

**Senator David G. Buxton** proposes the following substitute bill:

**BUILDING REGULATION AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

Senate Sponsor: David G. Buxton

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to building regulation.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ invites the Utah League of Cities and Towns to submit a report to the Business and Labor Interim Committee;
- ▶ allows a local planning commission to recommend the reduction of certain building design elements in a proposed general plan;
- ▶ provides for statewide amendments to the International Plumbing Code related to lavatories; and
- ▶ amends Nitrogen Oxide emission limits for natural gas-fired water heaters.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:



- 26 [10-9a-403](#), as last amended by Laws of Utah 2019, Chapters 327 and 376
- 27 [15A-3-304](#), as last amended by Laws of Utah 2019, Chapter 20
- 28 [15A-6-102](#), as last amended by Laws of Utah 2017, Chapter 236
- 29 [17-27a-403](#), as last amended by Laws of Utah 2019, Chapters 327 and 376
- 30 [63I-2-210](#), as last amended by Laws of Utah 2019, Chapters 136, 165, 255, and 510

31 ENACTS:

32 [10-6-160.1](#), Utah Code Annotated 1953

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

35 Section 1. Section [10-6-160.1](#) is enacted to read:

36 **[10-6-160.1](#). Report.**

37 (1) As used in this section, "plan review" means the same as that term is defined in  
38 Section [10-6-160](#).

39 (2) The Business and Labor Interim Committee shall invite the Utah League of Cities  
40 and Towns to submit a written report before the October 2020 interim meeting that describes:

41 (a) for any municipality that required a plan review between April 1, 2020, and October  
42 1, 2020:

43 (i) the average number of business days from the day on which the plan review is  
44 requested to the day on which the plan review is completed;

45 (ii) the longest number of business days from the day on which the plan review is  
46 requested to the day on which the plan review is completed;

47 (iii) whether the municipality allowed nonsubstantive changes to a plan without  
48 requiring the plan to be re-submitted for review; and

49 (iv) reasons for any delay in completing a plan review; and

50 (b) for any municipality that required a building inspection between April 1, 2020, and  
51 October 1, 2020:

52 (i) the average number of business days from the day on which the inspection is  
53 requested to the day on which the inspection is completed;

54 (ii) the longest number of business days from the day on which the inspection is  
55 requested to the day on which the inspection is completed;

56 (iii) reasons for any delay in completing an inspection; and

57 (iv) the number of hours that an independent building inspector was used.

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

59 **10-9a-403. General plan preparation.**

60 (1) (a) As used in this section, "residential building design element" means for a  
61 single-family residential building:

62 (i) exterior building color;

63 (ii) type or style of exterior cladding material;

64 (iii) style or materials of a roof structure, roof pitch, or porch;

65 (iv) exterior nonstructural architectural ornamentation;

66 (v) location, design, placement, or architectural styling of a window or door, including  
67 a garage door;

68 (vi) the number or type of rooms;

69 (vii) the interior layout of a room; or

70 (viii) the minimum square footage of a structure.

71 (b) "Residential building design element" does not include for a single-family  
72 residential building:

73 (i) the height, bulk, orientation, or location of a structure on a lot; or

74 (ii) buffering or screening used to:

75 (A) minimize visual impacts;

76 (B) mitigate the impacts of light or noise; or

77 (C) protect the privacy of neighbors.

78 [(+)] (2) (a) The planning commission shall provide notice, as provided in Section  
79 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a  
80 general plan or a comprehensive general plan amendment when the planning commission  
81 initiates the process of preparing its recommendation.

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

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

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

88 eminent domain, when the plan of a municipality involves territory outside the boundaries of  
89 the municipality, the municipality may not take action affecting that territory without the  
90 concurrence of the county or other municipalities affected.

