and inspection of any pipe,

150 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
151 other utility system.

152 [~~(17)~~] (18) "Identical plans" means building plans submitted to a municipality that:

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

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

156 (c) describe a building that:

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

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

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

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

164 [~~(18)~~] (19) "Impact fee" means a payment of money imposed under Title 11, Chapter
165 36a, Impact Fees Act.

166 [~~(19)~~] (20) "Improvement completion assurance" means a surety bond, letter of credit,
167 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
168 by a municipality to guaranty the proper completion of landscaping or an infrastructure
169 improvement required as a condition precedent to:

170 (a) recording a subdivision plat; or

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

172 [~~(20)~~] (21) "Improvement warranty" means an applicant's unconditional warranty that
173 the applicant's installed and accepted landscaping or infrastructure improvement:

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

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

178 [~~(21)~~] (22) "Improvement warranty period" means a period:

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

180 (b) no later than one year after a municipality's acceptance of required infrastructure,

181 unless the municipality:

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

184 (ii) has substantial evidence, on record:

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

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

188 ~~[(22)]~~ (23) "Infrastructure improvement" means permanent infrastructure that an
189 applicant must install:

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

192 (b) as a condition of:

193 (i) recording a subdivision plat; or

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

196 ~~[(23)]~~ (24) "Internal lot restriction" means a platted note, platted demarcation, or
197 platted designation that:

198 (a) runs with the land; and

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

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

203 ~~[(24)]~~ (25) "Land use applicant" means a property owner, or the property owner's
204 designee, who submits a land use application regarding the property owner's land.

205 ~~[(25)]~~ (26) "Land use application":

206 (a) means an application that is:

207 (i) required by a municipality; and

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

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

210 ~~[(26)]~~ (27) "Land use authority" means:

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

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

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

215 [~~27~~] (28) "Land use decision" means an administrative decision of a land use
216 authority or appeal authority regarding:

217 (a) a land use permit;

218 (b) a land use application; or

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

221 [~~28~~] (29) "Land use permit" means a permit issued by a land use authority.

222 [~~29~~] (30) "Land use regulation":

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

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

227 (c) does not include:

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

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

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

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

234 [~~30~~] (31) "Legislative body" means the municipal council.

235 [~~31~~] (32) "Local district" means an entity under Title 17B, Limited Purpose Local
236 Government Entities - Local Districts, and any other governmental or quasi-governmental
237 entity that is not a county, municipality, school district, or the state.

238 [~~32~~] (33) "Local historic district or area" means a geographically definable area that:

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

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

243 historic district or area.

244 ~~[(33)]~~ (34) "Lot line adjustment" means the relocation of the property boundary line in
245 a subdivision between two adjoining lots with the consent of the owners of record.

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

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

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

250 or

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

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

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

255 ~~[(34)]~~ (36) "Moderate income housing" means housing occupied or reserved for
256 occupancy by households with a gross household income equal to or less than 80% of the
257 median gross income for households of the same size in the county in which the city is located.

258 ~~[(35)]~~ (37) "Nominal fee" means a fee that reasonably reimburses a municipality only
259 for time spent and expenses incurred in:

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

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

263 ~~[(36)]~~ (38) "Noncomplying structure" means a structure that:

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

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

268 ~~[(37)]~~ (39) "Nonconforming use" means a use of land that:

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

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

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

274 [(38)] (40) "Official map" means a map drawn by municipal authorities and recorded in
275 a county recorder's office that:

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

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

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

282 [(39)] (41) "Parcel boundary adjustment" means a recorded agreement between owners
283 of adjoining properties adjusting their mutual boundary if:

284 (a) no additional parcel is created; and

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

287 [(40)] (42) "Person" means an individual, corporation, partnership, organization,
288 association, trust, governmental agency, or any other legal entity.

289 [(41)] (43) "Plan for moderate income housing" means a written document adopted by
290 a [city] municipality's legislative body that includes:

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

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

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

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

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

300 [(42)] (44) "Plat" means a map or other graphical representation of lands being laid out
301 and prepared in accordance with Section [10-9a-603](#), [17-23-17](#), or [57-8-13](#).

302 [(43)] (45) "Potential geologic hazard area" means an area that:

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

305 hazard; or

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

309 [~~44~~] (46) "Public agency" means:

310 (a) the federal government;

311 (b) the state;

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

314 (d) a charter school.

315 [~~45~~] (47) "Public hearing" means a hearing at which members of the public are
316 provided a reasonable opportunity to comment on the subject of the hearing.

317 [~~46~~] (48) "Public meeting" means a meeting that is required to be open to the public
318 under Title 52, Chapter 4, Open and Public Meetings Act.

319 [~~47~~] (49) "Receiving zone" means an area of a municipality that the municipality
320 designates, by ordinance, as an area in which an owner of land may receive a transferable
321 development right.

322 [~~48~~] (50) "Record of survey map" means a map of a survey of land prepared in
323 accordance with Section 17-23-17.

324 [~~49~~] (51) "Residential facility for persons with a disability" means a residence:

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

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

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

330 [~~50~~] (52) "Rules of order and procedure" means a set of rules that govern and
331 prescribe in a public meeting:

332 (a) parliamentary order and procedure;

333 (b) ethical behavior; and

334 (c) civil discourse.

335 [~~51~~] (53) "Sanitary sewer authority" means the department, agency, or public entity

336 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
337 wastewater systems.

338 ~~[(52)]~~ (54) "Sending zone" means an area of a municipality that the municipality
339 designates, by ordinance, as an area from which an owner of land may transfer a transferable
340 development right.

341 ~~[(53)]~~ (55) "Specified public agency" means:

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

345 ~~[(54)]~~ (56) "Specified public utility" means an electrical corporation, gas corporation,
346 or telephone corporation, as those terms are defined in Section 54-2-1.

347 ~~[(55)]~~ (57) "State" includes any department, division, or agency of the state.

348 ~~[(56)]~~ (58) "Street" means a public right-of-way, including a highway, avenue,
349 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
350 or other way.

351 ~~[(57)]~~ (59) (a) "Subdivision" means any land that is divided, resubdivided or proposed
352 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
353 purpose, whether immediate or future, for offer, sale, lease, or development either on the
354 installment plan or upon any and all other plans, terms, and conditions.

355 (b) "Subdivision" includes:

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

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

361 (c) "Subdivision" does not include:

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

366 (ii) a recorded agreement between owners of adjoining unsubdivided properties

367 adjusting their mutual boundary if:

368 (A) no new lot is created; and

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

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

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

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

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

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

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

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

382 (vi) a parcel boundary adjustment.

383 (d) The joining of a subdivided parcel of property to another parcel of property that has
384 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (59) as to
385 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
386 subdivision ordinance.

387 [~~(58)~~] (60) "Suspect soil" means soil that has:

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

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

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

393 [~~(59)~~] (61) "Therapeutic school" means a residential group living facility:

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

395 (i) the owner of the facility; or

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

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

- 398 (i) at home;
- 399 (ii) in a public school; or
- 400 (iii) in a nonresidential private school; and
- 401 (c) that offers:
 - 402 (i) room and board; and
 - 403 (ii) an academic education integrated with:
 - 404 (A) specialized structure and supervision; or
 - 405 (B) services or treatment related to a disability, an emotional development, a
 - 406 behavioral development, a familial development, or a social development.

407 ~~[(60)]~~ (62) "Transferable development right" means a right to develop and use land that
408 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
409 land use rights from a designated sending zone to a designated receiving zone.

410 ~~[(61)]~~ (63) "Unincorporated" means the area outside of the incorporated area of a city
411 or town.

412 ~~[(62)]~~ (64) "Water interest" means any right to the beneficial use of water, including:

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

417 ~~[(63)]~~ (65) "Zoning map" means a map, adopted as part of a land use ordinance, that
418 depicts land use zones, overlays, or districts.

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

420 **10-9a-401. General plan required -- Content.**

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

- 423 (a) present and future needs of the municipality; and
- 424 (b) growth and development of all or any part of the land within the municipality.

425 (2) The general plan may provide for:

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

- 428 (b) the reduction of the waste of physical, financial, or human resources that result

429 from either excessive congestion or excessive scattering of population;

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

431 (i) food and water; and

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

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

434 (e) the protection of urban development;

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

436 housing;

437 (g) the protection and promotion of air quality;

438 (h) historic preservation;

439 (i) identifying future uses of land that are likely to require an expansion or significant

440 modification of services or facilities provided by each affected entity; and

441 (j) an official map.

442 (3) (a) The general plan of a municipality, other than a town, shall plan for moderate

443 income housing growth.

