

**WATER AS PART OF GENERAL PLAN**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill modifies provisions related to general plans to address water.

**Highlighted Provisions:**

This bill:

- ▶ requires a water use and preservation element to be part of a municipal or county general plan;
- ▶ outlines how a water use and preservation element is integrated into a general plan and what steps to take in developing a water use and preservation element;
- ▶ provides for action related to the general plan by the legislative body of a municipality or county;
- ▶ addresses assistance by the Division of Water Resources; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2023:

- ▶ to the Department of Natural Resources - Division of Water Resources as a one-time appropriation:
  - from the General Fund, One-time, \$300,000.

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

29 **10-9a-401**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

30 **10-9a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

31 **10-9a-404**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

32 **17-27a-401**, as last amended by Laws of Utah 2021, Chapter 363

33 **17-27a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

34 **17-27a-404**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355

35 ENACTS:

36 **73-10-36**, Utah Code Annotated 1953



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

39 Section 1. Section **10-9a-401** is amended to read:

40 **10-9a-401. General plan required -- Content.**

41 (1) [~~In order to~~] To accomplish the purposes of this chapter, [~~each~~] a municipality shall  
42 prepare and adopt a comprehensive, long-range general plan for:

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

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

45 (2) The general plan may provide for:

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

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

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

51 (i) food and water; and

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

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

54 (e) the protection of urban development;

55 (f) if the municipality is a town, the protection or promotion of moderate income  
56 housing;

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

58 (h) historic preservation;

59 (i) identifying future uses of land that are likely to require an expansion or significant  
60 modification of services or facilities provided by [~~each~~] an affected entity; and

61 (j) an official map.

62 (3) (a) The general plan of a municipality, other than a town, shall plan for moderate  
63 income housing growth.

64 (b) On or before December 1, 2019, [~~each~~] any of the following that have a general  
65 plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with  
66 Subsection (3)(a):

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

68 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located  
69 within a county of the first, second, or third class; and

70 (iii) a metro township with a population of 5,000 or more.

71 (c) The population figures described in Subsections (3)(b)(ii) and (iii) shall be derived  
72 from:

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

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

77 (4) Subject to Subsection [10-9a-403\(2\)](#), the municipality may determine the  
78 comprehensiveness, extent, and format of the general plan.

79 (5) On or before December 31, 2025, a municipality that has a general plan that does  
80 not include a water use and preservation element that complies with Section [10-9a-403](#) shall  
81 amend the municipality's general plan to comply with Section [10-9a-403](#).

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

83 **10-9a-403. General plan preparation.**

84 (1) (a) The planning commission shall provide notice, as provided in Section  
85 [10-9a-203](#), of [~~its~~] the planning commission's intent to make a recommendation to the  
86 municipal legislative body for a general plan or a comprehensive general plan amendment  
87 when the planning commission initiates the process of preparing [~~its~~] the planning  
88 commission's recommendation.

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

90 proposed general plan for the area within the municipality.

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

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

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

101 (i) a land use element that:

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

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

108 (C) is coordinated to integrate the land use element with the water use and preservation  
109 element; and

110 (D) accounts for the effect of land use categories and land uses on water demand;

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

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

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

119 (C) for a municipality that does not have access to a major transit investment corridor,  
120 addresses the municipality's plan for residential and commercial development in areas that will

121 maintain and improve the connections between housing, transportation, employment,  
122 education, recreation, and commerce; and

123 (D) correlates with the population projections, the employment projections, and the  
124 proposed land use element of the general plan; [~~and~~]

125 (iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a  
126 realistic opportunity to meet the need for additional moderate income housing[-]; and

127 (iv) a water use and preservation element that addresses:

128 (A) the effect of permitted development or patterns of development on water demand  
129 and water infrastructure;

130 (B) methods of reducing water demand and per capita consumption for future  
131 development;

132 (C) methods of reducing water demand and per capita consumption for existing  
133 development; and

134 (D) opportunities for the municipality to modify the municipality's operations to  
135 eliminate practices or conditions that waste water.