91 ~~[(2)]~~ (3) (a) At a minimum, the proposed general plan, with the accompanying maps,  
92 charts, and descriptive and explanatory matter, shall include the planning commission's  
93 recommendations for the following plan elements:

94 (i) a land use element that:

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

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

101 (ii) a transportation and traffic circulation element that:

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

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

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

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

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

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

118 (i) shall consider the Legislature's determination that municipalities shall facilitate a

- 119 reasonable opportunity for a variety of housing, including moderate income housing:
- 120       (A) to meet the needs of people of various income levels living, working, or desiring to
- 121 live or work in the community; and
- 122       (B) to allow people with various incomes to benefit from and fully participate in all
- 123 aspects of neighborhood and community life;
- 124       (ii) for a town, may include, and for other municipalities, shall include, an analysis of
- 125 how the municipality will provide a realistic opportunity for the development of moderate
- 126 income housing within the next five years;
- 127       (iii) for a town, may include, and for other municipalities, shall include, a
- 128 recommendation to implement three or more of the following strategies:
- 129       (A) rezone for densities necessary to assure the production of moderate income
- 130 housing;
- 131       (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
- 132 construction of moderate income housing;
- 133       (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
- 134 income housing;
- 135       (D) consider general fund subsidies or other sources of revenue to waive construction
- 136 related fees that are otherwise generally imposed by the city;
- 137       (E) create or allow for, and reduce regulations related to, accessory dwelling units in
- 138 residential zones;
- 139       (F) allow for higher density or moderate income residential development in
- 140 commercial and mixed-use zones, commercial centers, or employment centers;
- 141       (G) encourage higher density or moderate income residential development near major
- 142 transit investment corridors;
- 143       (H) eliminate or reduce parking requirements for residential development where a
- 144 resident is less likely to rely on the resident's own vehicle, such as residential development near
- 145 major transit investment corridors or senior living facilities;
- 146       (I) allow for single room occupancy developments;
- 147       (J) implement zoning incentives for low to moderate income units in new
- 148 developments;
- 149       (K) utilize strategies that preserve subsidized low to moderate income units on a

- 150 long-term basis;
- 151 (L) preserve existing moderate income housing;
- 152 (M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate
- 153 income housing;
- 154 (N) participate in a community land trust program for low or moderate income
- 155 housing;
- 156 (O) implement a mortgage assistance program for employees of the municipality or of
- 157 an employer that provides contracted services to the municipality;
- 158 (P) apply for or partner with an entity that applies for state or federal funds or tax
- 159 incentives to promote the construction of moderate income housing;
- 160 (Q) apply for or partner with an entity that applies for programs offered by the Utah
- 161 Housing Corporation within that agency's funding capacity;
- 162 (R) apply for or partner with an entity that applies for affordable housing programs
- 163 administered by the Department of Workforce Services;
- 164 (S) apply for or partner with an entity that applies for programs administered by an
- 165 association of governments established by an interlocal agreement under Title 11, Chapter 13,
- 166 Interlocal Cooperation Act;
- 167 (T) apply for or partner with an entity that applies for services provided by a public
- 168 housing authority to preserve and create moderate income housing;
- 169 (U) apply for or partner with an entity that applies for programs administered by a
- 170 metropolitan planning organization or other transportation agency that provides technical
- 171 planning assistance;
- 172 (V) utilize a moderate income housing set aside from a community reinvestment
- 173 agency, redevelopment agency, or community development and renewal agency; ~~and~~
- 174 (W) reduce residential building design elements; and
- 175 ~~(W)~~ (X) any other program or strategy implemented by the municipality to address
- 176 the housing needs of residents of the municipality who earn less than 80% of the area median
- 177 income; and
- 178 (iv) in addition to the recommendations required under Subsection ~~(2)~~ (3)(b)(iii), for
- 179 a municipality that has a fixed guideway public transit station, shall include a recommendation
- 180 to implement the strategies described in Subsection ~~(2)~~ (3)(b)(iii)(G) or (H).