444 (b) On or before ~~[July 1, 2019]~~ December 1, 2019, each of the following that have a

445 general plan that does not comply with Subsection (3)(a) shall amend the general plan to

446 comply with Subsection (3)(a):

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

448 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located

449 within a county of the first, second, or third class; and

450 (iii) a metro township with a population of 5,000 or more~~[-and]~~;

451 ~~[(iv) a metro township with a population of less than 5,000, if the metro township is~~

452 ~~located within a county of the first, second, or third class.]~~

453 (c) The population figures described in Subsections (3)(b)(ii), (iii), and (iv) shall be

454 derived from:

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

456 Bureau; or

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

458 Utah Population Estimates Committee.

459 (4) Subject to Subsection [10-9a-403\(2\)](#), the municipality may determine the

460 comprehensiveness, extent, and format of the general plan.

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

462 **10-9a-403. General plan preparation.**

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

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

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

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

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

479 (i) a land use element that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

524 (C) [~~encourage~~] facilitate the rehabilitation of existing uninhabitable housing stock into
525 moderate income housing;

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

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

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

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

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

537 (I) allow for single room occupancy developments;

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

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

542 (L) preserve existing moderate income housing;

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

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

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

549 [~~(E) consider utilization of~~] (P) apply for or partner with an entity that applies for state
550 or federal funds or tax incentives to promote the construction of moderate income housing;

551 [~~(F) consider utilization of~~] (Q) apply for or partner with an entity that applies for
552 programs offered by the Utah Housing Corporation within that agency's funding capacity;

553 ~~[(G) consider utilization of]~~ (R) apply for or partner with an entity that applies for
554 affordable housing programs administered by the Department of Workforce Services; [and]

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

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

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

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

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

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

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

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

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

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

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

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

583 (3) The proposed general plan may include:

- 584 (a) an environmental element that addresses:
- 585 (i) the protection, conservation, development, and use of natural resources, including
- 586 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
- 587 and other natural resources; and
- 588 (ii) the reclamation of land, flood control, prevention and control of the pollution of
- 589 streams and other waters, regulation of the use of land on hillsides, stream channels and other
- 590 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
- 591 protection of watersheds and wetlands, and the mapping of known geologic hazards;
- 592 (b) a public services and facilities element showing general plans for sewage, water,
- 593 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 594 police and fire protection, and other public services;
- 595 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 596 programs for:
- 597 (i) historic preservation;
- 598 (ii) the diminution or elimination of blight; and
- 599 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 600 public building sites;
- 601 (d) an economic element composed of appropriate studies and forecasts, as well as an
- 602 economic development plan, which may include review of existing and projected municipal
- 603 revenue and expenditures, revenue sources, identification of basic and secondary industry,
- 604 primary and secondary market areas, employment, and retail sales activity;
- 605 (e) recommendations for implementing all or any portion of the general plan, including
- 606 the use of land use ordinances, capital improvement plans, community development and
- 607 promotion, and any other appropriate action;
- 608 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
- 609 and
- 610 (g) any other element the municipality considers appropriate.

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

612 **10-9a-408. Reporting requirements and civil action regarding moderate income**
613 **housing element of general plan.**

- 614 (1) The legislative body of a municipality described in Subsection 10-9a-401(3)(b)

615 shall ~~[biennially]~~ annually:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

657 **17-27a-103. Definitions.**

658 As used in this chapter:

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

661 ~~[(1)]~~ (2) "Affected entity" means a county, municipality, local district, special service
662 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
663 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
664 property owner, property owners association, public utility, or the Utah Department of
665 Transportation, if:

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

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

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

673 ~~[(2)]~~ (3) "Appeal authority" means the person, board, commission, agency, or other
674 body designated by ordinance to decide an appeal of a decision of a land use application or a
675 variance.

676 ~~[(3)]~~ (4) "Billboard" means a freestanding ground sign located on industrial,

677 commercial, or residential property if the sign is designed or intended to direct attention to a
678 business, product, or service that is not sold, offered, or existing on the property where the sign
679 is located.

680 ~~[(4)]~~ (5) (a) "Charter school" means:

681 (i) an operating charter school;

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

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

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

687 ~~[(5)]~~ (6) "Chief executive officer" means the person or body that exercises the
688 executive powers of the county.

689 ~~[(6)]~~ (7) "Conditional use" means a land use that, because of its unique characteristics
690 or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
691 compatible in some areas or may be compatible only if certain conditions are required that
692 mitigate or eliminate the detrimental impacts.

693 ~~[(7)]~~ (8) "Constitutional taking" means a governmental action that results in a taking of
694 private property so that compensation to the owner of the property is required by the:

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

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

697 ~~[(8)]~~ (9) "Culinary water authority" means the department, agency, or public entity with
698 responsibility to review and approve the feasibility of the culinary water system and sources for
699 the subject property.

700 ~~[(9)]~~ (10) "Development activity" means:

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

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

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

707 ~~[(10)]~~ (11) (a) "Disability" means a physical or mental impairment that substantially

708 limits one or more of a person's major life activities, including a person having a record of such
709 an impairment or being regarded as having such an impairment.

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

713 [~~(11)~~] (12) "Educational facility":

714 (a) means:

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

718 (ii) a structure or facility:

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

720 (12)(a)(i); and

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

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

724 (b) does not include:

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

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

728 (12)(a)(i); and

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

730 (12)(a)(i); or

731 (ii) a therapeutic school.

732 [~~(12)~~] (13) "Fire authority" means the department, agency, or public entity with
733 responsibility to review and approve the feasibility of fire protection and suppression services
734 for the subject property.

735 [~~(13)~~] (14) "Flood plain" means land that:

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

738 (b) has not been studied or designated by the Federal Emergency Management Agency

739 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
740 the land has characteristics that are similar to those of a 100-year flood plain designated by the
741 Federal Emergency Management Agency.

742 [~~(14)~~] (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

743 [~~(15)~~] (16) "General plan" means a document that a county adopts that sets forth
744 general guidelines for proposed future development of:

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

746 (b) for a mountainous planning district, the land within the mountainous planning
747 district.

748 [~~(16)~~] (17) "Geologic hazard" means:

749 (a) a surface fault rupture;

750 (b) shallow groundwater;

751 (c) liquefaction;

752 (d) a landslide;

753 (e) a debris flow;

754 (f) unstable soil;

755 (g) a rock fall; or

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

757 (i) to life;

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

759 (iii) of substantial damage to real property.

760 [~~(17)~~] (18) "Hookup fee" means a fee for the installation and inspection of any pipe,
761 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
762 utility system.

763 [~~(18)~~] (19) "Identical plans" means building plans submitted to a county that:

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

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

767 (c) describe a building that:

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

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

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

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

775 [~~(19)~~] (20) "Impact fee" means a payment of money imposed under Title 11, Chapter
776 36a, Impact Fees Act.

777 [~~(20)~~] (21) "Improvement completion assurance" means a surety bond, letter of credit,
778 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
779 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
780 required as a condition precedent to:

781 (a) recording a subdivision plat; or

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

783 [~~(21)~~] (22) "Improvement warranty" means an applicant's unconditional warranty that
784 the applicant's installed and accepted landscaping or infrastructure improvement:

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

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

789 [~~(22)~~] (23) "Improvement warranty period" means a period:

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

791 (b) no later than one year after a county's acceptance of required infrastructure, unless
792 the county:

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

795 (ii) has substantial evidence, on record:

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

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

799 [~~(23)~~] (24) "Infrastructure improvement" means permanent infrastructure that an
800 applicant must install:

801 (a) pursuant to published installation and inspection specifications for public
802 improvements; and
803 (b) as a condition of:
804 (i) recording a subdivision plat; or
805 (ii) development of a commercial, industrial, mixed use, condominium, or multifamily
806 project.

807 [~~24~~] (25) "Internal lot restriction" means a platted note, platted demarcation, or
808 platted designation that:

- 809 (a) runs with the land; and
- 810 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
811 the plat; or
- 812 (ii) designates a development condition that is enclosed within the perimeter of a lot
813 described on the plat.

814 [~~25~~] (26) "Interstate pipeline company" means a person or entity engaged in natural
815 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
816 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

817 [~~26~~] (27) "Intrastate pipeline company" means a person or entity engaged in natural
818 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
819 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

820 [~~27~~] (28) "Land use applicant" means a property owner, or the property owner's
821 designee, who submits a land use application regarding the property owner's land.

822 [~~28~~] (29) "Land use application":

- 823 (a) means an application that is:
 - 824 (i) required by a county; and
 - 825 (ii) submitted by a land use applicant to obtain a land use decision; and
- 826 (b) does not mean an application to enact, amend, or repeal a land use regulation.