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

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

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

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

143 (ii) for a town, may include, and for other municipalities, shall include, an analysis of  
144 how the municipality will provide a realistic opportunity for the development of moderate  
145 income housing within the next five years;

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

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

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

- 152 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate  
153 income housing;
- 154 (D) consider general fund subsidies or other sources of revenue to waive construction  
155 related fees that are otherwise generally imposed by the city;
- 156 (E) create or allow for, and reduce regulations related to, accessory dwelling units in  
157 residential zones;
- 158 (F) allow for higher density or moderate income residential development in  
159 commercial and mixed-use zones, commercial centers, or employment centers;
- 160 (G) encourage higher density or moderate income residential development near major  
161 transit investment corridors;
- 162 (H) eliminate or reduce parking requirements for residential development where a  
163 resident is less likely to rely on the resident's own vehicle, such as residential development near  
164 major transit investment corridors or senior living facilities;
- 165 (I) allow for single room occupancy developments;
- 166 (J) implement zoning incentives for low to moderate income units in new  
167 developments;
- 168 (K) [~~utilize~~] use strategies that preserve subsidized low to moderate income units on a  
169 long-term basis;
- 170 (L) preserve existing moderate income housing;
- 171 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate  
172 income housing;
- 173 (N) participate in a community land trust program for low or moderate income  
174 housing;
- 175 (O) implement a mortgage assistance program for employees of the municipality or of  
176 an employer that provides contracted services to the municipality;
- 177 (P) apply for or partner with an entity that applies for state or federal funds or tax  
178 incentives to promote the construction of moderate income housing;
- 179 (Q) apply for or partner with an entity that applies for programs offered by the Utah  
180 Housing Corporation within that agency's funding capacity;
- 181 (R) apply for or partner with an entity that applies for affordable housing programs  
182 administered by the Department of Workforce Services;

183 (S) apply for or partner with an entity that applies for programs administered by an  
184 association of governments established by an interlocal agreement under Title 11, Chapter 13,  
185 Interlocal Cooperation Act;

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

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

191 (V) ~~[utilize]~~ use a moderate income housing set aside from a community reinvestment  
192 agency, redevelopment agency, or community development and renewal agency; and

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

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

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

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

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

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

205 (i) consider the regional transportation plan developed by ~~[its]~~ the municipality's  
206 region's metropolitan planning organization, if the municipality is within the boundaries of a  
207 metropolitan planning organization; or

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

211 (e) In drafting the water use and preservation element, the planning commission:

212 (i) shall consider:

213 (A) applicable regional water conservation goals recommended by the Division of

214 Water Resources; and

215 (B) if Section 73-10-32 requires the municipality to adopt a water conservation plan  
216 pursuant to Section 73-10-32, the municipality's water conservation plan;

217 (ii) shall include a recommendation for:

218 (A) water conservation policies to be determined by the municipality; and

219 (B) landscaping options within a public street for current and future development that  
220 do not require the use of lawn or turf in a parkstrip;

221 (iii) shall review the municipality's land use ordinances and include a recommendation  
222 for changes to an ordinance that promotes the inefficient use of water;

223 (iv) shall consider principles of sustainable landscaping, including the:

224 (A) reduction or limitation of the use of lawn or turf;

225 (B) promotion of site-specific landscape design that decreases stormwater runoff or  
226 runoff of water used for irrigation;

227 (C) preservation and use of healthy trees that have a reasonable water requirement or  
228 are resistant to dry soil conditions;

229 (D) elimination or regulation of ponds, pools, and other features that promote  
230 unnecessary water evaporation;

231 (E) reduction of yard waste; and

232 (F) use of an irrigation system, including drip irrigation, best adapted to provide the  
233 optimal amount of water to the plants being irrigated;

234 (v) may include recommendations for additional water demand reduction strategies,  
235 including:

236 (A) creating a water budget associated with a particular type of development;