- 181 (c) In drafting the land use element, the planning commission shall:
- 182 (i) identify and consider each agriculture protection area within the municipality; and
- 183 (ii) avoid proposing a use of land within an agriculture protection area that is
- 184 inconsistent with or detrimental to the use of the land for agriculture.
- 185 (d) In drafting the transportation and traffic circulation element, the planning
- 186 commission shall:
- 187 (i) consider the regional transportation plan developed by its region's metropolitan
- 188 planning organization, if the municipality is within the boundaries of a metropolitan planning
- 189 organization; or
- 190 (ii) consider the long-range transportation plan developed by the Department of
- 191 Transportation, if the municipality is not within the boundaries of a metropolitan planning
- 192 organization.
- 193 (3) The proposed general plan may include:
- 194 (a) an environmental element that addresses:
- 195 (i) the protection, conservation, development, and use of natural resources, including
- 196 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
- 197 and other natural resources; and
- 198 (ii) the reclamation of land, flood control, prevention and control of the pollution of
- 199 streams and other waters, regulation of the use of land on hillsides, stream channels and other
- 200 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
- 201 protection of watersheds and wetlands, and the mapping of known geologic hazards;
- 202 (b) a public services and facilities element showing general plans for sewage, water,
- 203 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 204 police and fire protection, and other public services;
- 205 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 206 programs for:
- 207 (i) historic preservation;
- 208 (ii) the diminution or elimination of a development impediment as defined in Section
- 209 [17C-1-102](#); and
- 210 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 211 public building sites;

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

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

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

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

222 Section 3. Section 15A-3-304 is amended to read:

223 **15A-3-304. Amendments to Chapter 4 of IPC.**

224 (1) In IPC, Table 403.1, the following changes are made:

225 (a) In row number "3", for in the field for "OTHER", a new footnote h is added.

226 (b) In row number "5", for "Adult day care and child day care" occupancy, in the field  
227 for "OTHER", a new footnote h is added.

228 (c) Footnote f is deleted and replaced with the following: "FOOTNOTE f: The required  
229 number and type of plumbing fixtures for outdoor public swimming pools shall be in  
230 accordance with Utah Administrative Code, R392-302 Design, Construction and Operation of  
231 Public Pools."

232 (d) A new footnote g is added as follows: "FOOTNOTE: g: When provided, in public  
233 toilet facilities, there shall be an equal number of diaper changing facilities in male toilet rooms  
234 and female toilet rooms. Diaper changing facilities shall meet the requirements of ASTM  
235 F2285-04 (2010) Standard Consumer Safety Performance Specifications for Diaper Changing  
236 Tables for Commercial Use."

237 (e) A new footnote h is added to the table as follows: "FOOTNOTE h: Non-residential  
238 child care facilities shall comply with the additional sink requirements of Utah Administrative  
239 Code, R381-60-9, Hourly Child Care Centers, R381-70-9, Out of School Time Child Care  
240 Programs, and R381-100-9, Child Care Centers."

241 (2) In IPC, Section 403.1.1, the following changes are made:

242 (a) the word "Exception" is deleted and replaced with the words "Exceptions: 1."; and



243 (b) after exception 1, new exceptions 2 and 3 are added as follows:

244 "2. Where multiple-user facilities are designed to serve all genders, the minimum fixture count  
 245 shall be calculated 100 percent, based on total occupant load. In such multiple-user user  
 246 facilities, each fixture type shall be in accordance with ICC A117.1 and each urinal that is  
 247 provided shall be located in a stall.

248 3. Distribution of the sexes is not required where single-user water closets and bathing room  
 249 fixtures are provided in accordance with Section 403.1.2."

250 (3) In IPC, Section 403.1.2, the following changes are made:

251 (a) the word "facility" or "facilities" is deleted in:

252 (i) the title;

253 (ii) the first sentence; and

254 (iii) the second sentence;

255 (b) the words "as being available" are added in the second sentence after the words  
 256 "shall be identified";

257 (c) the word "either" in the second sentence is deleted and replaced by the words "all  
 258 persons regardless of their"; and

259 (d) a third sentence is added as follows: "The total number of fixtures shall be  
 260 permitted to be based on the required number of separate facilities or based on the aggregate of  
 261 any combination of single-user or separate facilities."

262 (4) In IPC, Section 403.2, after exception 4, new exceptions 5 and 6 are added as  
 263 follows:

264 "5. Separate facilities shall not be required to be designated by sex where single-user toilets  
 265 rooms are provided in accordance with Section 403.1.2.