827 [~~29~~] (30) "Land use authority" means:

- 828 (a) a person, board, commission, agency, or body, including the local legislative body,
829 designated by the local legislative body to act upon a land use application; or
- 830 (b) if the local legislative body has not designated a person, board, commission,
831 agency, or body, the local legislative body.

832 [~~(30)~~] (31) "Land use decision" means an administrative decision of a land use
833 authority or appeal authority regarding:

- 834 (a) a land use permit;
- 835 (b) a land use application; or
- 836 (c) the enforcement of a land use regulation, land use permit, or development
837 agreement.

838 [~~(31)~~] (32) "Land use permit" means a permit issued by a land use authority.

839 [~~(32)~~] (33) "Land use regulation":

- 840 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
841 specification, fee, or rule that governs the use or development of land;
- 842 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
843 and
- 844 (c) does not include:
 - 845 (i) a land use decision of the legislative body acting as the land use authority, even if
846 the decision is expressed in a resolution or ordinance; or
 - 847 (ii) a temporary revision to an engineering specification that does not materially:
848 (A) increase a land use applicant's cost of development compared to the existing
849 specification; or
 - 850 (B) impact a land use applicant's use of land.

851 [~~(33)~~] (34) "Legislative body" means the county legislative body, or for a county that
852 has adopted an alternative form of government, the body exercising legislative powers.

853 [~~(34)~~] (35) "Local district" means any entity under Title 17B, Limited Purpose Local
854 Government Entities - Local Districts, and any other governmental or quasi-governmental
855 entity that is not a county, municipality, school district, or the state.

856 [~~(35)~~] (36) "Lot line adjustment" means the relocation of the property boundary line in
857 a subdivision between two adjoining lots with the consent of the owners of record.

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

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

862 or

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

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

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

867 [~~36~~] (38) "Moderate income housing" means housing occupied or reserved for
868 occupancy by households with a gross household income equal to or less than 80% of the
869 median gross income for households of the same size in the county in which the housing is
870 located.

871 [~~37~~] (39) "Mountainous planning district" means an area:

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

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

874 [~~38~~] (40) "Nominal fee" means a fee that reasonably reimburses a county only for
875 time spent and expenses incurred in:

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

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

879 [~~39~~] (41) "Noncomplying structure" means a structure that:

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

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

884 [~~40~~] (42) "Nonconforming use" means a use of land that:

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

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

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

890 [~~41~~] (43) "Official map" means a map drawn by county authorities and recorded in
891 the county recorder's office that:

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

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

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

898 ~~[(42)]~~ (44) "Parcel boundary adjustment" means a recorded agreement between owners
899 of adjoining properties adjusting their mutual boundary if:

900 (a) no additional parcel is created; and

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

903 ~~[(43)]~~ (45) "Person" means an individual, corporation, partnership, organization,
904 association, trust, governmental agency, or any other legal entity.

905 ~~[(44)]~~ (46) "Plan for moderate income housing" means a written document adopted by
906 a county legislative body that includes:

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

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

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

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

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

916 ~~[(45)]~~ (47) "Planning advisory area" means a contiguous, geographically defined
917 portion of the unincorporated area of a county established under this part with planning and
918 zoning functions as exercised through the planning advisory area planning commission, as
919 provided in this chapter, but with no legal or political identity separate from the county and no
920 taxing authority.

921 ~~[(46)]~~ (48) "Plat" means a map or other graphical representation of lands being laid out
922 and prepared in accordance with Section [17-27a-603](#), [17-23-17](#), or [57-8-13](#).

923 ~~[(47)]~~ (49) "Potential geologic hazard area" means an area that:

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

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

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

930 [~~48~~] (50) "Public agency" means:

931 (a) the federal government;

932 (b) the state;

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

935 (d) a charter school.

936 [~~49~~] (51) "Public hearing" means a hearing at which members of the public are
937 provided a reasonable opportunity to comment on the subject of the hearing.

938 [~~50~~] (52) "Public meeting" means a meeting that is required to be open to the public
939 under Title 52, Chapter 4, Open and Public Meetings Act.

940 [~~51~~] (53) "Receiving zone" means an unincorporated area of a county that the county
941 designates, by ordinance, as an area in which an owner of land may receive a transferable
942 development right.

943 [~~52~~] (54) "Record of survey map" means a map of a survey of land prepared in
944 accordance with Section [17-23-17](#).

945 [~~53~~] (55) "Residential facility for persons with a disability" means a residence:

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

947 (b) (i) which is licensed or certified by the Department of Human Services under Title
948 62A, Chapter 2, Licensure of Programs and Facilities; or

949 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
950 21, Health Care Facility Licensing and Inspection Act.

951 [~~54~~] (56) "Rules of order and procedure" means a set of rules that govern and
952 prescribe in a public meeting:

953 (a) parliamentary order and procedure;

954 (b) ethical behavior; and

955 (c) civil discourse.

956 [~~(55)~~] (57) "Sanitary sewer authority" means the department, agency, or public entity
957 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
958 wastewater systems.

959 [~~(56)~~] (58) "Sending zone" means an unincorporated area of a county that the county
960 designates, by ordinance, as an area from which an owner of land may transfer a transferable
961 development right.

962 [~~(57)~~] (59) "Site plan" means a document or map that may be required by a county
963 during a preliminary review preceding the issuance of a building permit to demonstrate that an
964 owner's or developer's proposed development activity meets a land use requirement.

965 [~~(58)~~] (60) "Specified public agency" means:

- 966 (a) the state;
- 967 (b) a school district; or
- 968 (c) a charter school.

969 [~~(59)~~] (61) "Specified public utility" means an electrical corporation, gas corporation,
970 or telephone corporation, as those terms are defined in Section 54-2-1.

971 [~~(60)~~] (62) "State" includes any department, division, or agency of the state.

972 [~~(61)~~] (63) "Street" means a public right-of-way, including a highway, avenue,
973 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
974 or other way.

975 [~~(62)~~] (64) (a) "Subdivision" means any land that is divided, resubdivided or proposed
976 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
977 purpose, whether immediate or future, for offer, sale, lease, or development either on the
978 installment plan or upon any and all other plans, terms, and conditions.

979 (b) "Subdivision" includes:

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

982 (ii) except as provided in Subsection [~~(62)~~] (64)(c), divisions of land for residential and
983 nonresidential uses, including land used or to be used for commercial, agricultural, and
984 industrial purposes.

985 (c) "Subdivision" does not include:

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

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

989 (A) no new lot is created; and

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

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

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

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

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

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

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

1000 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1001 utility service regeneration, transformation, retransmission, or amplification facility;

1002 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
1003 their mutual boundary if:

1004 (A) no new dwelling lot or housing unit will result from the adjustment; and

1005 (B) the adjustment will not violate any applicable land use ordinance;

1006 (vi) a bona fide division or partition of land by deed or other instrument where the land
1007 use authority expressly approves in writing the division in anticipation of further land use
1008 approvals on the parcel or parcels; or

1009 (vii) a parcel boundary adjustment.

1010 (d) The joining of a subdivided parcel of property to another parcel of property that has
1011 not been subdivided does not constitute a subdivision under this Subsection [~~(62)~~] (63) as to
1012 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
1013 subdivision ordinance.

1014 [~~(63)~~] (65) "Suspect soil" means soil that has:

1015 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1016 3% swell potential;

1017 (b) bedrock units with high shrink or swell susceptibility; or

1018 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1019 commonly associated with dissolution and collapse features.

1020 [~~(64)~~] (66) "Therapeutic school" means a residential group living facility:

1021 (a) for four or more individuals who are not related to:

1022 (i) the owner of the facility; or

1023 (ii) the primary service provider of the facility;

1024 (b) that serves students who have a history of failing to function:

1025 (i) at home;

1026 (ii) in a public school; or

1027 (iii) in a nonresidential private school; and

1028 (c) that offers:

1029 (i) room and board; and

1030 (ii) an academic education integrated with:

1031 (A) specialized structure and supervision; or

1032 (B) services or treatment related to a disability, an emotional development, a

1033 behavioral development, a familial development, or a social development.

1034 [~~(65)~~] (67) "Transferable development right" means a right to develop and use land that
1035 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1036 land use rights from a designated sending zone to a designated receiving zone.

1037 [~~(66)~~] (68) "Unincorporated" means the area outside of the incorporated area of a
1038 municipality.

1039 [~~(67)~~] (69) "Water interest" means any right to the beneficial use of water, including:

1040 (a) each of the rights listed in Section 73-1-11; and

1041 (b) an ownership interest in the right to the beneficial use of water represented by:

1042 (i) a contract; or

1043 (ii) a share in a water company, as defined in Section 73-3-3.5.