237 (B) adopting new or modified lot size, configuration, and landscaping standards that  
238 will reduce water demand for new single family development;

239 (C) providing one or more water reduction incentives for existing development such as  
240 modification of existing landscapes and irrigation systems and installation of water fixtures or  
241 systems that minimize water demand;

242 (D) discouraging incentives for economic development activities that do not adequately  
243 account for water use or do not include strategies for reducing water demand; and

244 (E) adopting water concurrency standards requiring that adequate water supplies and



245 facilities are or will be in place for new development; and  
246 (vi) for a town, may include, and for another municipality, shall include, a  
247 recommendation for low water use landscaping standards for a new:  
248 (A) commercial, industrial, or institutional development;  
249 (B) common interest community, as defined in Section [57-25-102](#); or  
250 (C) multifamily housing project.  
251 (3) The proposed general plan may include:  
252 (a) an environmental element that addresses:  
253 (i) the protection, conservation, development, and use of natural resources, including  
254 the quality of:  
255 (A) air[;];  
256 (B) forests[;];  
257 (C) soils[;];  
258 (D) rivers;  
259 (E) groundwater and other waters[;];  
260 (F) harbors[;];  
261 (G) fisheries[;];  
262 (H) wildlife[;];  
263 (I) minerals[;]; and  
264 (J) other natural resources; and  
265 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution  
266 of streams and other waters[;];  
267 (B) the regulation of the use of land on hillsides, stream channels and other  
268 environmentally sensitive areas[;];  
269 (C) the prevention, control, and correction of the erosion of soils[~~protection~~];  
270 (D) the reservation and enhancement of watersheds and wetlands[;]; and  
271 (E) the mapping of known geologic hazards;  
272 (b) a public services and facilities element showing general plans for sewage, water,  
273 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
274 police and fire protection, and other public services;  
275 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and

276 programs for:

277 (i) historic preservation;

278 (ii) the diminution or elimination of a development impediment as defined in Section  
279 17C-1-102; and

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

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

286 (e) recommendations for implementing all or any portion of the general plan, including  
287 the [use] adoption of land and water use ordinances, capital improvement plans, community  
288 development and promotion, and any other appropriate action;

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

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

292 Section 3. Section 10-9a-404 is amended to read:

293 **10-9a-404. Public hearing by planning commission on proposed general plan or**  
294 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
295 **by legislative body.**

296 (1) (a) After completing [its] the planning commission's recommendation for a  
297 proposed general plan, or proposal to amend the general plan, the planning commission shall  
298 schedule and hold a public hearing on the proposed plan or amendment.

299 (b) The planning commission shall provide notice of the public hearing, as required by  
300 Section 10-9a-204.

301 (c) After the public hearing, the planning commission may modify the proposed  
302 general plan or amendment.

303 (2) The planning commission shall forward the proposed general plan or amendment to  
304 the legislative body.

305 (3) (a) The legislative body may adopt, reject, or make any revisions to the proposed  
306 general plan or amendment that [it] the legislative body considers appropriate.

307 (b) If the municipal legislative body rejects the proposed general plan or amendment,  
 308 [it] the legislative body may provide suggestions to the planning commission for the planning  
 309 commission's review and recommendation.

310 (4) The legislative body shall adopt:

311 (a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);

312 (b) a transportation and traffic circulation element as provided in Subsection

313 10-9a-403(2)(a)(ii); [~~and~~]

314 (c) for a municipality, other than a town, after considering the factors included in  
 315 Subsection 10-9a-403(2)(b)(iii), a plan to provide a realistic opportunity to meet the need for  
 316 additional moderate income housing within the next five years[-]; and

317 (d) on or before December 31, 2025, a water use and preservation element as provided  
 318 in Subsection 10-9a-403(2)(a)(iv).