266 6. Separate facilities shall not be required where rooms having both water closets and lavatory  
 267 fixtures are designed for use by both sexes and ~~§→ [privacy for water closets are installed in~~  
 268 ~~accordance with Section 405.3.4. Urinals shall be located in an area visually separated from the~~  
 269 ~~remainder of the facility or each urinal that is provided shall be located in a stall] each water closet~~  
 269a ~~or urinal occupies a separate compartment containing floor-to-ceiling walls and a door to~~  
 269b ~~ensure that each compartment is completely enclosed ←§ ."~~

270 [(2)] (5) A new IPC, Section 406.3, is added as follows: "406.3 Automatic clothes  
 271 washer safe pans. Safe pans, when installed under automatic clothes washers, shall be installed  
 272 in accordance with Section 504.7."

273 [(3)] (6) A new IPC, Section 413.5, is added as follows: "413.5 Public toilet rooms.

274 All public toilet rooms shall be equipped with at least one floor drain."

275 [~~(4)~~] (7) A new IPC, Section 412.6, is added as follows: "Prohibition of motor vehicle  
276 waste disposal wells. New and existing motor vehicle waste disposal wells are prohibited. A  
277 motor vehicle waste disposal well associated with a single family residence is not subject to  
278 this prohibition."

279 [~~(5)~~] (8) IPC, Section 423.3, is deleted.

280 Section 4. Section **15A-6-102** is amended to read:

281 **15A-6-102. Nitrogen Oxide emission limits for natural gas-fired water heaters.**

282 (1) As used in this section:

283 (a) "BTU" means British Thermal Unit.

284 (b) (i) "Heat input" means the heat of combustion released by fuel burned in a water  
285 heater based on the heating value of the fuel.

286 (ii) "Heat input" does not include the enthalpy of a water heater's incoming combustion  
287 air.

288 (c) "Heat output" means the enthalpy of a water heater's working fluid output.

289 (d) "Natural gas-fired water heater" means a device that heats water:

290 (i) using natural gas combustion;

291 (ii) for use external to the device at a pressure that is less than or equal to 160 pounds  
292 per square inch gage; and

293 (iii) to a thermostatically controlled temperature less than or equal to:

294 (A) 210 degrees Fahrenheit; or

295 (B) 99 degrees Celsius.

296 (e) "ppm" means parts of Nitrogen Oxide per million parts of water heater air output.

297 (f) "Recreational vehicle" means the same as that term is defined in Section [13-14-102](#).

298 (2) On and after July 1, 2018, a person may not sell or install a natural gas-fired water  
299 heater with an emission rate greater than the following limits:

300 (a) except as provided in Subsection (6), for a water heater that has a heat input of less  
301 than or equal to 75,000 BTU per hour that is not installed in a mobile home, a limit of:

302 (i) 10 nanograms per Joule of heat output; or

303 (ii) 15 ppm, corrected to 3% oxygen;

304 (b) for a water heater that has a heat input of greater than 75,000 BTU per hour and less

305 than 2,000,000 BTU per hour that is not installed in a mobile home, a limit of:

306 (i) 14 nanograms per Joule of heat output; or

307 (ii) 20 ppm, corrected to 3% oxygen;

308 (c) for a water heater installed in a mobile home, a limit of:

309 (i) 40 nanograms per Joule of heat output; or

310 (ii) 55 ppm, corrected to 3% oxygen;

311 (d) for a pool or spa water heater with a heat input that is less than or equal to 400,000

312 BTU per hour, a limit of:

313 (i) 40 nanograms per Joule of heat output; or

314 (ii) 55 ppm, corrected to 3% oxygen; and

315 (e) for a pool or spa water heater with a heat input of greater than 400,000 BTU per

316 hour and less than 2,000,000 BTU per hour, a limit of:

317 (i) 14 nanograms per Joule of heat output; or

318 (ii) 20 ppm, corrected to 3% oxygen.

319 (3) A water heater manufacturer shall use California South Coast Air Quality

320 Management District Method 100.1 to calculate the emissions rate of a water heater subject to

321 this section.

322 (4) A water heater manufacturer shall display on a water heater subject to this section,

323 as a permanent label, the model number and the Nitrogen Oxide emission rate of the water

324 heater.