1044 [~~(68)~~] (70) "Zoning map" means a map, adopted as part of a land use ordinance, that
1045 depicts land use zones, overlays, or districts.

1046 Section 6. Section 17-27a-401 is amended to read:

1047 **17-27a-401. General plan required -- Content -- Resource management plan --**
1048 **Provisions related to radioactive waste facility.**

1049 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a
1050 comprehensive, long-range general plan:

1051 (a) for present and future needs of the county;

1052 (b) (i) for growth and development of all or any part of the land within the
1053 unincorporated portions of the county; or

1054 (ii) if a county has designated a mountainous planning district, for growth and
1055 development of all or any part of the land within the mountainous planning district; and

1056 (c) as a basis for communicating and coordinating with the federal government on land
1057 and resource management issues.

1058 (2) To promote health, safety, and welfare, the general plan may provide for:

1059 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
1060 activities, aesthetics, and recreational, educational, and cultural opportunities;

1061 (b) the reduction of the waste of physical, financial, or human resources that result
1062 from either excessive congestion or excessive scattering of population;

1063 (c) the efficient and economical use, conservation, and production of the supply of:

1064 (i) food and water; and

1065 (ii) drainage, sanitary, and other facilities and resources;

1066 (d) the use of energy conservation and solar and renewable energy resources;

1067 (e) the protection of urban development;

1068 (f) the protection and promotion of air quality;

1069 (g) historic preservation;

1070 (h) identifying future uses of land that are likely to require an expansion or significant
1071 modification of services or facilities provided by each affected entity; and

1072 (i) an official map.

1073 (3) (a) The general plan shall:

1074 (i) allow and plan for moderate income housing growth; and

1075 (ii) contain a resource management plan for the public lands, as defined in Section
1076 [63L-6-102](#), within the county.

1077 (b) On or before [~~July 1, 2019~~] December 1, 2019, a county with a general plan that
1078 does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with
1079 Subsection (3)(a)(i).

- 1080 (c) The resource management plan described in Subsection (3)(a)(ii) shall address:
- 1081 (i) mining;
 - 1082 (ii) land use;
 - 1083 (iii) livestock and grazing;
 - 1084 (iv) irrigation;
 - 1085 (v) agriculture;
 - 1086 (vi) fire management;
 - 1087 (vii) noxious weeds;
 - 1088 (viii) forest management;
 - 1089 (ix) water rights;
 - 1090 (x) ditches and canals;
 - 1091 (xi) water quality and hydrology;
 - 1092 (xii) flood plains and river terraces;
 - 1093 (xiii) wetlands;
 - 1094 (xiv) riparian areas;
 - 1095 (xv) predator control;
 - 1096 (xvi) wildlife;
 - 1097 (xvii) fisheries;
 - 1098 (xviii) recreation and tourism;
 - 1099 (xix) energy resources;
 - 1100 (xx) mineral resources;
 - 1101 (xxi) cultural, historical, geological, and paleontological resources;
 - 1102 (xxii) wilderness;
 - 1103 (xxiii) wild and scenic rivers;
 - 1104 (xxiv) threatened, endangered, and sensitive species;
 - 1105 (xxv) land access;
 - 1106 (xxvi) law enforcement;
 - 1107 (xxvii) economic considerations; and
 - 1108 (xxviii) air.
- 1109 (d) For each item listed under Subsection (3)(c), a county's resource management plan
- 1110 shall:

- 1111 (i) establish findings pertaining to the item;
- 1112 (ii) establish defined objectives; and
- 1113 (iii) outline general policies and guidelines on how the objectives described in
- 1114 Subsection (3)(d)(ii) are to be accomplished.
- 1115 (4) (a) The general plan shall include specific provisions related to any areas within, or
- 1116 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
- 1117 county, which are proposed for the siting of a storage facility or transfer facility for the
- 1118 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
- 1119 these wastes are defined in Section 19-3-303. The provisions shall address the effects of the
- 1120 proposed site upon the health and general welfare of citizens of the state, and shall provide:
- 1121 (i) the information identified in Section 19-3-305;
- 1122 (ii) information supported by credible studies that demonstrates that the provisions of
- 1123 Subsection 19-3-307(2) have been satisfied; and
- 1124 (iii) specific measures to mitigate the effects of high-level nuclear waste and greater
- 1125 than class C radioactive waste and guarantee the health and safety of the citizens of the state.
- 1126 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance
- 1127 indicating that all proposals for the siting of a storage facility or transfer facility for the
- 1128 placement of high-level nuclear waste or greater than class C radioactive waste wholly or
- 1129 partially within the county are rejected.
- 1130 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.
- 1131 (d) The county shall send a certified copy of the ordinance described in Subsection
- 1132 (4)(b) to the executive director of the Department of Environmental Quality by certified mail
- 1133 within 30 days of enactment.
- 1134 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:
- 1135 (i) comply with Subsection (4)(a) as soon as reasonably possible; and
- 1136 (ii) send a certified copy of the repeal to the executive director of the Department of
- 1137 Environmental Quality by certified mail within 30 days after the repeal.
- 1138 (5) The general plan may define the county's local customs, local culture, and the
- 1139 components necessary for the county's economic stability.
- 1140 (6) Subject to Subsection 17-27a-403(2), the county may determine the
- 1141 comprehensiveness, extent, and format of the general plan.

1142 (7) If a county has designated a mountainous planning district, the general plan for the
1143 mountainous planning district is the controlling plan and takes precedence over a municipality's
1144 general plan for property located within the mountainous planning district.

1145 (8) Nothing in this part may be construed to limit the authority of the state to manage
1146 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

1147 Section 7. Section **17-27a-403** is amended to read:

1148 **17-27a-403. Plan preparation.**

1149 (1) (a) The planning commission shall provide notice, as provided in Section
1150 [17-27a-203](#), of its intent to make a recommendation to the county legislative body for a general
1151 plan or a comprehensive general plan amendment when the planning commission initiates the
1152 process of preparing its recommendation.

1153 (b) The planning commission shall make and recommend to the legislative body a
1154 proposed general plan for:

1155 (i) the unincorporated area within the county; or

1156 (ii) if the planning commission is a planning commission for a mountainous planning
1157 district, the mountainous planning district.

1158 (c) (i) The plan may include planning for incorporated areas if, in the planning
1159 commission's judgment, they are related to the planning of the unincorporated territory or of
1160 the county as a whole.

1161 (ii) Elements of the county plan that address incorporated areas are not an official plan
1162 or part of a municipal plan for any municipality, unless it is recommended by the municipal
1163 planning commission and adopted by the governing body of the municipality.

1164 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
1165 planning district, the plan for the mountainous planning district controls and precedes a
1166 municipal plan, if any, to which the property would be subject.

1167 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1168 and descriptive and explanatory matter, shall include the planning commission's
1169 recommendations for the following plan elements:

1170 (i) a land use element that:

1171 (A) designates the long-term goals and the proposed extent, general distribution, and
1172 location of land for housing for residents of various income levels, business, industry,

1173 agriculture, recreation, education, public buildings and grounds, open space, and other
1174 categories of public and private uses of land as appropriate; and

1175 (B) may include a statement of the projections for and standards of population density
1176 and building intensity recommended for the various land use categories covered by the plan;

1177 (ii) a transportation and traffic circulation element [~~consisting of the general location~~
1178 ~~and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~
1179 ~~any other modes of transportation that the planning commission considers appropriate, all~~
1180 ~~correlated with the population projections and the proposed land use element of the general~~
1181 ~~plan;] that:~~

1182 (A) provides the general location and extent of existing and proposed freeways, arterial
1183 and collector streets, public transit, active transportation facilities, and other modes of
1184 transportation that the planning commission considers appropriate;

1185 (B) addresses the county's plan for residential and commercial development around
1186 major transit investment corridors to maintain and improve the connections between housing,
1187 employment, education, recreation, and commerce; and

1188 (C) correlates with the population projections, the employment projections, and the
1189 proposed land use element of the general plan;

1190 (iii) a plan for the development of additional moderate income housing within the
1191 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1192 realistic opportunity to meet the need for additional moderate income housing; and

1193 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1194 and policies required by Subsection 17-27a-401(3).