319 Section 4. Section 17-27a-401 is amended to read:

320 **17-27a-401. General plan required -- Content -- Resource management plan --**

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

322 (1) To accomplish the purposes of this chapter, [~~each~~] a county shall prepare and adopt  
 323 a comprehensive, long-range general plan:

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

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

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

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

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

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

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

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

337 (i) food and water; and

- 338 (ii) drainage, sanitary, and other facilities and resources;
- 339 (d) the use of energy conservation and solar and renewable energy resources;
- 340 (e) the protection of urban development;
- 341 (f) the protection and promotion of air quality;
- 342 (g) historic preservation;
- 343 (h) identifying future uses of land that are likely to require an expansion or significant
- 344 modification of services or facilities provided by [~~each~~] an affected entity; and
- 345 (i) an official map.
- 346 (3) (a) The general plan shall:
- 347 (i) allow and plan for moderate income housing growth; and
- 348 (ii) contain a resource management plan for the public lands, as defined in Section
- 349 [63L-6-102](#), within the county.
- 350 (b) On or before December 1, 2019, a county with a general plan that does not comply
- 351 with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).
- 352 (c) The resource management plan described in Subsection (3)(a)(ii) shall address:
- 353 (i) mining;
- 354 (ii) land use;
- 355 (iii) livestock and grazing;
- 356 (iv) irrigation;
- 357 (v) agriculture;
- 358 (vi) fire management;
- 359 (vii) noxious weeds;
- 360 (viii) forest management;
- 361 (ix) water rights;
- 362 (x) ditches and canals;
- 363 (xi) water quality and hydrology;
- 364 (xii) flood plains and river terraces;
- 365 (xiii) wetlands;
- 366 (xiv) riparian areas;
- 367 (xv) predator control;
- 368 (xvi) wildlife;

- 369 (xvii) fisheries;  
370 (xviii) recreation and tourism;  
371 (xix) energy resources;  
372 (xx) mineral resources;  
373 (xxi) cultural, historical, geological, and paleontological resources;  
374 (xxii) wilderness;  
375 (xxiii) wild and scenic rivers;  
376 (xxiv) threatened, endangered, and sensitive species;  
377 (xxv) land access;  
378 (xxvi) law enforcement;  
379 (xxvii) economic considerations; and  
380 (xxviii) air.

381 (d) For each item listed under Subsection (3)(c), a county's resource management plan  
382 shall:

- 383 (i) establish findings pertaining to the item;  
384 (ii) establish defined objectives; and  
385 (iii) outline general policies and guidelines on how the objectives described in  
386 Subsection (3)(d)(ii) are to be accomplished.

387 (4) (a) The general plan shall include specific provisions related to ~~[any areas]~~ an area  
388 within, or partially within, the exterior boundaries of the county, or contiguous to the  
389 boundaries of a county, which are proposed for the siting of a storage facility or transfer facility  
390 for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste,  
391 as these wastes are defined in Section 19-3-303. The provisions shall address the effects of the  
392 proposed site upon the health and general welfare of citizens of the state, and shall provide:

- 393 (i) the information identified in Section 19-3-305;  
394 (ii) information supported by credible studies that demonstrates that ~~[the provisions of]~~  
395 Subsection 19-3-307(2) ~~[have]~~ has been satisfied; and  
396 (iii) specific measures to mitigate the effects of high-level nuclear waste and greater  
397 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

398 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
399 indicating that all proposals for the siting of a storage facility or transfer facility for the

400 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
401 partially within the county are rejected.

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

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

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

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

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

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

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

414 (7) If a county has designated a mountainous planning district, the general plan for the  
415 mountainous planning district is the controlling plan.

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

418 (9) On or before December 31, 2025, a county that has a general plan that does not  
419 include a water use and preservation element that complies with Section 17-27a-403 shall  
420 amend the county's general plan to comply with Section 17-27a-403.

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

422 **17-27a-403. General plan preparation.**

423 (1) (a) The planning commission shall provide notice, as provided in Section  
424 17-27a-203, of [its] the planning commission's intent to make a recommendation to the county  
425 legislative body for a general plan or a comprehensive general plan amendment when the  
426 planning commission initiates the process of preparing [its] the planning commission's  
427 recommendation.