325 (5) The requirements of this section do not apply to:

326 (a) a water heater using a fuel other than natural gas;

327 (b) a water heater used in a recreational vehicle;

328 (c) a water heater manufactured in the state for sale and shipment outside of the state;

329 or

330 (d) a water heater manufactured before July 1, 2018.

331 (6) A person may sell or install a natural gas-fired water heater with an emission rate

332 greater than the limits established in Subsection (2)(a) if:

333 (a) the water heater is replacing a water heater of equal BTUs per hour;

334 (b) there is not available for purchase in the United States a water heater that:

335 (i) has an input of equal BTUs per hour as the water heater being replaced; and

336 (ii) meets the limits established in Subsection (2)(a); and

337 (c) the purpose of the water heater is to heat water and provide space heating.

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

339 **17-27a-403. Plan preparation.**

340 (1) (a) The planning commission shall provide notice, as provided in Section  
341 **17-27a-203**, of its intent to make a recommendation to the county legislative body for a general  
342 plan or a comprehensive general plan amendment when the planning commission initiates the  
343 process of preparing its recommendation.

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

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

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

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

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

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

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

361 (i) a land use element that:

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

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

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

368 (ii) a transportation and traffic circulation element that:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 398 (D) consider county general fund subsidies or other sources of revenue to waive
- 399 construction related fees that are otherwise generally imposed by the county;
- 400 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
- 401 residential zones;
- 402 (F) allow for higher density or moderate income residential development in
- 403 commercial and mixed-use zones, commercial centers, or employment centers;
- 404 (G) encourage higher density or moderate income residential development near major
- 405 transit investment corridors;
- 406 (H) eliminate or reduce parking requirements for residential development where a
- 407 resident is less likely to rely on the resident's own vehicle, such as residential development near
- 408 major transit investment corridors or senior living facilities;
- 409 (I) allow for single room occupancy developments;
- 410 (J) implement zoning incentives for low to moderate income units in new
- 411 developments;
- 412 (K) utilize strategies that preserve subsidized low to moderate income units on a
- 413 long-term basis;
- 414 (L) preserve existing moderate income housing;
- 415 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
- 416 income housing;
- 417 (N) participate in a community land trust program for low or moderate income
- 418 housing;
- 419 (O) implement a mortgage assistance program for employees of the county or of an
- 420 employer that provides contracted services for the county;
- 421 (P) apply for or partner with an entity that applies for state or federal funds or tax
- 422 incentives to promote the construction of moderate income housing;
- 423 (Q) apply for or partner with an entity that applies for programs offered by the Utah
- 424 Housing Corporation within that agency's funding capacity;
- 425 (R) apply for or partner with an entity that applies for affordable housing programs
- 426 administered by the Department of Workforce Services;
- 427 (S) apply for or partner with an entity that applies for services provided by a public
- 428 housing authority to preserve and create moderate income housing;

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

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

434 (V) reduce residential building design elements as defined in Section 10-9a-403; and  
435 [~~(V)~~] (W) consider any other program or strategy implemented by the county to address  
436 the housing needs of residents of the county who earn less than 80% of the area median  
437 income.

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

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

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

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

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

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

451 (3) The proposed general plan may include:

452 (a) an environmental element that addresses:

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

457 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
458 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
459 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,

460 protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

466 (i) historic preservation;

467 (ii) the diminution or elimination of a development impediment as defined in Section  
468 [17C-1-102](#); and

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

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

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

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

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

481 Section 6. Section **63I-2-210** is amended to read:

482 **63I-2-210. Repeal dates -- Title 10.**

483 (1) Section [10-6-160.1](#) is repealed January 1, 2021.

484 [(+)] (2) Subsection [10-9a-304\(2\)](#), regarding municipal authority over property located  
485 within a mountainous planning district, is repealed June 1, 2021.

486 [(2)] (3) When repealing Subsection [10-9a-304\(2\)](#), the Office of Legislative Research  
487 and General Counsel shall, in addition to the office's authority under Subsection [36-12-12\(3\)](#),  
488 make necessary changes to subsection numbering and cross references.

489 Section 7. **Effective date.**

490 (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2020.



491

(2) The actions affecting Section [15A-6-102](#) take effect on July 1, 2020.