1195 (b) In drafting the moderate income housing element, the planning commission:

1196 (i) shall consider the Legislature's determination that counties should facilitate a
1197 reasonable opportunity for a variety of housing, including moderate income housing:

1198 (A) to meet the needs of people [~~desiring to live there~~] of various income levels living,
1199 working, or desiring to live or work in the community; and

1200 (B) to allow [~~persons with moderate~~] people with various incomes to benefit from and
1201 fully participate in all aspects of neighborhood and community life; and

1202 (ii) shall include an analysis of [~~why the recommended means, techniques, or~~
1203 ~~combination of means and techniques~~] how the county will provide a realistic opportunity for

1204 the development of moderate income housing within the planning horizon, which [~~means or~~
1205 ~~techniques~~] may include a recommendation to implement three or more of the following
1206 strategies:

1207 (A) rezone for densities necessary to assure the production of moderate income
1208 housing;

1209 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1210 construction of moderate income housing;

1211 (C) [~~encourage~~] facilitate the rehabilitation of existing uninhabitable housing stock into
1212 moderate income housing;

1213 (D) consider county general fund subsidies or other sources of revenue to waive
1214 construction related fees that are otherwise generally imposed by the county;

1215 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1216 residential zones;

1217 (F) allow for higher density or moderate income residential development in
1218 commercial and mixed-use zones, commercial centers, or employment centers;

1219 (G) encourage higher density or moderate income residential development near major
1220 transit investment corridors;

1221 (H) eliminate or reduce parking requirements for residential development where a
1222 resident is less likely to rely on the resident's own vehicle, such as residential development near
1223 major transit investment corridors or senior living facilities;

1224 (I) allow for single room occupancy developments;

1225 (J) implement zoning incentives for low to moderate income units in new
1226 developments;

1227 (K) utilize strategies that preserve subsidized low to moderate income units on a
1228 long-term basis;

1229 (L) preserve existing moderate income housing;

1230 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
1231 income housing;

1232 (N) participate in a community land trust program for low or moderate income
1233 housing;

1234 (O) implement a mortgage assistance program for employees of the county or of an

1235 employer that provides contracted services for the county;

1236 ~~[(E) consider utilization of]~~ (P) apply for or partner with an entity that applies for state
1237 or federal funds or tax incentives to promote the construction of moderate income housing;

1238 ~~[(F) consider utilization of]~~ (Q) apply for or partner with an entity that applies for
1239 programs offered by the Utah Housing Corporation within that agency's funding capacity; ~~and]~~

1240 ~~[(G) consider utilization of]~~ (R) apply for or partner with an entity that applies for
1241 affordable housing programs administered by the Department of Workforce Services[-];

1242 (S) apply for or partner with an entity that applies for services provided by a public
1243 housing authority to preserve and create moderate income housing;

1244 (T) apply for or partner with an entity that applies for programs administered by a
1245 metropolitan planning organization or other transportation agency that provides technical
1246 planning assistance;

1247 (U) utilize a moderate income housing set aside from a community reinvestment
1248 agency, redevelopment agency, or community development and renewal agency; and

1249 (V) consider any other program or strategy implemented by the county to address the
1250 housing needs of residents of the county who earn less than 80% of the area median income.

1251 (c) In drafting the land use element, the planning commission shall:

1252 (i) identify and consider each agriculture protection area within the unincorporated area
1253 of the county or mountainous planning district; and

1254 (ii) avoid proposing a use of land within an agriculture protection area that is
1255 inconsistent with or detrimental to the use of the land for agriculture.

1256 (d) In drafting the transportation and traffic circulation element, the planning
1257 commission shall:

1258 (i) consider the regional transportation plan developed by its region's metropolitan
1259 planning organization, if the relevant areas of the county are within the boundaries of a
1260 metropolitan planning organization; or

1261 (ii) consider the long-range transportation plan developed by the Department of
1262 Transportation, if the relevant areas of the county are not within the boundaries of a
1263 metropolitan planning organization.

1264 (3) The proposed general plan may include:

1265 (a) an environmental element that addresses:

1266 (i) to the extent not covered by the county's resource management plan, the protection,
1267 conservation, development, and use of natural resources, including the quality of air, forests,
1268 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1269 and

1270 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1271 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1272 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1273 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1274 (b) a public services and facilities element showing general plans for sewage, water,
1275 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1276 police and fire protection, and other public services;

1277 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1278 programs for:

1279 (i) historic preservation;

1280 (ii) the diminution or elimination of blight; and

1281 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1282 public building sites;

1283 (d) an economic element composed of appropriate studies and forecasts, as well as an
1284 economic development plan, which may include review of existing and projected county
1285 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1286 primary and secondary market areas, employment, and retail sales activity;

1287 (e) recommendations for implementing all or any portion of the general plan, including
1288 the use of land use ordinances, capital improvement plans, community development and
1289 promotion, and any other appropriate action;

1290 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or
1291 [\(3\)\(a\)\(i\)](#); and

1292 (g) any other element the county considers appropriate.

1293 Section 8. Section **17-27a-408** is amended to read:

1294 **17-27a-408. Reporting requirements and civil action regarding moderate income**
1295 **housing element of general plan.**

1296 (1) The legislative body of each county of the first, second, or third class, which has a

1297 population in the county's unincorporated areas of more than 5,000 residents, shall annually:

1298 (a) review the moderate income housing plan element of the county's general plan and
1299 implementation of that element of the general plan;

1300 (b) prepare a report on the findings of the review described in Subsection (1)(a); and

1301 (c) post the report described in Subsection (1)(b) on the county's website.

1302 (2) The report described in Subsection (1) shall include:

1303 (a) a revised estimate of the need for moderate income housing in the unincorporated
1304 areas of the county for the next five years;

1305 (b) a description of progress made within the unincorporated areas of the county to
1306 provide moderate income housing demonstrated by analyzing and publishing data on the
1307 number of housing units in the county that are at or below:

1308 (i) 80% of the adjusted median family income;

1309 (ii) 50% of the adjusted median family income; and

1310 (iii) 30% of the adjusted median family income;

1311 (c) a description of any efforts made by the county to utilize a moderate income
1312 housing set-aside from a community reinvestment agency, redevelopment agency, or a
1313 community development and renewal agency; and

1314 (d) a description of how the county has implemented any of the recommendations
1315 related to moderate income housing described in Subsection 17-27a-403(2)(b)(ii).

1316 (3) The legislative body of each county described in Subsection (1) shall send a copy of
1317 the report under Subsection (1) to the Department of Workforce Services, the association of
1318 governments in which the county is located, and, if the unincorporated area of the county is
1319 located withing the boundaries of a metropolitan planning organization, the appropriate
1320 metropolitan planning organization.

1321 (4) In a civil action seeking enforcement or claiming a violation of this section or of
1322 Subsection 17-27a-404(6)(c), a plaintiff may not recover damages but may be awarded only
1323 injunctive or other equitable relief.

1324 Section 9. Section **35A-8-503** is amended to read:

1325 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

1326 (1) There is created the Olene Walker Housing Loan Fund Board.

1327 (2) The board is composed of 11 voting members.

- 1328 (a) The governor shall appoint the following members to four-year terms:
- 1329 (i) two members from local governments;
- 1330 (ii) two members from the mortgage lending community;
- 1331 (iii) one member from real estate sales interests;
- 1332 (iv) one member from home builders interests;
- 1333 (v) one member from rental housing interests;
- 1334 (vi) one member from housing advocacy interests;
- 1335 (vii) one member of the manufactured housing interest; ~~[and]~~
- 1336 (viii) one member with expertise in transit-oriented developments; and
- 1337 (ix) one member who represents rural interests.
- 1338 ~~[(viii) two members of the general public.]~~
- 1339 (b) The director or the director's designee serves as the secretary of the board.
- 1340 (c) The members of the board shall annually elect a chair from among the voting
- 1341 membership of the board.
- 1342 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
- 1343 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 1344 board members are staggered so that approximately half of the board is appointed every two
- 1345 years.
- 1346 (b) When a vacancy occurs in the membership for any reason, the replacement is
- 1347 appointed for the unexpired term.
- 1348 (4) (a) The board shall:
- 1349 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by
- 1350 the board;
- 1351 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to
- 1352 provide information to and receive input from the public regarding the state's housing policies
- 1353 and needs;
- 1354 ~~[(ii)]~~ (iii) keep minutes of its meetings; and
- 1355 ~~[(iii)]~~ (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open
- 1356 and Public Meetings Act.
- 1357 (b) ~~[Seven]~~ Six members of the board constitute a quorum, and the governor, the chair,
- 1358 or a majority of the board may call a meeting of the board.

- 1359 (5) The board shall:
- 1360 (a) review the housing needs in the state;
- 1361 (b) determine the relevant operational aspects of any grant, loan, or revenue collection
- 1362 program established under the authority of this chapter;
- 1363 (c) determine the means to implement the policies and goals of this chapter;
- 1364 (d) select specific projects to receive grant or loan money; and
- 1365 (e) determine how fund money shall be allocated and distributed.
- 1366 (6) A member may not receive compensation or benefits for the member's service, but
- 1367 may receive per diem and travel expenses in accordance with:
- 1368 (a) Section 63A-3-106;
- 1369 (b) Section 63A-3-107; and
- 1370 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1371 63A-3-107.