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

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

431 (ii) if the planning commission is a planning commission for a mountainous planning  
432 district, the mountainous planning district.

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

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

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

442 (i) a land use element that:

443 (A) designates the long-term goals and the proposed extent, general distribution, and  
444 location of land for housing for residents of various income levels, business, industry,  
445 agriculture, recreation, education, public buildings and grounds, open space, and other  
446 categories of public and private uses of land as appropriate; [~~and~~]

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

449 (C) is coordinated to integrate the land use element with the water use and preservation  
450 element; and

451 (D) accounts for the effect of land use categories and land uses on water demand;

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

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

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

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

461 (iii) a plan for the development of additional moderate income housing within the

462 unincorporated area of the county or the mountainous planning district, and a plan to provide a  
463 realistic opportunity to meet the need for additional moderate income housing; [~~and~~]

464 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,  
465 and policies required by Subsection 17-27a-401(3)[-]; and

466 (v) a water use and preservation element that addresses:

467 (A) the effect of permitted development or patterns of development on water demand  
468 and water infrastructure;

469 (B) methods of reducing water demand and per capita consumption for future  
470 development;

471 (C) methods of reducing water demand and per capita consumption for existing  
472 development; and

473 (D) opportunities for the county to modify the county's operations to eliminate  
474 practices or conditions that waste water.

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

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

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

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

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

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

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

489 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate  
490 income housing;

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



- 493 (E) create or allow for, and reduce regulations related to, accessory dwelling units in  
494 residential zones;
- 495 (F) allow for higher density or moderate income residential development in  
496 commercial and mixed-use zones, commercial centers, or employment centers;
- 497 (G) encourage higher density or moderate income residential development near major  
498 transit investment corridors;
- 499 (H) eliminate or reduce parking requirements for residential development where a  
500 resident is less likely to rely on the resident's own vehicle, such as residential development near  
501 major transit investment corridors or senior living facilities;
- 502 (I) allow for single room occupancy developments;
- 503 (J) implement zoning incentives for low to moderate income units in new  
504 developments;
- 505 (K) [~~utilize~~] use strategies that preserve subsidized low to moderate income units on a  
506 long-term basis;
- 507 (L) preserve existing moderate income housing;
- 508 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate  
509 income housing;
- 510 (N) participate in a community land trust program for low or moderate income  
511 housing;
- 512 (O) implement a mortgage assistance program for employees of the county or of an  
513 employer that provides contracted services for the county;
- 514 (P) apply for or partner with an entity that applies for state or federal funds or tax  
515 incentives to promote the construction of moderate income housing;
- 516 (Q) apply for or partner with an entity that applies for programs offered by the Utah  
517 Housing Corporation within that agency's funding capacity;
- 518 (R) apply for or partner with an entity that applies for affordable housing programs  
519 administered by the Department of Workforce Services;
- 520 (S) apply for or partner with an entity that applies for services provided by a public  
521 housing authority to preserve and create moderate income housing;
- 522 (T) apply for or partner with an entity that applies for programs administered by a  
523 metropolitan planning organization or other transportation agency that provides technical

524 planning assistance;

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

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

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

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

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

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

536 (i) consider the regional transportation plan developed by [~~its~~] the county's region's  
537 metropolitan planning organization, if the relevant areas of the county are within the  
538 boundaries of a metropolitan planning organization; or

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

542 (e) In drafting the water use and preservation element, the planning commission:

543 (i) shall consider applicable regional water conservation goals recommended by the  
544 Division of Water Resources;

545 (ii) shall include a recommendation for:

546 (A) water conservation policies to be determined by the county; and

547 (B) landscaping options within a public street for current and future development that  
548 do not require the use of lawn or turf in a parkstrip;

549 (iii) shall review the county's land use ordinances and include a recommendation for  
550 changes to an ordinance that promotes the inefficient use of water;

551 (iv) shall consider principles of sustainable landscaping, including the:

552 (A) reduction or limitation of the use of lawn or turf;

553 (B) promotion of site-specific landscape design that decreases stormwater runoff or  
554 runoff of water used for irrigation;

- 555 (C) preservation and use of healthy trees that have a reasonable water requirement or  
556 are resistant to dry soil conditions;
- 557 (D) elimination or regulation of ponds, pools, and other features that promote  
558 unnecessary water evaporation;
- 559 (E) reduction of yard waste; and
- 560 (F) use of an irrigation system, including drip irrigation, best adapted to provide the  
561 optimal amount of water to the plants being irrigated;
- 562 (v) may include recommendations for additional water demand reduction strategies,  
563 including:
- 564 (A) creating a water budget associated with a particular type of development;
- 565 (B) adopting new or modified lot size, configuration, and landscaping standards that  
566 will reduce water demand for new single family development;
- 567 (C) providing one or more water reduction incentives for existing landscapes and  
568 irrigation systems and installation of water fixtures or systems that minimize water demand;
- 569 (D) discouraging incentives for economic development activities that do not adequately  
570 account for water use or do not include strategies for reducing water demand; and
- 571 (E) adopting water concurrency standards requiring that adequate water supplies and  
572 facilities are or will be in place for new development; and
- 573 (vi) shall include a recommendation for low water use landscaping standards for a new:
- 574 (A) commercial, industrial, or institutional development;
- 575 (B) common interest community, as defined in Section [57-25-102](#); or
- 576 (C) multifamily housing project.
- 577 (3) The proposed general plan may include:
- 578 (a) an environmental element that addresses:
- 579 (i) to the extent not covered by the county's resource management plan, the protection,  
580 conservation, development, and use of natural resources, including the quality of:
- 581 (A) air[;];
- 582 (B) forests[;];
- 583 (C) soils[;];
- 584 (D) rivers;
- 585 (E) groundwater and other waters[;];

586           (F) harbors[;];  
587           (G) fisheries[;];  
588           (H) wildlife[;];  
589           (I) minerals[;]; and  
590           (J) other natural resources; and  
591           (ii) (A) the reclamation of land, flood control, prevention and control of the pollution  
592 of streams and other waters[;];  
593           (B) the regulation of the use of land on hillsides, stream channels and other  
594 environmentally sensitive areas[;];  
595           (C) the prevention, control, and correction of the erosion of soils[; ~~protection~~];  
596           (D) the preservation and enhancement of watersheds and wetlands[;]; and  
597           (E) the mapping of known geologic hazards;  
598           (b) a public services and facilities element showing general plans for sewage, water,  
599 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
600 police and fire protection, and other public services;  
601           (c) a rehabilitation, redevelopment, and conservation element consisting of plans and  
602 programs for:  
603           (i) historic preservation;  
604           (ii) the diminution or elimination of a development impediment as defined in Section  
605 [17C-1-102](#); and  
606           (iii) redevelopment of land, including housing sites, business and industrial sites, and  
607 public building sites;  
608           (d) an economic element composed of appropriate studies and forecasts, as well as an  
609 economic development plan, which may include review of existing and projected county  
610 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
611 primary and secondary market areas, employment, and retail sales activity;  
612           (e) recommendations for implementing all or any portion of the general plan, including  
613 the ~~[use]~~ adoption of land and water use ordinances, capital improvement plans, community  
614 development and promotion, and any other appropriate action;  
615           (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or  
616 (3)(a)(i); and

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

618 Section 6. Section 17-27a-404 is amended to read:

619 **17-27a-404. Public hearing by planning commission on proposed general plan or**  
620 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
621 **by legislative body.**

622 (1) (a) After completing [its] the planning commission's recommendation for a  
623 proposed general plan, or proposal to amend the general plan, the planning commission shall  
624 schedule and hold a public hearing on the proposed plan or amendment.

625 (b) The planning commission shall provide notice of the public hearing, as required by  
626 Section 17-27a-204.