1372 Section 10. Section 35A-8-505 is amended to read:

1373 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**

1374 **director.**

1375 At the direction of the board, the executive director may:

- 1376 (1) provide fund money to any of the following activities:
- 1377 (a) the acquisition, rehabilitation, or new construction of low-income housing units;
- 1378 (b) matching funds for social services projects directly related to providing housing for
- 1379 special-need renters in assisted projects;
- 1380 (c) the development and construction of accessible housing designed for low-income
- 1381 persons;
- 1382 (d) the construction or improvement of a shelter or transitional housing facility that
- 1383 provides services intended to prevent or minimize homelessness among members of a specific
- 1384 homeless subpopulation;
- 1385 (e) the purchase of an existing facility to provide temporary or transitional housing for
- 1386 the homeless in an area that does not require rezoning before providing such temporary or
- 1387 transitional housing; [~~and~~]
- 1388 (f) the purchase of land that will be used as the site of low-income housing units; and
- 1389 [~~(f)~~] (g) other activities that will assist in minimizing homelessness or improving the

1390 availability or quality of housing in the state for low-income persons;

1391 (2) do any act necessary or convenient to the exercise of the powers granted by this part
1392 or reasonably implied from those granted powers, including:

1393 (a) making or executing contracts and other instruments necessary or convenient for
1394 the performance of the executive director and board's duties and the exercise of the executive
1395 director and board's powers and functions under this part, including contracts or agreements for
1396 the servicing and originating of mortgage loans;

1397 (b) procuring insurance against a loss in connection with property or other assets held
1398 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

1399 (c) entering into agreements with a department, agency, or instrumentality of the
1400 United States or this state and with mortgagors and mortgage lenders for the purpose of
1401 planning and regulating and providing for the financing and refinancing, purchase,
1402 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
1403 or other disposition of residential housing undertaken with the assistance of the department
1404 under this part;

1405 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,
1406 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or
1407 personal property obtained by the fund due to the default on a mortgage loan held by the fund
1408 in preparation for disposition of the property, taking assignments of leases and rentals,
1409 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
1410 performance of its duties; and

1411 (e) selling, at a public or private sale, with public bidding, a mortgage or other
1412 obligation held by the fund.

1413 Section 11. Section **35A-8-803** is amended to read:

1414 **35A-8-803. Division -- Functions.**

1415 (1) In addition to any other functions the governor or Legislature may assign:

1416 (a) the division shall:

1417 (i) provide a clearinghouse of information for federal, state, and local housing
1418 assistance programs;

1419 (ii) establish, in cooperation with political subdivisions, model plans and management
1420 methods to encourage or provide for the development of affordable housing that may be

1421 adopted by political subdivisions by reference;

1422 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of

1423 problems relating to housing needs, such as:

1424 (A) inadequate supply of dwellings;

1425 (B) substandard dwellings; and

1426 (C) inability of medium and low income families to obtain adequate housing;

1427 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

1428 (A) political subdivisions;

1429 (B) real estate developers;

1430 (C) builders;

1431 (D) lending institutions;

1432 (E) affordable housing advocates; and

1433 (F) others having use for the information;

1434 (v) advise political subdivisions of serious housing problems existing within their

1435 jurisdiction that require concerted public action for solution; ~~and~~

1436 (vi) assist political subdivisions in defining housing objectives and in preparing for

1437 adoption a plan of action covering a five-year period designed to accomplish housing

1438 objectives within their jurisdiction; and

1439 (vii) for municipalities or counties required to submit an annual moderate income

1440 housing report to the department as described in Section [10-9a-408](#) or [17-27a-408](#):

1441 (A) assist in the creation of the reports; and

1442 (B) evaluate the reports for the purposes of Subsections [72-2-124](#)(5) and (6); and

1443 (b) within legislative appropriations, the division may accept for and on behalf of, and

1444 bind the state to, any federal housing or homeless program in which the state is invited,

1445 permitted, or authorized to participate in the distribution, disbursement, or administration of

1446 any funds or service advanced, offered, or contributed in whole or in part by the federal

1447 government.

1448 (2) The administration of any federal housing program in which the state is invited,

1449 permitted, or authorized to participate in distribution, disbursement, or administration of funds

1450 or services, except those administered by the Utah Housing Corporation, is governed by

1451 Sections [35A-8-501](#) through [35A-8-508](#).

1452 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1453 department shall make rules describing the evaluation process for moderate income housing
1454 reports described in Subsection (1)(a)(vii).

1455 Section 12. Section **63B-18-401** is amended to read:

1456 **63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway**
1457 **projects.**

1458 (1) (a) The total amount of bonds issued under this section may not exceed
1459 \$2,077,000,000.

1460 (b) When the Department of Transportation certifies to the commission that the
1461 requirements of Subsection ~~72-2-124(5)~~(7) have been met and certifies the amount of bond
1462 proceeds that it needs to provide funding for the projects described in Subsection (2) for the
1463 next fiscal year, the commission may issue and sell general obligation bonds in an amount
1464 equal to the certified amount plus costs of issuance.

1465 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
1466 shall be provided to the Department of Transportation to pay all or part of the costs of the
1467 following state highway construction or reconstruction projects:

1468 (a) Interstate 15 reconstruction in Utah County;

1469 (b) the Mountain View Corridor;

1470 (c) the Southern Parkway; and

1471 (d) state and federal highways prioritized by the Transportation Commission through:

1472 (i) the prioritization process for new transportation capacity projects adopted under
1473 Section ~~72-1-304~~; or

1474 (ii) the state highway construction program.

1475 (3) (a) Except as provided in Subsection (5), the bond proceeds issued under this
1476 section shall be provided to the Department of Transportation.

1477 (b) The Department of Transportation shall use bond proceeds and the funds provided
1478 to it under Section ~~72-2-124~~ to pay for the costs of right-of-way acquisition, construction,
1479 reconstruction, renovations, or improvements to the following highways:

1480 (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street
1481 interchange to Payson;

1482 (ii) \$28 million for improvements to Riverdale Road in Ogden;

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

1514 Section [72-2-121](#) to pay for, or to provide funds to, a municipality, county, or political
1515 subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction,
1516 renovations, or improvements to the following highway or transit projects in Salt Lake County:
1517 (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;
1518 (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200
1519 South and pedestrian crossings and system connections;
1520 (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake
1521 Community College Road;
1522 (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from
1523 6200 South to 8600 South;
1524 (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from
1525 1300 West to S.R. 111;
1526 (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;
1527 (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200
1528 West to 700 West;
1529 (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;
1530 (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State
1531 Street to 900 East;
1532 (x) \$1,800,000 to Murray City for highway improvements to 1300 East;
1533 (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West
1534 Temple, Main Street, and State Street;
1535 (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from
1536 5600 West to Mountain View Corridor;
1537 (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from
1538 Parkway Boulevard to SR-201 Frontage Road;
1539 (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from
1540 4800 West to 7200 West and pedestrian crossings;
1541 (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800
1542 West to 5600 West;
1543 (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from
1544 12600 South to Riverton Boulevard;

1545 (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue
1546 from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;

1547 (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal
1548 Boulevard;

1549 (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15
1550 to 1000 West;

1551 (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter
1552 Rockwell Boulevard;

1553 (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:

1554 (A) a circulator study; and

1555 (B) a mountain transport study; and

1556 (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.

1557 (b) (i) Before providing funds to a municipality or county under this Subsection (4), the
1558 Department of Transportation shall obtain from the municipality or county:

1559 (A) a written certification signed by the county or city mayor or the mayor's designee
1560 certifying that the municipality or county will use the funds provided under this Subsection (4)
1561 solely for the projects described in Subsection (4)(a); and

1562 (B) other documents necessary to protect the state and the bondholders and to ensure
1563 that all legal requirements are met.

1564 (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality
1565 or county receiving funds described in this Subsection (4) shall submit to the Department of
1566 Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to
1567 pay project costs for the projects described in Subsection (4)(a).

1568 (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1,
1569 the Department of Transportation shall provide funds to the municipality or county necessary to
1570 pay project costs for the next fiscal year based upon the statement of cash flow submitted by
1571 the municipality or county.

1572 (iv) Upon the financial close of each project described in Subsection (4)(a), the
1573 municipality or county receiving funds under this Subsection (4) shall submit a statement to the
1574 Department of Transportation detailing the expenditure of funds received for each project.