627 (c) After the public hearing, the planning commission may modify the proposed  
628 general plan or amendment.

629 (2) The planning commission shall forward the proposed general plan or amendment to  
630 the legislative body.

631 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body  
632 shall provide notice of [its] the legislative body's intent to consider the general plan proposal.

633 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative  
634 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
635 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection  
636 (3)(b).

637 (ii) The hearing format shall allow adequate time for public comment at the actual  
638 public hearing, and shall also allow for public comment in writing to be submitted to the  
639 legislative body for not fewer than 90 days after the date of the public hearing.

640 (c) (i) The legislative body shall give notice of the hearing in accordance with this  
641 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are  
642 complete.

643 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of  
644 the state Legislature, executive director of the Department of Environmental Quality, the state  
645 planning coordinator, the Resource Development Coordinating Committee, and any other  
646 citizens or entities who specifically request notice in writing.

647 (iii) Public notice shall be given by publication on the Utah Public Notice Website

648 created in Section [63A-16-601](#).

649 (iv) The notice shall be published to allow reasonable time for interested parties and  
650 the state to evaluate the information regarding [~~the provisions of~~] Subsection [17-27a-401](#)(4),  
651 including publication described in Subsection (3)(c)(iii) for 180 days before the date of the  
652 hearing to be held under this Subsection (3).

653 (4) (a) After the public hearing required under this section, the legislative body may  
654 adopt, reject, or make any revisions to the proposed general plan that [~~it~~] the legislative body  
655 considers appropriate.

656 (b) The legislative body shall respond in writing and in a substantive manner to all  
657 those providing comments as a result of the hearing required by Subsection (3).

658 (c) If the county legislative body rejects the proposed general plan or amendment, [~~it~~]  
659 the legislative body may provide suggestions to the planning commission for the planning  
660 commission's review and recommendation.

661 (5) The legislative body shall adopt:

662 (a) a land use element as provided in Subsection [17-27a-403](#)(2)(a)(i);

663 (b) a transportation and traffic circulation element as provided in Subsection  
664 [17-27a-403](#)(2)(a)(ii);

665 (c) after considering the factors included in Subsection [17-27a-403](#)(2)(b), a plan to  
666 provide a realistic opportunity to meet the need for additional moderate income housing; [~~and~~]

667 (d) before August 1, 2017, a resource management plan as provided by Subsection  
668 [17-27a-403](#)(2)(a)(iv)[-]; and

669 (e) on or before December 31, 2025, a water use and preservation element as provided  
670 in Subsection [17-27a-403](#)(2)(a)(v).

671 Section 7. Section **73-10-36** is enacted to read:

672 **73-10-36. Division to provide technical assistance in local government planning.**

673 (1) As used in this section:

674 (a) "Division" means the Division of Water Resources.

675 (b) "General plan":

676 (i) for a municipality, means the same as that term is defined in Section [10-9a-103](#); and

677 (ii) for a county, means the same as that term is defined in Section [17-27a-103](#).

678 (c) "Local government" means a county or a municipality, as defined in Section

679 [10-1-104.](#)

680 (2) The division may provide technical assistance to a local government to support the  
681 local government's adoption of a water use and preservation element in a general plan.

682 Section 8. **Appropriation.**

683 The following sums of money are appropriated for the fiscal year beginning July 1,  
684 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
685 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
686 Act, the Legislature appropriates the following sums of money from the funds or accounts  
687 indicated for the use and support of the government of the state of Utah.

688 ITEM 1

689 To Department of Natural Resources -- Division of Water Resources

690 From General Fund, One-time \$300,000

691 Schedule of Programs:

692 Program Delivery \$300,000

693 The Legislature intends that the appropriation under this item be used to fund the cost  
694 of the Division of Water Resources providing technical assistance under Section [73-10-36](#) to a  
695 local government's adoption of a water use or preservation element in a general plan. The  
696 Legislature intends that the appropriation in this item be nonlapsing.