1575 (c) For calendar year 2012 only:

1576 (i) the municipality or county shall submit to the Department of Transportation a
1577 statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

1578 (ii) the Department of Transportation shall provide funds to the municipality or county
1579 necessary to pay project costs based upon the statement of cash flow.

1580 (5) Twenty million dollars of the bond proceeds issued under this section and funds
1581 available under Section 72-2-124 shall be provided to the Transportation Infrastructure Loan
1582 Fund created by Section 72-2-202 to make funds available for transportation infrastructure
1583 loans and transportation infrastructure assistance under Title 72, Chapter 2, Part 2,
1584 Transportation Infrastructure Loan Fund.

1585 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies
1586 necessary to make transportation infrastructure improvements, the cost of acquiring land,
1587 interests in land, easements and rights-of-way, improving sites, and making all improvements
1588 necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds
1589 during the period to be covered by construction of the projects plus a period of six months after
1590 the end of the construction period, interest estimated to accrue on any bond anticipation notes
1591 issued under the authority of this title, and all related engineering, architectural, and legal fees.

1592 (7) The commission or the state treasurer may make any statement of intent relating to
1593 a reimbursement that is necessary or desirable to comply with federal tax law.

1594 (8) The Department of Transportation may enter into agreements related to the projects
1595 described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under
1596 this section.

1597 (9) The Department of Transportation may enter into a new or amend an existing
1598 interlocal agreement related to the projects described in Subsections (3) and (4) to establish any
1599 necessary covenants or requirements not otherwise provided for by law.

1600 Section 13. Section 63B-27-101 is amended to read:

1601 **63B-27-101. Highway bonds -- Maximum amount -- Use of proceeds for highway**
1602 **projects.**

1603 (1) (a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued
1604 under this section may not exceed \$1,000,000,000 for acquisition and construction proceeds,
1605 plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to
1606 fund any existing debt service reserve requirements, with the total amount of the bonds not to

1607 exceed \$1,010,000,000.

1608 (b) When the Department of Transportation certifies to the commission that the
1609 requirements of Subsection 72-2-124~~(5)~~(7) have been met and certifies the amount of bond
1610 proceeds that the commission needs to provide funding for the projects described in Subsection
1611 (2) for the current or next fiscal year, the commission may issue and sell general obligation
1612 bonds in an amount equal to the certified amount, plus additional amounts necessary to pay
1613 costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve
1614 requirements, not to exceed one percent of the certified amount.

1615 (c) The commission may not issue general obligation bonds authorized under this
1616 section if the issuance of the general obligation bonds would result in the total current
1617 outstanding general obligation debt of the state exceeding 50% of the limitation described in
1618 the Utah Constitution, Article XIV, Section 1.

1619 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
1620 shall be provided to the Department of Transportation to pay all or part of the costs of the
1621 following state highway construction or reconstruction projects:

1622 (a) state and federal highways prioritized by the Transportation Commission through
1623 the prioritization process for new transportation capacity projects adopted under Section
1624 72-1-304, giving priority consideration for projects with a regional significance or that support
1625 economic development within the state, including:

1626 (i) projects that are prioritized but exceed available cash flow beyond the normal
1627 programming horizon; or

1628 (ii) projects prioritized in the state highway construction program; and

1629 (b) \$100,000,000 to be used by the Department of Transportation for transportation
1630 improvements as prioritized by the Transportation Commission for projects that:

1631 (i) have a significant economic development impact associated with recreation and
1632 tourism within the state; and

1633 (ii) address significant needs for congestion mitigation.

1634 (3) Thirty-nine million dollars of the bond proceeds issued under this section shall be
1635 provided to the Transportation Infrastructure Loan Fund created by Section 72-2-202 to make
1636 funds available for a transportation infrastructure loan or transportation infrastructure
1637 assistance under Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, including

1638 the amounts as follows:

1639 (a) \$14,000,000 to the military installation development authority created in Section
1640 [63H-1-201](#); and

1641 (b) \$5,000,000 for right-of-way acquisition and highway construction in Salt Lake
1642 County for roads in the northwest quadrant of Salt Lake City.

1643 (4) (a) Four million dollars of the bond proceeds issued under this section shall be used
1644 for a public transit fixed guideway rail station associated with or adjacent to an institution of
1645 higher education.

1646 (b) Ten million dollars of the bond proceeds issued under this section shall be used by
1647 the Department of Transportation for the design, engineering, construction, or reconstruction of
1648 underpasses under a state highway connecting a state park and a project area created by a
1649 military installation development authority created in Section [63H-1-201](#).

1650 (5) The bond proceeds issued under this section shall be provided to the Department of
1651 Transportation.

1652 (6) The costs under Subsection (2) may include the costs of studies necessary to make
1653 transportation infrastructure improvements, the costs of acquiring land, interests in land, and
1654 easements and rights-of-way, the costs of improving sites, and making all improvements
1655 necessary, incidental, or convenient to the facilities, and the costs of interest estimated to
1656 accrue on these bonds during the period to be covered by construction of the projects plus a
1657 period of six months after the end of the construction period, interest estimated to accrue on
1658 any bond anticipation notes issued under the authority of this title, and all related engineering,
1659 architectural, and legal fees.

1660 (7) The commission or the state treasurer may make any statement of intent relating to
1661 a reimbursement that is necessary or desirable to comply with federal tax law.

1662 (8) The Department of Transportation may enter into agreements related to the projects
1663 described in Subsection (2) before the receipt of proceeds of bonds issued under this section.

1664 Section 14. Section **63I-2-217** is amended to read:

1665 **63I-2-217. Repeal dates -- Title 17.**

1666 (1) Subsection [17-27a-102](#)(1)(b), the language that states "or a designated mountainous
1667 planning district" is repealed June 1, 2020.

1668 (2) (a) Subsection [17-27a-103](#)(15)(b) is repealed June 1, 2020.

- 1669 (b) Subsection 17-27a-103[~~(37)~~](38) is repealed June 1, 2020.
- 1670 (3) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning
1671 district area" is repealed June 1, 2020.
- 1672 (4) (a) Subsection 17-27a-301(1)(b)(iii) is repealed June 1, 2020.
- 1673 (b) Subsection 17-27a-301(1)(c) is repealed June 1, 2020.
- 1674 (c) Subsection 17-27a-301(2)(a), the language that states "described in Subsection
1675 (1)(a) or (c)" is repealed June 1, 2020.
- 1676 (5) Subsection 17-27a-302(1), the language that states ", or mountainous planning
1677 district" and "or the mountainous planning district," is repealed June 1, 2020.
- 1678 (6) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
1679 district or" and ", as applicable" is repealed June 1, 2020.
- 1680 (7) (a) Subsection 17-27a-401(1)(b)(ii) is repealed June 1, 2020.
- 1681 (b) Subsection 17-27a-401(6) is repealed June 1, 2020.
- 1682 (8) (a) Subsection 17-27a-403(1)(b)(ii) is repealed June 1, 2020.
- 1683 (b) Subsection 17-27a-403(1)(c)(iii) is repealed June 1, 2020.
- 1684 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning
1685 district" is repealed June 1, 2020.
- 1686 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
1687 district" is repealed June 1, 2020.
- 1688 (9) Subsection 17-27a-502(1)(d)(i)(B) is repealed June 1, 2020.
- 1689 (10) Subsection 17-27a-505.5(2)(a)(iii) is repealed June 1, 2020.
- 1690 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
1691 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.
- 1692 (12) Subsection 17-27a-604(1)(b)(i)(B) is repealed June 1, 2020.
- 1693 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning
1694 district land" is repealed June 1, 2020.
- 1695 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
1696 2020.
- 1697 (15) On June 1, 2020, when making the changes in this section, the Office of
1698 Legislative Research and General Counsel shall:
- 1699 (a) in addition to its authority under Subsection 36-12-12(3), make corrections

1700 necessary to ensure that sections and subsections identified in this section are complete
1701 sentences and accurately reflect the office's understanding of the Legislature's intent; and

1702 (b) identify the text of the affected sections and subsections based upon the section and
1703 subsection numbers used in Laws of Utah 2017, Chapter 448.

1704 (16) On June 1, 2020:

1705 (a) Section 17-52a-104 is repealed;

1706 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
1707 described in Subsection 17-52a-104(2)," is repealed;

1708 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

1709 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a
1710 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was
1711 in effect on March 14, 2018," is repealed; and

1712 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a
1713 pending process described in Section 17-52a-104, the attorney's report that is described in
1714 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a
1715 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,
1716 2018," is repealed.

1717 (17) On January 1, 2028, Subsection 17-52a-102(3) is repealed.

1718 Section 15. Section 72-1-304 is amended to read:

1719 **72-1-304. Written project prioritization process for new transportation capacity**
1720 **projects -- Rulemaking.**

1721 (1) (a) The Transportation Commission, in consultation with the department and the
1722 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
1723 prioritization process for the prioritization of new transportation capacity projects that are or
1724 will be part of the state highway system under Chapter 4, Part 1, State Highways, or public
1725 transit projects that add capacity to the public transit systems within the state.

1726 (b) (i) A local government or district may nominate a project for prioritization in
1727 accordance with the process established by the commission in rule.

1728 (ii) If a local government or district nominates a project for prioritization by the
1729 commission, the local government or district shall provide data and evidence to show that:

1730 (A) the project will advance the purposes and goals described in Section 72-1-211;

1731 (B) for a public transit project, the local government or district has an ongoing funding
1732 source for operations and maintenance of the proposed development; and

1733 (C) the local government or district will provide 40% of the funds for the project as
1734 required by Subsection [72-2-124](#)~~(7)~~(9)(e).

1735 (2) The following shall be included in the written prioritization process under
1736 Subsection (1):

1737 (a) a description of how the strategic initiatives of the department adopted under
1738 Section [72-1-211](#) are advanced by the written prioritization process;

1739 (b) a definition of the type of projects to which the written prioritization process
1740 applies;

1741 (c) specification of a weighted criteria system that is used to rank proposed projects
1742 and how it will be used to determine which projects will be prioritized;

1743 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1744 (e) any other provisions the commission considers appropriate, which may include
1745 consideration of:

1746 (i) regional and statewide economic development impacts, including improved local
1747 access to:

1748 (A) employment;

1749 (B) educational facilities;

1750 ~~(B)~~ (C) recreation;

1751 ~~(C)~~ (D) commerce; and

1752 ~~(D)~~ (E) residential areas, including moderate income housing as demonstrated in the
1753 local government's or district's general plan pursuant to Section [10-9a-403](#) or [17-27a-403](#);

1754 (ii) the extent to which local land use plans relevant to a project support and
1755 accomplish the strategic initiatives adopted under Section [72-1-211](#); and

1756 (iii) any matching funds provided by a political subdivision or public transit district in
1757 addition to the 40% required by Subsection [72-2-124](#)~~(7)~~(9)(e).

1758 (3) In developing the written prioritization process, the commission:

1759 (a) shall seek and consider public comment by holding public meetings at locations
1760 throughout the state; and

1761 (b) may not consider local matching dollars as provided under Section [72-2-123](#) unless

1762 the state provides an equal opportunity to raise local matching dollars for state highway
1763 improvements within each county.

1764 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1765 Transportation Commission, in consultation with the department, shall make rules establishing
1766 the written prioritization process under Subsection (1).

1767 (5) The commission shall submit the proposed rules under this section to a committee
1768 or task force designated by the Legislative Management Committee for review prior to taking
1769 final action on the proposed rules or any proposed amendment to the rules described in
1770 Subsection (4).

1771 Section 16. Section **72-2-124** is amended to read:

1772 **72-2-124. Transportation Investment Fund of 2005.**

1773 (1) There is created a capital projects fund entitled the Transportation Investment Fund
1774 of 2005.

1775 (2) The fund consists of money generated from the following sources:

1776 (a) any voluntary contributions received for the maintenance, construction,
1777 reconstruction, or renovation of state and federal highways;

1778 (b) appropriations made to the fund by the Legislature;

1779 (c) registration fees designated under Section [41-1a-1201](#);

1780 (d) the sales and use tax revenues deposited into the fund in accordance with Section
1781 [59-12-103](#); and

1782 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

1783 (3) (a) The fund shall earn interest.

1784 (b) All interest earned on fund money shall be deposited into the fund.

1785 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
1786 fund money [~~only~~] to pay:

1787 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
1788 federal highways prioritized by the Transportation Commission through the prioritization
1789 process for new transportation capacity projects adopted under Section [72-1-304](#);

1790 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
1791 projects described in Subsections [63B-18-401](#)(2), (3), and (4);

1792 (iii) principal, interest, and issuance costs of bonds authorized by Section [63B-18-401](#)

1793 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
1794 with Subsection 72-2-121(4)(f);

1795 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
1796 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
1797 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
1798 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1799 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
1800 for projects prioritized in accordance with Section 72-2-125;

1801 (vi) all highway general obligation bonds that are intended to be paid from revenues in
1802 the Centennial Highway Fund created by Section 72-2-118; and

1803 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
1804 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
1805 in Section 72-2-121.

1806 (b) The executive director may use fund money to exchange for an equal or greater
1807 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1808 (5) (a) Except as provided in Subsection (5)(b), the executive director may not use fund
1809 money, including fund money from the Transit Transportation Investment Fund, within the
1810 boundaries of a municipality that is required to adopt a moderate income housing plan element
1811 as part of the municipality's general plan as described in Subsection 10-9a-401(3), if the
1812 municipality has failed to adopt a moderate income housing plan element as part of the
1813 municipality's general plan or has failed to implement the requirements of the moderate income
1814 housing plan as determined by the results of the Department of Workforce Service's review of
1815 the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

1816 (b) Within the boundaries of a municipality that is required under Subsection
1817 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate
1818 income housing plan element as part of the municipality's general plan or has failed to
1819 implement the requirements of the moderate income housing plan as determined by the results
1820 of the Department of Workforce Service's review of the annual moderate income housing
1821 report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

1822 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access
1823 facility;

1824 (ii) may not use fund money for the construction, reconstruction, or renovation of an
1825 interchange on a limited-access facility;

1826 (iii) may use Transit Transportation Investment Fund money for a multi-community
1827 fixed guideway public transportation project; and

1828 (iv) may not use Transit Transportation Investment Fund money for the construction,
1829 reconstruction, or renovation of a station that is part of a fixed guideway public transportation
1830 project.

1831 (6) (a) Except as provided in Subsection (6)(b), the executive director may not use fund
1832 money, including fund money from the Transit Transportation Investment Fund, within the
1833 boundaries of the unincorporated area of a county, if the county is required to adopt a moderate
1834 income housing plan element as part of the county's general plan as described in Subsection
1835 17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as
1836 part of the county's general plan or has failed to implement the requirements of the moderate
1837 income housing plan as determined by the results of the Department of Workforce Service's
1838 review of the annual moderate income housing report described in Subsection
1839 35A-8-803(1)(a)(vii).

1840 (b) Within the boundaries of the unincorporated area of a county where the county is
1841 required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has
1842 failed to adopt a moderate income housing plan element as part of the county's general plan or
1843 has failed to implement the requirements of the moderate income housing plan as determined
1844 by the results of the Department of Workforce Service's review of the annual moderate income
1845 housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

1846 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access
1847 facility;

1848 (ii) may not use fund money for the construction, reconstruction, or renovation of an
1849 interchange on a limited-access facility;

1850 (iii) may use Transit Transportation Investment Fund money for a multi-community
1851 fixed guideway public transportation project; and

1852 (iv) may not use Transit Transportation Investment Fund money for the construction,
1853 reconstruction, or renovation of a station that is part of a fixed guideway public transportation
1854 project.

1855 [~~(5)~~] (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be
1856 issued in any fiscal year, the department and the commission shall appear before the Executive
1857 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1858 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
1859 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1860 (b) The Executive Appropriations Committee of the Legislature shall review and
1861 comment on the amount of bond proceeds needed to fund the projects.

1862 [~~(6)~~] (8) The Division of Finance shall, from money deposited into the fund, transfer
1863 the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized
1864 by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service
1865 or sinking fund.

1866 [~~(7)~~] (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
1867 Transportation Investment Fund.

1868 (b) The fund shall be funded by:

1869 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1870 (ii) appropriations into the account by the Legislature;

1871 (iii) private contributions; and

1872 (iv) donations or grants from public or private entities.

1873 (c) (i) The fund shall earn interest.

1874 (ii) All interest earned on fund money shall be deposited into the fund.

1875 (d) Subject to Subsection [~~(7)~~] (9)(e), the Legislature may appropriate money from the
1876 fund for public transit capital development of new capacity projects to be used as prioritized by
1877 the commission.

1878 (e) (i) The Legislature may only appropriate money from the fund for a public transit
1879 capital development project if the public transit district or political subdivision provides funds
1880 of equal to or greater than 40% of the funds needed for the project.

1881 (ii) A public transit district or political subdivision may use money derived from a loan
1882 granted pursuant to Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, to
1883 provide all or part of the 40% requirement described in Subsection [~~(7)~~] (9)(e)(i) if:

1884 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
1885 Transportation Infrastructure Loan Fund; and

1886 (B) the proposed capital project has been prioritized by the commission pursuant to
1887 Section [72-1-303](#).